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Notice of Meeting **PLANNING COMMITTEE**

Date and time
of Meeting **THURSDAY, 5TH JUNE, 2008 AT 6.00 P.M.**

Venue **COMMITTEE ROOM NO. 2, CIVIC OFFICES**

Agenda

PART I

1. Apologies for absence.
2. Minutes.
3. To receive declarations of interest under the Council's Code of Conduct.
(Note: Members seeking advice on this item are asked to contact the Monitoring Officer at least 48 hours before the meeting).
4. Report of the Vale of Glamorgan Conservation Advisory Group held on 16th April, 2008.

Reports of the Director of Legal, Public Protection and Housing Services –
5. Site Inspections – 17th April, 2008.

Reports of the Director of Environmental and Economic Regeneration -

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	2007/01178/FUL Grounds of Bryn Heulog, St. Andrews Road, Wenvoe	151
	2007/01520/FUL Vacant Site and Bethel Chapel at the Corner of Court Road and Newton Street, Barry	156
	2007/01643/FUL Former Allotments at Cedar Road, Eglwys Brewis	171
	2008/00015/FUL RWE N. Power, Aberthaw Power Station, The Leys, near Barry	185
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2008/00318/FUL	Hillandale Lodge, Pen-y-Turnpike Road, Dinas Powys	245
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2008/00369/CAC	Wisteria Lodge, No. 7 The Mount, Dinas Powys	269
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13. Any items which the Chairman has decided are urgent (Part I).

PART II

THE PUBLIC AND PRESS MAY BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ACCORDANCE WITH SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972.

14. Any items which the Chairman has decided are urgent (Part II).

John Maitland Evans
Chief Executive

29th May, 2008

Local Government (Access to Information) Act 1985

Inspection of background papers - In the first instance enquiries should be made of Mr. C. Hope 01446 (709855).

E-Mail: chope@valeofglamorgan.gov.uk

To the Members of the Planning Committee:

Chairman: Councillor H.J.W. James;

Vice-Chairman: Councillor J.C. Bird;

Councillors: R.J. Bertin, Mrs. M.E.J. Birch, Ms. B.E. Brooks, P. Church, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, K. Hatton, N.P. Hodges, F.T. Johnson, Mrs. M. Kelly Owen, Mrs. A.J. Preston, W.C. Vaughan, Mrs. M.R. Wilkinson, Ms. M. Wright.

PLANNING COMMITTEE

MINUTES of a meeting held on 17th April, 2008.

Present: Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, F.T. Johnson, G.C. Kemp, W.C. Vaughan and A.J. Williams.

985 APOLOGIES FOR ABSENCE -

These were received from Councillors R.J. Bertin, G.A. Cox, E. Hacker, A.G. Powell and Mrs. M. Randall.

986 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 13th March, 2008 be approved as a correct record, subject to the following:

- the wording of the decision in respect of Planning Application 2006/01807/OUT being amended to read:

DEFERRED - on the grounds of concern at the failure of Welsh Water to adopt the drainage for Rhoose Point and associated highway adoption, and to seek further clarification on the ongoing and future maintenance of the carrier drain to the immediate south of the railway line.

- that, in the final sentence of the minute relating to Planning Application 2007/01121/FUL, the word 'application' be replaced with the word 'motion'.

987 DECLARATIONS OF INTEREST -

Councillor Mrs. V.M. Hartrey declared interests in Planning Application Nos. 2008/00217/RG3, 2008/00228/RG3 and 2008/00243/RG3 by virtue of her position as a Member of the Cabinet, and left the room during consideration thereof.

988 VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP -

The following report of the meeting held on 20th March, 2008 was submitted:

Present: Councillor A.D. Dobbinson (Vice-Chairman in the Chair); Mr. A.H. Jones (Barry Preservation Society); Mr. R. Simpson (Campaign for the Protection of Rural Wales); Mr. G. H. Haynes (Cowbridge and District Local History Society); Councillor H. Morgan (Cowbridge with Llanblethian Town Council); Councillor J.W. Veasey (Llancarfan Community Council);

Mrs. S.E. Taylor (Llancarfan Society); Mrs. H. March (Llantwit Major History Society) and Ms. P. Goodwin (Pride in Barry).

Officers: Mrs. J. Crofts, Mr. N. Lloyd and Mr. J. Rees.

(a) Apologies for absence -

These were received from Councillor Ms. R.M. Birch (Chairman); Mr. G. Robinson (Penarth Society); Mr. R. Burston (St. Nicholas Society); Mrs. J. Williams (The Victorian Society); and Councillor Mrs. E. Jervis (The Wenvoe History Group).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 27th February, 2008 be agreed, subject to it being noted that matters relating to the County Treasures were outside the terms of reference of this Group. However, should the Group deem it appropriate, the matter could be discussed as an item at a future meeting of the Extended Group.

(c) Information Feedback -

AGREED - T H A T the following feedback on applications previously considered by the Group be noted:

2007/00546/FUL	Upper House Garage, Turkey Street, Llantwit Major - demolition of existing garage erection of two houses. This application was approved.
2008/00086/FUL	Land adjacent to River View, East Aberthaw - proposed detached cottage style four bedroom dwelling. This application was refused.
2007/01752/FUL	The site of the former Royal British Legion Club, Cowbridge - demolition of former club house building and replacement with residential development of twelve no. 2 bedroom apartments with associated parking and amenity space. This application was withdrawn.

(d) Applications in Conservation Areas -

(i) Aberthin

2008/00162/FUL Received on 8th February 2008

Mr. M. Rees & Mrs. S. Kemp, c/o Agent
Alun Arthur, 71, Merthyr Mawr Road, Bridgend, CF31 3NS

Cross House, Cowbridge Road, Aberthin

Two storey side extension with garage to ground floor; single to one-half storey rear extension.

RECOMMENDED - APPROVAL - in considering this application, the Group had no objection to the proposal, subject to the Local Planning Authority if it were so minded to approve the application, they condition any consent stipulating that materials should be in keeping with the conservation area viz, slate and render.

(ii) Cowbridge

2008/00184/FUL Received on 11th February 2008

A.&J. Thomas, Hir Pob Aros, Cwrt Llanfleiddan, Llanblethian, Vale of Glamorgan CF71 7JZ
Loyn & Co. Architects, 21, Victoria Road, Penarth, Vale of Glamorgan CF64 3EG

6, Westgate, Cowbridge

Rear extension to existing terraced house and new garage coach house to end of garden.

RECOMMENDED - T H A T whilst the Group had no objection in principle to the proposed two storey extension to the rear of the property. It did however, object to the scale and form of the replacement of the existing pre-fabricated garage at the bottom of the garden with a two storey coach house with garage space to the ground floor and a studio space to the first floor, given that it fails to preserve or enhance the character of the conservation area.

(iii) Llancarfan

2008/00209/FUL Received on 15th February 2008

Mr. & Mrs. R. Williams, Caradoc Cottage, Llancarfan, Vale of Glamorgan CF62 3AG
S.G. Williams & associates, Lombard House, 64, Mansel Street, Swansea SA1 5TN

Caradoc Cottage, Llancarfan

Proposed demolition of existing property and construction of 2 no. new dwellings with detached garages.

RECOMMENDED - REFUSAL - the Group opposed the demolition of the existing cottage, recognising its positive contribution to the semi-rural landscape, in a prominent part of the conservation area. The proposal by introducing two dwellings with an urban character, would by their very nature not preserve or enhance the character of the conservation area.

2008/00233/FUL Received on 21st February 2008

Llancarfan & District Community Association, c/o Ty Uchaf, Llancarfan, Vale of Glamorgan CF62 3AD
A.N. Renwick, Ty Cattwg, Llancarfan, Vale of Glamorgan CF62 3AL

Llancarfan Community Hall, Llancarfan

Extension to accommodate stage, store, WCs, disabled WC and new access to first floor balcony room.

RECOMMENDED - APPROVAL.

(iv) St. Brides Major

2008/00195/FUL Received on 14th February 2008

Mr. & Mrs. C. Davies, Old Paddock Cottage, St. Brides Major, Vale of Glamorgan CF32 0SB
Mr. & Mrs. C. Davies, Old Paddock Cottage, St. Brides Major, Vale of Glamorgan CF32 0SB

Briars Bank Garage, Penylan Road, St. Brides Major

Demolition of existing garage and construction of single storey 1 bedroom studio dwelling.

RECOMMENDED - REFUSAL - the Group considered that the scale, form design and materials of the proposed new dwelling, did not preserve or enhance the character of the conservation area.

2008/00210/FUL Received on 15th February 2008

Mr. N. Hall, 55 Merthyr Mawr Road, Bridgend CF31 3NN
Mr. N. Hall, 55 Merthyr Mawr Road, Bridgend CF31 3NN

Kingshall Farm, St. Brides Major

Conversion of existing barn to residential.

RECOMMENDED - APPROVAL.

989 SITE INSPECTIONS (DLPPHS) -

RESOLVED - T H A T the attendance of the following Councillors at the sites indicated below on 13th March, 2008 be noted:

Apologies for absence were received from Councillors R.J. Bertin, Mrs. M. Randall, Mrs. A.J. Preston (Sites (a)-(d)) and A.M. Ernest (Site (c) and (d)).

(a)	67 – 79 Dochdwy Road, Llandough	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, F.T. Johnson, C.L. Osborne and S.T. Wiliam.
(b)	Site North of Bendrick Road, Barry	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, F.T. Johnson, K.R. Stockdale and S.T. Wiliam.
(c)	Cold Knap: Amendment to Waiting Restriction Order	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, F.T. Johnson and S.T. Wiliam.
(d)	Pancross Farm, Llancafán	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, H.J.W. James and G.C. Kemp.

**990 VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP:
PROPOSED TIMETABLE OF MEETINGS FOR 2008/09 (DLPPHS) -**

RESOLVED - T H A T the following timetable of meetings be approved:

2008

- 29th May (Thursday)
- 19th June (Thursday)
- 17th July (Thursday)
- 28th August (Thursday)
- 24th September (Wednesday)
- 29th October (Wednesday)
- 27th November (Thursday)

2009

- 7th January (Thursday)

- 29th January (Thursday)
- 26th February (Thursday)
- 18th March (Wednesday)
- 23rd April (Thursday).

991 DRAFT SUPPLEMENTAL PLANNING GUIDANCE: COUNTY TREASURES (REF) -

Cabinet, on 2nd April 2008, had received a report which advised of the draft Supplementary Planning Guidance (SPG) 'County Treasures', which had been developed to support the policies and proposals contained within the Adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP).

Once approved, the SPG would be used for development control purposes and would be a material consideration in the determination of planning applications. A copy of the guidance was attached at Appendix A to the report.

The County Treasures survey uniquely contained a 'unified' list of historic built assets found within the Vale of Glamorgan. It therefore contained listed buildings, Scheduled Ancient Monuments, as well as 362 entries identified as being of 'local importance'. The SPG was designed to provide planning guidance as advice on this locally listed element of the survey.

The document provided information on the following issues:

- Background
- Identification of Local Entries
- Criteria for Selection and Review
- Status and Policy Background
- Planning Control: Strategic Policy Context
- Planning Control: Detailed Implications
- Where to View County Treasures.

Cabinet had,

"RESOLVED

(1) T H A T a copy of the report and SPG attached at Appendix A to report be referred to Planning Committee and the Conservation Area Advisory Group for consultation purposes.

(2) T H A T subject to the views of the Planning Committee and the Conservation Area Advisory Group, a consultation exercise be undertaken on the contents of the draft SPG targeting 'interested parties'.

(3) T H A T subject to the views of the Planning Committee and the Conservation Area Advisory Group, the draft SPG be approved for interim development control purposes and made available on the Council's website.

(4) T H A T a further report be presented to Cabinet outlining the responses to the consultation exercise, together with any proposed changes to the draft SPG."

Following discussions relating to the County Treasures survey, it was

RESOLVED - T H A T the decisions of the Cabinet be endorsed.

992 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) -

RESOLVED -

(1) T H A T the determination of building applications as listed in the report be noted.

(2) T H A T the service of notices under the Buildings (Approved Inspectors etc) Regulations 2000 as listed in the report be noted.

993 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) -

RESOLVED - T H A T the report on the following applications determined under delegated powers be noted:

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E - Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural Condition Imposed : Appeals	N - Non permittal (OBS - objections)
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	V - Variation of condition(s) approved

2007/00582/FUL	A	58, St. Davids Crescent, Penarth	Single and two storey extension to rear plus extension to front
2007/01535/OUT	R	Land at Weycock Road, Barry - Part of Welford and Sutton Mawr Farms	Erection of an agricultural barn and access areas for storage of animals, foodstuffs and agricultural machinery
2007/01711/FUL	A	Ivy Cottage, Llanmaes	Single storey rear extension
2008/00034/FUL	A	49, Heol Leubren, Pencoedtre, Barry	proposed two storey extension to side of existing dwelling with a single storey extension to front incorporating a utility room and porch
2008/00035/FUL	A	Meadowview, Colwinston, Cowbridge	Subdivision of dwelling to 2 dwellings and alterations
2008/00039/FUL	A	9, Dros-y-Mor, Marine Parade, Penarth	Amendment to rear elevation, new solar panels to each roof slope (amendement to approval 2007/00417/FUL)
2008/00040/LAW	A	13, York Place, Barry	Conversion of house into two self contained flats
2008/00041/FUL	A	23, Dinas Road, Penarth	Proposed ground floor kitchen, bedroom, bathroom and porch extension
2008/00044/FUL	A	34, Llys Dwynwen, Llantwit Major	Proposed garage to house scooter
2008/00048/LBC	A	22, High Street, Cowbridge	Retrospective application in respect of unauthorised works undertaken to the interior of the existing Grade II property
2008/00050/FUL	A	Field 7179 off Aberthin Lane, Aberthin	Riding Arena/Manege

2008/00051/FUL	A	34, St. Pauls Avenue, Barry	Loft conversion (resubmission)
2008/00053/FUL	A	49, Colcot Road, Barry	Proposed two storey rear extension and loft conversion
2008/00057/FUL	A	319, Barry Road, Barry	First floor extension to provide dressing room
2008/00062/FUL	A	Former Mulligans Restaurant, Stalling Down, Cowbridge	To provide an additional escape stairs from external decking area at first floor level to restaurant
2008/00095/OBS	S	Cardiff International Sports Village, (Whole site), Dunleavy Drive, Grangetown, Cardiff	Variation of condition 26, (and variation of conditions 1, 23, 25,28,29 and 55 to accord with changes to condition 26), of planning permission no. 05/01754C, to increase no. of dwellings from 1127 to 1800 (amended plans)
2008/00102/FUL	A	37, South Road, Sully	Amendment to previous consent 05/01182/FUL
2008/00106/FUL	A	36, Coleridge Avenue, Penarth	Increase the size of existing single storey extension
2008/00108/FUL	R	Primrose View, St. Quentins Close, Llanblethian	Demolition of existing bungalow and construction of two detached dwellings
2008/00112/FUL	A	47, Cornerswell Road, Penarth	Single storey rear extension
2008/00124/FUL	A	36, Oxford Street, Barry	Installation of upvc conservatory to rear elevation
2008/00130/FUL	A	71, Castle Drive, Dinas Powys	Bay window to front
2007/01051/FUL	R	17, Newbarn, St Athan	Two storey extension to side & rear and single storey extension to rear

2007/01711/FUL	A	Ivy Cottage, Llanmaes	Single storey rear extension
2007/01723/FUL	A	6, Highfield Road, Barry	Proposed dormer to side and rear of roof, also to include alterations to existing single storey extension
2007/01738/FUL	A	Within the Marina Boatyard, which is located between Penarth Portway and the Escarpment, Penarth Marina	Erection of a boat cover structure within the boatyard, which can be moved.
2007/01766/FUL	R	5, Cog Road, Sully	Redevelopment of site to provide four residential apartments
2007/01770/LBC	A	Atlantic College, St. Donats Castle, Llantwit Major	Repair breaches in sea wall, fill voids behind wall and reface with dressed stone to match existing as near as possible, also flexible decking replacement
2007/01780/FUL	A	Llandough Hospital, Llandough	A single storey extension to an existing ward in addition to refurbishment works
2008/00029/FUL	A	32, Llwyn Y Gog, Rhoose	Proposed extension
2008/00061/FUL	A	3, Ashgrove, Dinas Powys	Two storey side extension & side single storey rear
2008/00063/FUL	A	Rushmore House, The Herberts, St Mary Church	Removal of condition 2 of planning permission 85/00969/FUL
2008/00071/FUL	A	1, Montgomery Road, Barry	Two storey side extension to include disabled facilities
2008/00078/FUL	A	Little West, Southerndown	Conversion of existing building and construction of 8 apartments

2008/00081/FUL	A	Little West Farmyard (barn conversion), Broughton Road, Wick	Barn conversion
2008/00082/FUL	A	Duffryn House, Welsh St. Donats	Proposed replacement dormer windows (2 no.)
2008/00084/FUL	A	Barry Island Post Office, 6, Plymouth Road, Barry Island	Single storey stock room extension
2008/00085/FUL	A	Ydfa, Corntown	Single storey garage extension
2008/00086/FUL	R	Land adjacent to River View, East Aberthaw	Proposed detached cottage style four bedroomed dwelling
2008/00088/FUL	A	Hamard House, Cardiff Road, Barry	Separation of existing to provide three separate units and the installation of new composite system to the walls and roof of the existing industrial warehouse.
2008/00091/ADV	A	Co-op Pharmacy, 148, Holton Road, Barry	1 x fascia Sign, 1 x D/S proj. sign
2008/00092/FUL	A	Planhigyn, Penylan Road, St. Brides Major, Nr. Bridgend	Installation of conservatory to side elevation
2008/00101/FUL	A	53, Maesycwm Street, Barry	Single storey extension to provide ground floor showering facilities for a disabled person
2008/00107/FUL	R	The Old Rectory, Bonvilston	Two storey extension with single storey extension to garage and kitchen
2008/00109/FUL	A	183, Pontypridd Road, Barry	Edwardian style conservatory to rear elevation
2008/00116/FUL	A	104, Stanwell Road, Penarth	Replace existing conservatory with new white hardwood conservatory

2008/00128/FUL	R	4, Cwrt Llanfair, St. Mary Church	First floor extension above garage/hall of existing house
2008/00136/FUL	A	Plot 2, The Stables, St. Brides Road, Wick	Revised plan. External of garage to include some revised window styles and garage roof raised by 1m to accommodate store above.
2008/00139/FUL	R	6, Paget Road, Penarth	Rear ground floor and first floor extensions, proposed garage to rear of garden. Alteration to front elevation to provide new bi-fold doors at first floor level with Juliet balcony and new decking area at rear
2008/00160/FUL	A	1, Eurgan Close, Llantwit Major	Proposed two-storey extension and alterations, new front entrance, new pitched roof to garage
2008/00163/FUL	A	2, Tudor Close, Penarth	To extend exg. garage & convert to study, new front entrance porch- to form new pitch roof over exg. flat roof garage & utility toilet & to construct to rear of dwelling new compton prefab garage
2008/00164/FUL	A	Cottrell Park Golf Club, St. Nicholas	Proposed extension to existing golf club house
2008/00173/FUL	R	23, Teasel Avenue, Penarth	Two storey side extension to existing semi-detached dwelling
2008/00231/PNA	R	Glyndwr Vineyard, Llanblethian, Cowbridge	Proposed agricultural building to provide tractor & implement store, fruit grate & general store
2007/01047/FUL	A	Pen Y Bryn, Penylan Road, Aberthin	Extension to the rear elevation

2007/01434/LBC	A	Pen-y-Bryn, Pen-y-Lan Road, Aberthin	Small extension to side of existing cottage and a separate oak framed structure linked to existing with glazed walkway
2007/01721/FUL	A	Stepaside, Peterston-Super-Ely	Extension over existing lounge to create 2 new bedrooms and bathroom and construction of car port
2007/01762/FUL	A	6, St. Nicholas Road, Barry	Retention of existing first floor flat above shop and installation of external staircase to form new access.
2008/00047/FUL	A	80, St. Davids Crescent, Penarth	2 storey rear extension to provide additional living accommodation
2008/00079/FUL	A	14, Four Acre, Llantwit Major	Attic conversion with dormer window to rear
2008/00083/FUL	A	51, South Road, Sully	Second storey extension
2008/00089/FUL	A	Loos House, Watery Lane, Welsh St. Donats	Remove existing single skin metal garage roof and replace with pitched slate roof insulated and lined
2008/00093/FUL	A	Hendre Wen (Plot Two), Rock Road, St. Athan	Proposed replacement dwelling - (existing bungalow structurally defective and dilapidated)
2008/00096/FUL	A	5, Evenlode Avenue, Penarth	New single storey lean to garage, garden wall and railings
2008/00105/FUL	A	8, The Heathers, Barry	Attic conversion with dormer window
2008/00121/FUL	A	27, Drylla, Dinas Powys	White lean-to porch
2008/00126/FUL	A	18, Herbert Street, Barry	Proposed single storey side and rear extension to form new garage/bathroom/kitchen

2008/00129/FUL	A	119, Stanwell Road, Penarth	Two storey extension to the existing house plus rear conservatory
2008/00133/FUL	A	Home Farm, Dyffryn	Roof over an existing structure to convert its use from a silage clamp to grain store
2008/00135/FUL	A	49, Andrew Road, Penarth	First floor rear extension (retrospective)
2008/00146/FUL	A	Cartre Glas Farm, Welsh St. Donats	2 storey rear extension and alterations to farm house
2008/00178/FUL	A	Comet, Unit E, Valegate Retail Park, Culverhouse Cross, Cardiff	Installation of new fire exit doors to existing retail unit
2008/00180/FUL	A	Mothercare, Unit C, Valegate Retail Park, Culverhouse Cross, Cardiff	Installation of new fire exit doors to existing retail unit
2008/00181/FUL	A	MFI, Unit B, Valegate Retail Park, Culverhouse Cross, Cardiff	Installation of new fire exit doors to existing retail unit
2008/00182/FUL	A	Dreams, Unit D, Valegate Retail Park, Culverhouse Cross, Cardiff.	Installation of new fire exit doors to existing retail unit
2008/00097/FUL	A	49, Clive Place, Penarth	Demolish and rebuild garage
2008/00103/FUL	A	Ashley Cottage, Bridge Road, Llanblethian, Cowbridge	Two storey side extension, single storey rear extension to replace existing and front porch
2008/00110/FUL	A	34, Coleridge Avenue, Penarth	Demolish existing single storey extension and replace with new single storey extension
2008/00118/FUL	A	129, Lavernock Road, Penarth	Extension to provide new single storey utility room and cloak room
2008/00119/FUL	R	21, Orchard Drive, Barry	Proposed granny annex & garage

2008/00122/FUL	A	The Watermill, Ogmore By Sea, Bridgend	Proposed timber frame smoking shelter
2008/00127/FUL	A	19, East View, Llandow	Single storey kitchen extension
2008/00137/FUL	R	115 and 117 Port Road East, Barry	To convert existing dwellings to 12 bedroom hotel with manager's accommodation to roof void. Construct rear extensions and front entrance foyer and provide car parking
2008/00138/FUL	A	8, Tan Y Fron, Barry	Single storey side extension
2008/00140/FUL	A	Broadgate House, The Broad Shoard, Cowbridge	Lean to rear conservatory
2008/00144/FUL	A	86, Redlands Road, Penarth	Loft conversion with 2 No. pitched roof dormers, extension to ground floor
2008/00148/FUL	A	90, Barry Road, Barry	Conversion of ground floor shop into residential use to form a single dwellinghouse
2008/00149/FUL	R	71, Broadway, Cowbridge	Extend rear residential boundary line by 20 metres to increase garden curtilage
2008/00150/FUL	R	69, Broadway, Cowbridge	Extend rear residential boundary line by 20 metres.
2008/00152/FUL	A	Llantwit Major Rugby Club, Boverton Road, Llantwit Major	Single storey glazed covered area with open sides to provide a dry viewing area
2008/00154/ADV	A	Sarah Edwards Pharmacy, 7, Boverton Road, Llantwit Major	Shop Sign
2008/00155/FUL	A	186, Jenner Road, Barry	Domestic block shed

2008/00190/FUL	A	85, Cornerswell Road, Penarth	Two storey extension at rear and demolition of single storey annexe at rear
2008/00193/FUL	A	Heavenly Interiors, 15, Poundfield, Llantwit Major	Change of use to tea rooms (first floor area)
2008/00201/FUL	A	37, Cog Road, Sully	Two storey side extension to provide granny annexe and access ramp
2008/00256/FUL	R	17, Rectory Drive, St. Athan	Proposed rear two storey extension to provide granny flat
2008/00261/FUL	A	3, Lynton Close, Sully	Single storey extension to side and rear
2007/01610/FUL	A	Tesco Stores Ltd., Western Road, Penarth	Erection of a 10.6m tall 6kW micro wind turbine for a period of 15 years
2007/01757/FUL	R	Midfield House, Pen Y Turnpike Road, Dinas Powys	2 No. prefabricated stable blocks (comprising 7 No. stables & tack/feed room) and workshop
2008/00151/FUL	A	Pippins, Trerhyngyll, Cowbridge	Extension to dormer bungalow with dormers to roof, extension to rear
2008/00157/FUL	R	11, Warwick Way, Barry	Dormer extension to rear of main roof
2008/00158/FUL	A	Old Station Yard, Gileston	Extension of car parking yard
2008/00161/FUL	R	52, Clos Ogney, Llantwit Major	Garage extension along side existing garage
2008/00162/FUL	R	Cross House, Cowbridge Road, Aberthin	Two storey side extension with garage to ground floor; single to one-half storey rear extension

2008/00166/FUL	A	6, The Verlands, Cowbridge	Single storey extension to garage in front of house incorporating entrance lobby. Alterations to vehicular access
2008/00170/FUL	A	Land to the rear of 50, Holton Road, Barry	Construction of 3 no. retail units with offices over
2008/00175/FUL	A	9, Cwrt y Vil Road, Penarth	To extend to rear of dwelling new breakfast/living room to include internal alterations (previously planning consent 07/01232/FUL
2008/00212/FUL	R	184, Colcot Road, Barry	Proposed first floor side extension and loft conversion

994 APPEALS (DEER) -

RESOLVED -

(1) T H A T the list of appeals received and decisions concerning appeals from refusal of the Council of planning permission or in respect of enforcement action as detailed in the report, be noted.

(2) T H A T the statistics relating to appeals for April 2007 to March 2008 and list of forthcoming hearings and public hearings as detailed in the report be noted.

995 TREES (DEER) -

(a) Delegated Powers

RESOLVED - T H A T the report on the following applications determined by the Director under delegated powers be noted:

Decision Codes

A - Approved
E Split Decision

R - Refused

2008/00123/TCA A 27, Victoria Road, Penarth Fell Cherry Tree

2008/00115/TPO A 10, Merevale, Dinas Powys Fell 2 lines Cypress

2008/00168/HR	A	Monkton Farm, Wick	Hedgerow removal between OS enclosures 5351,7054, 7343 (north) and 6127,7529 (south)
2008/00177/TPO	A	Northcliffe Apartments, Paget Place, Penarth	Fell one Macra Carpa and four Holm Oaks
2007/01744/TPO	A	Conifers, Siginstone, Cowbridge	To carry out periodic maintenance of 7 Beech trees.
2008/00213/TCA	A	1, Mill Park, Cowbridge	Fell Silver Birch
2008/00234/TPO	R	26, Pwll Y Min Crescent, Peterston Super Ely	Fell 2 Silver Firs T1 (and T2 - T2, Dangerous/Exempt)
2008/00275/TCA	A	Laburnum Lodge, St. Nicholas	Fell row of Cypress along north boundary of garden and remove dead Dwarf Weeping Willow - Salix 'Kilmarnock' within rear garden (south)
2008/00221/TPO	A	23, Maillards Haven, Penarth	Pollard Lime trees (x 2)
2008/00235/TCA	A	Pen y Garreg, Piccadilly, Llanblethian	Heavy pollarding of Ash
2008/00286/TCA	A	2, Elm Grove Lane, Dinas Powys	Fell Yew Tree
2008/00297/TPO	A	22, Maillards Haven, Penarth	Prune 3 Lime trees removing dead wood/branches

(b) General

Higher End, Penmark.

Committee received a report which sought confirmation of Tree Preservation Order No. 25, 2007, which covered a stand of mature Austrian Pine trees which were growing on a strip of land running parallel with and adjoining garden land belonging to No. 1 Higher End and included three Austrian Pines located in front of two large Dutch barns south of the strip.

Councillor Kemp announced that he had received an e-mail from the owners /

occupiers of Higher End, and that a compromise in this matter was suggested. Councillor Kemp proposed that consideration of the report be deferred in order that negotiations could take place.

It was noted that should the above proposal be agreed, the interim Tree Preservation Order would need to be renewed.

RESOLVED - T H A T consideration of the report be deferred to enable negotiations to take place with the owners / occupiers of Higher End.

996 ENFORCEMENT ACTION (DEER) -

(i) Land and Buildings at Beech House, Nos. 69 & 71, Broadway, Cowbridge.

A complaint had been received by the Local Planning Authority that an alleged breach had taken place at Beech House, No. 69 and 71 Broadway, Cowbridge.

Following an initial complaint regarding the erection of an unauthorised front boundary wall and untidy land to the rear of a newly erected dwelling, a site inspection had been undertaken. It was noted that there was a garden curtilage extension to the rear of the original dwelling house at No. 69 and the recently approved dwelling house No. 71, Broadway, Cowbridge.

The extended gardens at Nos. 69 and 71 had been landscaped in grass and were level with the remainder of gardens. The developer had removed the previous means of rear boundary treatment that separated the extended land from the approved curtilages at Nos. 69 and 71, Broadway. The garden extensions not only extended beyond the curtilage of the original dwelling house but also approximately 20 - 25 metres beyond the settlement boundary of Cowbridge and Llanblethian as defined by the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, encroaching into the Lower Thaw Valley Special Landscape Area.

Following the site visit a number of letters had been sent to all of those with an interest in the properties and the acting agents. All offending properties had now been contacted in writing and made fully aware of the planning implications arising from their actions.

Following a number of calls to the agent, two planning applications were submitted in February 2008. The applications were received for both properties to retain the garden extensions. The two applications were subsequently refused planning permission on 28th March 2008.

RESOLVED - T H A T the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- That the use of the land as a residential garden should cease.

- The removal of any residential and domestic paraphernalia from the encroached land.
- The erection of a satisfactory form of boundary fence to separate the approved residential curtilages from the encroached land

and that in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reason for decision

To prevent the encroachment and residential use of land outside the settlement boundary into the open countryside and Lower Thaw Special Landscape Area. As such, it was considered that the proposal was contrary to Policies ENV1, ENV4 and ENV27 of the Adopted Unitary Development Plan 1996-2011.

(ii) Land and Buildings at Palla Farm, Peterston-Super-Ely

The Enforcement Unit had noted that a substantial, single storey, stone-faced building had been erected in a field adjacent to the extensive Palla Farm complex which from remote viewing, had all the outward appearance of being a house. Whilst it was subsequently confirmed from internal inspection, that it was only being used as a mixed agricultural/domestic store building comprising of two large, open planned rooms, it nevertheless had all the structural elements (domestic doors, upvc double glazed windows with leaded lights, cavity walls, damp course and outside, a raised patio area) and was of a design that would require relatively limited additional works to convert to residential.

Given the comments made in regard to the external appearance of the building having all the constructional elements and design of a house, and not of a design or scale that may be nominally expected or encouraged for a so called agricultural (store) building, it was considered that all those policies which presumed against non-conforming development in the open countryside and which was not considered necessary for the purposes of agriculture and forestry, were applicable.

Whilst it was acknowledged that at present the building was only being used for domestic and agricultural storage purposes, it would nevertheless require only a nominal amount of additional work to convert to full independent residential purposes. It was further contended that the outside construction of a substantial area of raised patio, together with enclosing dwarf walls around the whole building, were not only wholly unnecessary for the purposes of agriculture, they were all domestic features that added further to the appearance of the building as a dwelling house. As such, it was considered that the development was contrary to the UDP planning policies and guidance. As a consequence, it was recommended that enforcement action be authorised for the total demolition of the building.

RESOLVED - T H A T the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- The total demolition of the unauthorised subject building and thereafter, the removal of all demolition products from the site

and that in the event of non-compliance with the Notice, authorisation be also granted for such legal proceedings as may be required.

Reason for decision

It is considered that by virtue of its scale, design, method of construction and use of materials, which included the insertion of a domestic style of upvc, double glazed, leaded light windows, domestic style doors, barge board detailing and the construction of outside domestic features including a patio area, the building has not been constructed for the purpose of agriculture or forestry, but is in fact, tantamount to a new dwelling in the urban countryside for which no agricultural, forestry or equine use justification can be made. The development is therefore considered contrary to the terms and aims of Policies ENV1, ENV10, HOUS3 and HOUS5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice contained within Planning Policy Wales 2002 and Technical Advice Note (Wales) No. 6.

(iii) Land and Buildings off Penyturnpike Road, Dinas Powys (West Wind Farm) -

Complaints were first received by the Enforcement Unit on 26th May 2005 alleging that there were ongoing tree felling / ground clearance works in a field and attached woodland areas located the Leckwith village end of Penyturnpike Road, Leckwith. Whilst investigated and monitored, nothing untoward was noted and the file closed. In November 2005, the case officer then noted that small animal pens had been erected, soon followed by works to widen the existing field access and partially hard-surface the same.

Over the following two years to the present day, the site had gradually developed in that other animal pens, cages and sheds had been erected, a metal box container, van body and fuel tank had been sited, and numerous stock piles of woods, some in the form of prefabricated roof trusses and planks, stone, metalwork, builders wastes, plastics and what can only be described as miscellaneous other wastes and items had been deposited, placed or are being stored upon the land.

The landowner had been notified on several occasions in writing and alerted to the Council's increasing concerns on the sites development and operations. Whilst in view of the planning applications submitted, no action had been taken to date, given the timescales which were involved, it was felt that matters now needed to be progressed to a conclusion.

Given that the site had continued to not only expand in blatant disregard of planning controls and the written advice of the Council, the other uses such as the deposit, storage and stockpiling of various wastes, builders materials, woods and the siting of inappropriate structures such as the box container, van body and fuel tank, not only have no agricultural purpose, they were uses, operations and structures that were wholly unacceptable in any event. As such, given that this case has been ongoing for over two years, it was considered that regardless of the landowner's attempt to gain planning permission for a barn or stable facilities, the current activities, uses and structures were considered as wholly unrelated to those proposals and therefore required action in their own right as such activities were seen as contrary to the aims and terms of the planning policies.

RESOLVED - T H A T the Director Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- The permanent removal from the land of all pens, cages, sheds, portable barriers and fences, the trailer and van body, the fuel tank and metal box container and thereafter, the cessation of the use of the land for such purposes.
- The permanent removal from the land of all deposited, stockpiled or stored items whether fabricated or not, to include all woods, plastics, metals, builders wastes and materials, stone, bricks, drums, pipework and any domestic items and thereafter, the cessation of the use of the land for such purposes.
- The reinstatement of the original field access onto Penyturmpike Road in accordance with details to be first submitted for the further approval of the Local Planning Authority and which detail shall also make provision for a replacement indigenous species hedgerow along the Penyturmpike Road frontage of the site

and that in the event of non-compliance with the notice, authorisation be granted for such legal proceedings as may be required.

Reason for decision

It was considered that no agricultural, forestry or equine justification can be made for the various structures erected, sited or placed upon the land, nor can similarly any justification be made for stockpiling, depositing and storage of various wastes, building materials, fabricated and other types of woods, metals, plastics, stone, brick and miscellaneous other items. As such, the development, uses and other activities are considered to be contrary to the terms and aims of Policies ENV1, ENV3, ENV10 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and also the advice contained within Planning Policy Wales March 2002 and Technical Advice Note (Wales) No. 6.

(iii) Land and Buildings at Channel Centre, Ty Verlon Industrial Estate, Cardiff Road

A complaint had been received by the Local Planning Authority regarding the siting of a hot food takeaway unit at the Ty Verlon Industrial Estate, Cardiff Road.

Following an initial site inspection, it was noted that the hot food takeaway unit was permanently sited in the private parking area of the commercial premises at Bigliss House, Sully View, Ty Verlon Industrial Estate. The van was sited in the area of parking associated with Unit 5, which was occupied by a meat wholesaler. The van was mainly used during the daytime (i.e. office hours) by visiting members of the public.

The siting of a hot food takeaway unit on the site required the benefit of planning permission as this activity had resulted in a material change of use of the land from a car park associated with a commercial/industrial premises to a hot food takeaway use.

A number of requests had been made to the owner to cease the unauthorised use and remove the van from the site. No attempt had been made to comply with these requests.

RESOLVED - T H A T the Director of Legal, Public Protection and Housing Services be authorised to serve and Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- The cessation of the use of the land for siting of a mobile unit for the purposes of the takeaway sale of food.
- Removal from the land of the hot food takeaway unit and associated equipment

and that in the event of non-compliance with the Notice, authorisation be also granted for such legal proceedings as may be required.

Reason for decision

The siting of the mobile hot food takeaway unit at this prominent and highly visible location was considered to have a detrimental effect on the general amenity of the area contrary to Policy ENV27 of the Vale of Glamorgan Adopted Development Plan 1996-2011.

997 GENERAL PLANNING MATTERS (DEER) -

(i) Draft Barry Waterfront Development Principles

Committee received a report which gave consideration to the draft document attached to the report which set out the Council's vision and aspirations for the development of the Waterfront, Barry.

The report had been presented to Cabinet on 16th April 2008.

RESOLVED -

- (1) T H A T the content of the draft document be endorsed for the purposes of consultation.
- (2) T H A T a future report be presented to Committee on the results of the consultation exercise.

Reasons for decisions

- (1) In order to provide Cabinet with the resolution of the Planning Committee, and to follow consultation to take place on the document.
- (2) To feedback the results of consultation to Planning Committee in due course.

(ii) Clive Lane, Penarth: Prohibition of Access (Alley Gating) Order 2008

Approval was sought for the creation of a Traffic Regulation Order to facilitate the extension of the Alley Gates project into the Penarth area.

It was proposed to extend the Alley Gates Project and to introduce gates into the Cornerswell Ward in Penarth.

The need for the extension of the Alley gating scheme to this area had been established following liaison with South Wales Police, South Wales Fire Service and internal Divisions of the Council.

It was proposed to create a Traffic Regulation Order, the effect of which would be to restrict use of the lanes shown on the plan attached to the report to all but "authorised persons" as determined by the Order. Authorised persons would be in possession of pass keys, issued and controlled by an appointed officer, and would include members of the emergency services and public utilities.

RESOLVED -

- (1) T H A T, subject to the views of the Chief Constable and other representative organisations of road users, public notice of the Council's intention to make a Traffic Order under Section 1 of the Road Traffic Regulation Act 1984 be given, the effect of which would be to prohibit or restrict access to those lanes detailed in Plan No. TO10MRHC1 attached to the report.
- (2) T H A T in the event of no objections being received, the Order be made.

Reasons for decisions

- (1) To ensure that consultations and public notice are given as required by the Local Authorities Traffic orders (Procedure) (England and Wales) Regulations 1996 when making a Traffic Regulation Order.
- (2) To enable the project to commence without further referral to Committee unless objections are received.

(iii) Extinguishment of two areas of adopted highway verge adjacent to Tamara Cottage, Llysworney

Approval was sought for the extinguishment of two areas of adopted highway verge adjacent to Tamara Cottage, Llysworney.

In accordance with Section 117 of the Highways Act 1980, the house owner had requested the Council as Highway Authority to progress the extinguishment under Section 116 of the Highways Act 1980.

The areas of adopted highway verge in question were considered to be surplus to highway requirements and the extinguishment would release the Council from maintenance liabilities and associated costs.

RESOLVED - T H A T the Director of Legal, Public Protection and Housing Services be requested to progress the extinguishment of the two areas of adopted highway verge as indicated on the plan attached to the report in accordance with Section 116 of the Highways Act 1980.

Reason for decision

The areas of adopted highway verge in question were considered surplus to highway requirements and extinguishment would relieve the Council of all future maintenance obligations.

(iv) Dyfan Road (Part), Barry: Proposed Prohibition of Waiting Order -

Approval was sought for the introduction of an Order to extend the prohibition of waiting on a short section of Dyfan Road near to its junction with Barry Road, Barry.

Currently, the southern section of Dyfan Road, from its junction with Barry Road to the junction with the lane at the rear of the Barry Road properties was protected by double yellow lines. At this point the road formed an elbow which restricted the visibility of drivers through the bend.

Cardiff Bus had complained to a local Member that their buses had difficulty negotiating through the bend because of vehicles parked on the western side of the road outside the bungalows located at that point.

Surveys carried out at that location had confirmed the difficulties caused by vehicles parking, which prevented the free flow of buses and larger vehicles along this section of carriageway.

It was felt to be appropriate to prohibit parking at this location for a short distance as shown on Plan No. T/04/43/CEP attached to the report. Ample alternative parking spaces were available further along the carriageway.

RESOLVED -

(1) T H A T, subject to the views of the Chief Constable and other statutory consultees, public notice of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order be given, the effect of which would be as shown at Appendix A to the report.

(2) T H A T in the event of no objections being received, the Order be made.

Reasons for decisions

(1) To comply with the requirements of the Road Traffic Regulation Act 1984.

(2) To allow the necessary works to be undertaken.

(v) Cold Knap, Barry: Proposed Revocation of Waiting Restrictions Order

Committee were asked to revoke the Vale of Glamorgan Council (Cold Knap, Barry) (Prohibition of Waiting at Any Time) (Amendment) Order 2007.

It was reported that the effect of the decision taken by this Committee on 21st February 2008 would be to revert to the conditions of the Traffic Regulation Orders made in the 1970s for which the present road markings and signage applied.

Accordingly, a Traffic Regulation Order was required to revoke the 2007 Order, subject to statutory consultation and public notice.

RESOLVED -

(1) T H A T, subject to the views of the Chief constable and other statutory consultees, public notice be given of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order to revoke The Vale of Glamorgan Council (Cold Knap, Barry) (Prohibition of Waiting at Anytime) (Amendment) Order 2007.

(2) T H A T in the event of no objections being received, the Order be made.

Reasons for decisions

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To rescind the 2007 Order.

998 PLANNING APPLICATIONS (DEER) -

Having considered the following applications for planning permission and, where necessary, the observations of interested parties, it was

RESOLVED - T H A T in pursuance of the powers delegated to the Committee, the following applications be decided as indicated and any other necessary action taken:

2007/00655/OUT Received on 9 May 2007

P. 148

Mr. & Mrs. Richards, Cornerways, Wick Road, Ewenny, Vale of Glamorgan
R. Hathaway, 25, Preswylfa Court, Bridgend, CF31 3NX

Cornerways and Swn-y-Coed, Wick Road, Ewenny

Redevelopment to 4 detached properties

DEFERRED for a site inspection.

2007/01641/FUL Received on 26 November 2007

P. 157

Mr. and Mrs. J. R. J. Thomas, Gileston Farm, Gileston, Vale of Glamorgan.,
CF62 4HX

Roger Fuller, Seafield, Village Farm, Bonvilston, Vale of Glamorgan., CF5
6TY

The Cot, Gileston Farm, Gileston

New two storey dwelling

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference GF5 Revision 2 received on 31st March 2008 and the development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to first beneficial occupation of the replacement dwelling hereby approved, the existing cottage and outbuildings, shown on the approved plans as being demolished, shall be demolished in their entirety and their constituent materials removed from the land.

Reason:

Since the approved dwelling is acceptable only as a replacement for the existing dwelling, under Policies ENV1 and HOUS7 of the adopted Unitary Development Plan.

4. The occupation of the dwelling hereby approved shall be limited to person(s) employed in connection with the working of Gileston Farm, and to any resident dependants.

Reason:

Since occupation of the dwelling by person(s) unconnected with the existing farm could unacceptably prejudice the continued operations of activities, including noisy grain drying, at the farm, and to ensure the development accords with Policy ENV1, HOUS3 and HOUS5 of the Unitary Development Plan.

5. Prior to their use in the construction of the dwelling hereby approved, details of the materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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 dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development within the Heritage Coast, given the increase in size of replacement dwellings approved, and to ensure compliance with the terms of Policies ENV1, ENV5 and ENV27 of the Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development within the Heritage Coast, given the increase in size of replacement dwellings approved, and to ensure compliance with the terms of Policies ENV1, ENV5 and ENV27 of the Unitary Development Plan.

2007/01783/FUL Received on 21 December 2007

P.176

Newydd Housing Ass.(1974) Ltd., Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff., CF15 7WE

Asbri Planning, (Rhodri Davies), 32 Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff., CF14 5GG,

61-73, Main Street, Barry

Demolition of units 61-73, Main Street, Barry and the erection of 20 no. affordable units (5 no. town houses, 13 no, 2 bed. apartments, 2 no. enhanced disabled units) a new access and associated works

APPROVED subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as ten thousand and sixty six pounds (£10,066).

- The Developer shall pay the sum of thirty four thousand pounds (£34,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site and / or improve access to such facilities from the site.
- The Developer shall pay the sum of one thousand pounds (£1,000) to relocate the alley gates present at the lane adjacent to the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£1,264.00 in this case).

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 21st December 2007, other than where amended by plans reference 030 REV. A, 031 REV. A and 034 REV. A, received on 21st February 2008.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to the commencement of development (including any demolition), a Method Statement for the demolition, clearance of the site and construction, including details of mitigation measures to deal with noise and dust and the hours of work, shall be submitted to and approved in writing by the Local Planning Authority. All measures as may be agreed shall be fully carried out during the redevelopment of the site.

Reason:

To ensure a safe and satisfactory form of development.

4. No development shall take place on site until such time as a contaminated land assessment and associated remedial strategy to deal with potential contamination at the site have been submitted to and approved in writing by the Local Planning Authority. The approved remediation works shall then be carried out in full on site and on completion of the works, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

5. Prior to their use in the construction of the development hereby approved, samples of ridge tiles, roof tiles, brick and reconstituted stone shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details, prior to the construction of the proposed 2 metre high retaining wall adjacent to the rear lane, further details including structural calculations of the retaining wall shall be submitted to and approved in writing by the Local Planning Authority and the retaining wall shall thereafter be constructed in full accordance with the approved details.

Reason:

In the interest of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing Ref: 031 Rev. A and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN10 of the Unitary Development Plan.

8. No development shall take place until details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual and neighbouring amenity in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the town houses hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for the purpose incidental to the enjoyment of the town houses shall be constructed, erected or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

2008/00207/FUL Received on 14 February 2008

P.180

Mr. P. Martin, 7, Stacey Road, Dinas Powys, Vale of Glamorgan., CF64 4AE
GAP Architects, The Studio, White Holm, South Road, Sully, Vale of Glamorgan, CF64 5SP

Land adjacent to 7, Stacey Road, Dinas Powys

Erection of a new dwelling

DEFERRED for a site inspection.

2008/00217/RG3 Received on 18 February 2008

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Vale of Glamorgan Council, The Alps, Wenvoe, Vale of Glamorgan., CF5 6AA
E & M Associates Ltd., 142, Whitchurch Road, Cardiff., CA4 3NA

Front of 11 and 12, Church Place South, Penarth

Installation of disabled access ramp

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2008/00228/RG3 Received on 21 February 2008

P.191

Social Services Section, Vale of Glamorgan Council, Docks Office, Barry, Vale of Glamorgan., CF63 4RT

Property Section, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan., CF63 4RU,

Holm View Leisure Centre, Skomer Road, Barry

Conversion of community facility into a Social Services unit, predominantly internal, one additional glazing unit, replacement external doors

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

999 MATTERS WHICH THE CHAIRMAN HAD DECIDED WERE URGENT -

RESOLVED - T H A T the following matters which the Chairman had decided were urgent by reason of the need to make a decision prior to the next meeting of the Committee be considered:

1000 PLANNING APPLICATIONS (DEER) -

RESOLVED - T H A T in pursuance of the powers delegated to the Committee, the following applications be decided as indicated and any other necessary action taken:

2008/00243/RG3 Received on 22nd February 2008

Mark Haynes, L & D Directorate, Vale of Glamorgan Council, Provincial House,
Kendrick Road, Barry, Vale of Glamorgan, CF62 8UF
Mr. R. Williams, St. Nicholas Primary School, St. Nicholas, Vale of Glamorgan,
CF5 6SG

Playing field to rear of St. Nicholas Primary School

Retention of metal storage container (6.0 x 2.4m) to store outdoor P.E.
equipment

APPROVED subject to the following condition(s):

1. This permission shall be granted for a temporary period only, and the container shall be removed from the site, on or before the 16th April 2009.

Reason: In the interest of the visual amenities in the area.

2006/01747/FUL Received on 26th September 2007

Kingfishers Developments, Hayes Building, The Square, Llantwit Major, Vale
of Glamorgan
Alun Arthur Architects, 71 Merthyr Mawr Road, Bridgend, CF31 3NS

Andrew House, High Street, Llantwit Major

Residential development, converting main house into two apartments and 3
new build houses.

APPROVED subject to the following conditions:

Subject to the applicant first entering into a Section 106 Legal Agreement to
include the following necessary planning obligations:

- The developer shall pay the sum of ten thousand pounds (£10,000) to the Council to improve Sustainable Transport Facilities in the vicinity of the site.
 - The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£230.40 in this case).
1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. This consent shall only relate to the amended plans reference 389/PP/7 and 389/PP/8, received on the 26 September 2007, and the development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no windows shall be inserted in the dwelling houses or flats hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No development shall commence until full details of a scheme for the drainage of the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To ensure the satisfactory drainage of the site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

9. Prior to their use in the development hereby approved, samples of the roof and ridge tiles, panels of painted render for the external elevations and samples of the materials to be used in the door canopies and dormer extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and in order to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

10. Notwithstanding the submitted plans, further details of windows, roof lights (which shall be of a flush fitting conservation type), doors, eaves and rainwater goods, including sections to a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority, prior to their use in the development. The development shall be constructed in full accordance with the details as agreed and so maintained at all times thereafter.

Reason:

In the interests of local visual amenities and to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted plans, the triangular area of land identified on plan 389/PP/7 as 'side court', shall be used as a communal bicycle storage facility, as opposed to private curtilage to serve any dwelling. There shall be no direct access to this area from the dwelling labelled as 'House 3' on that plan.

Reason:

In order to ensure space is available to store bicycles within the site, and to support the use of more sustainable transport methods, in compliance with Strategic Policies 2 and 8 of the Unitary Development Plan.

12. Prior to the first beneficial occupation of the units hereby approved, details of a covered bicycle storage rack to be located within the area of land shown as 'side court' on plan ref: 389/PP/7, shall be submitted to and approved in writing by the Local Planning Authority. The cycle rack shall be provided in accordance with the approved details prior to the first beneficial use of the units and shall be so retained at all times thereafter.

Reason:

In order to provide adequate facilities for the storage of bicycles and to encourage more sustainable forms of transport, in compliance with Strategic Policies 2 and 8 of the Unitary Development Plan.

13. Prior to the first benefit occupation of the units, a line of bollards shall be provided along the edge of the new pedestrian footway fronting High Street, in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority. The bollards shall be retained at all times thereafter.

Reason:

In the interests of pedestrian safety and to discourage unauthorised parking along the frontage of the site, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

14. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

1001 CHAIRMAN -

Prior to the conclusion of formal business, Councillor A.D. Dobbinson announced that this would be the last meeting of the Planning Committee that he would attend as he was not seeking re-election at the forthcoming Council elections.

Councillor Dobbinson paid tribute to the officers of the Council for their support during his term of office as Chairman of the Planning Committee. Councillor Dobbinson also paid tribute to the Members of the Planning Committee with whom he had worked for the past 4 years, particularly Councillor A.J. Williams, a past Chairman of the Planning Committee, who had also announced that he would not seek re-election.

In response, both Members and officers thanked Councillor Dobbinson for his support, and Committee were unanimous in wishing both Councillors Dobbinson and Williams well once their terms of office had ceased, and expressed the view that their collective experience would be greatly missed by the Council.

VALE OF GLAMORGAN CONSERVATION EXTENDED ADVISORY GROUP

MINUTES of a meeting held on 16th April, 2008.

Present: Councillor A.D. Dobbinson (Vice-Chairman in the Chair); Councillor K.R. Stockdale (Barry Town Council); Mr. D.B. Mathews (Dinas Powys Community Council); Mr. R. Simpson (Campaign for the Protection of Rural Wales); Mr. M. Flynn (RTPI); Mr. G. Robertson (Penarth Society); Councillor Mrs. L. Adams (Cowbridge with Llanblethian Town Council); Councillor Ms. G. Davey (Barry Town Council); Mr. R. Burston (St. Nicholas Society); Councillor J. Coggins (Llanfair Community Council); Mr. L. Millar (Cowbridge Charter Trust); Mr. G. Haynes (Cowbridge Local History Society); Mrs. E. Jervis (Wenvoe History Group); Councillor J. Robinson (Llanmaes Community Council); Mrs. H. March (Llantwit Major History Society); and Ms. P. Goodwin (Pride in Barry).

Officers: Mr. M. Goldsworthy, Ms. E. Harvey, Mr. N. Lloyd, Mr. P. Thomas and Mr. C. Hope.

(a) Apologies for Absence -

These were received from Councillor Ms. R.M. Birch (chairman); Councillor Ms. C. Brown (Wick Community Council); Professor R. Weston (RSAW) and Councillor J.W. Veysey (Llanblethery Community Council).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 20th March 2008 be agreed subject as follows:

- It being recorded that Mrs. S.E. Taylor (Llancarfan Society) had left the room when the planning application relating to the Llancarfan Community Hall had been discussed;
- Mr. Robertson's name (Penarth Society) being spelt correctly.

(c) Information Feedback -

AGREED - T H A T the following feedback on applications previously considered by the Group be noted:

2007/00546/FUL	Upper House Garage, Turkey Street, Llantwit Major - demolition of existing garage erection of two number houses. This application was approved.

2008/00086/FUL	Land adjacent to River View, East Aberthaw - proposed detached cottage style four bedroomed dwelling. This application was refused.
2007/01752/FUL	The site of the former Royal British Legion Club, Cowbridge - demolition of former club house building and replacement with residential development of 12 No. 2 bedroom apartments with associated parking and amenity space. This application was withdrawn.

(d) Draft Supplemental Planning Evidence: County Treasures -

Mr. Haynes declared an interest in this item in that his house was included on the County Treasures list.

Cabinet, on 2nd April 2008, had received a report which advised of the draft Supplementary Planning Guidance (SPG) "County Treasures", which had been developed to support the policies and proposals contained within the Adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP).

Once approved, the SPG would be used for development control purposes and would be a material consideration in the determination of planning applications. A copy of the guidance was attached at Appendix A to the report.

The County Treasures survey uniquely contained a "unified" list of historic built assets found within the Vale of Glamorgan. It therefore contained listed buildings, Scheduled Ancient Monuments, as well as 362 entries identified as being of "local importance". The SPG was designed to provide planning guidance as advice on this locally listed element of the survey.

The document provided information on the following issues:

- Background
- Identification of Local Entries
- Criteria for Selection and Review
- Status and Policy Background
- Planning Control: Strategic Policy Context
- Planning Control: Detailed Implications
- Where to View County Treasures.

Cabinet had

"RESOLVED

(1) T H A T a copy of the report and SPG attached at Appendix A to report be referred to Planning Committee and the Conservation Area Advisory Group for consultation purposes.

(2) T H A T subject to the views of the Planning Committee and the Conservation Area Advisory Group, a consultation exercise be undertaken on the contents of the draft SPG targeting 'interested parties'.

(3) T H A T subject to the views of the Planning Committee and the Conservation Area Advisory Group, the draft SPG be approved for interim development control purposes and made available on the Council's website.

(4) T H A T a further report be presented to Cabinet outlining the responses to the consultation exercise, together with any proposed changes to the draft SPG."

Members of the Group expressed concern that their properties, and properties of individuals known to them, had been included on the County Treasures list without the owners' knowledge. Questions were asked about how inclusion on the list would affect the value of the properties, and what affect it would have on any plans to alter the properties.

Mr. Haynes stated that the details contained on the list relating to certain properties in the Cowbridge area had been extracted from two books he had co-written.

Mr. Robertson in response, stated that the Penarth Society had assisted in the establishment of the County Treasures list at its inception, and a body of evidence had been accumulated by a co-ordinator and local volunteers. This work had been carried out many years ago, and little could be done at this stage to correct any 'wrongs' as the information was now freely available on the internet. Mr. Robertson was concerned at comments made about the inclusion of certain properties on the County Treasures list, but pointed out that the County Treasures list had resulted in a body of evidence of places of interest and merit that would not have been available otherwise.

Members of the Group were reminded that many of the properties included on the County Treasures list were to be found in conservation areas which had been the subject of Conservation Area Appraisals and which contained descriptions of individual properties. Such Appraisals were published on the Council's website. This process was followed widely by local authorities.

Following a full and frank debate on the subject of the County Treasures list, it was

AGREED -

(1) T H A T consideration of this item stand deferred.

(2) T H A T should any member of the Group have any concerns about the County Treasures list, the Conservation Team of the Council should be informed.

(e) Vale of Glamorgan Conservation Advisory Group - Proposed Timetable of Meetings for the Municipal Year 2008/09 -

AGREED - T H A T the timetable of meetings for the Conservation Advisory Group for the Municipal Year 2008/09, as listed below, and being recommended to the Planning committee on 17th April 2008, be noted:

2008

- 29th May (Thursday)
- 19th June (Thursday)
- 17th July (Thursday)
- 28th August (Thursday)
- 24th September (Wednesday)
- 29th October (Wednesday)
- 27th November (Thursday)

2009

- 27th January (Thursday)
- 29th January (Thursday)
- 26th February (Thursday)
- 18th March (Wednesday)
- 23rd April (Thursday).

(f) Future Format and Constitution of Conservation Area Advisory Group -

Members of the Group were advised of the contents of a report regarding the future format and constitution of the Group in order to permit consultation and discussion to take place concerning its contents. A report had been submitted to the extended meeting of the Group on 26th July, 2007 concerning the recommendations of a document entitled "Valuing Distinctive Places", a report by consultants into conservation area management. References had been made in this document to the role of the Group and, on this basis, the meeting had advised that "a further report be submitted to a future extended meeting of the Group to present options relating to the future constitution, form and agenda of the Group".

Included within the report was reference to the possibility of the establishment of a "forum" in distinction to the current Group organisation, which might have the following characteristics:

- smaller size
- wider agenda
- improved strategic outlook
- altered membership
- greater independency.

Written representations concerning the future format / constitution of the Group were requested by not later than 16th May 2008.

Discussions ensued on the contents of the report and the following question / answer session ensued:

What view has the Council taken regarding the membership of the "Forum".	No view has been taken yet, although it would be good for a representative of the Royal Society of Architects in Wales to be in attendance.
Llanmaes Community Council values the Group and expressed a wish that the opportunity to look at "local" issues be not lost.	Town and Community Councils already have an input into the Planning process separate to the Conservation Advisory Group. It was quite possible that Town and Community Councillors may not attend the Group in future.
To whom would the Forum report?	To the Planning Committee.
The strength of the Group is its local knowledge, although there would be benefit in the increased use of "specialists".	
If it works, don't fix it.	
The Group represents part of the checks and balances of the Council. The fact that the majority of the members are not specialists is what gives the Group added weight.	
The officers of the Council should be suitably qualified to give an architectural view. There would be no need for architects to be members of the proposed Forum.	
We are here to look after our villages.	
If the Council feels it isn't getting what they want from the Group, perhaps it is because it didn't train the members well enough.	Members' attention was drawn to Appendix B of the report which itemised training undertaken by the Group since 2000.
The resources required to administer the Forum would be the same even if the number of members were	

reduced.	
Change is being forced upon us by resource issues.	There is a resource issue, but the Council is, nevertheless, extremely committed to conservation matters.
Unease about losing a "machine" that has worked well.	

Considerable discussions ensued following which Councillor Mrs. S. Taylor of Llancafarn Community Council proposed that the lay members on the Group meet separately to formulate a response to the consultation document prior to the closing date, and the proposal was AGREED.

(g) Applications in Conservation Areas -

(i) Barry (Garden Suburb)

2008/00414/FUL Received on 1 April 2008

Mr. and Mrs. Tim and Emma Nunn, 56 Porth-y-Castell, Barry, Vale of Glamorgan, CF62 6QE

1010 Architects, Mr. Tasos Asprou, Meandrous House, 54a Bute Street, Cardiff, CF10 5AF

56, Porth-y-Castell, Barry

Two storey extension to the side of the house and a separate single storey extension to the rear.

RECOMMENDED - REFUSAL - The Group opposed the proposal on the grounds that the scale and design did not preserve or enhance the character of the Conservation Area.

(ii) Dinas Powys

2008/00368/FUL Received on 20 March 2008

Mr. and Mrs. V. McNabb, Fairacre, Cardiff Road, Llandaff, Cardiff, CF5 2DS

Barry Mayled, Architect and Garden Design, August Studio, The Court, 16a August Road, Penarth, CF64 5RH

Wisteria Lodge, No. 7, The Mount, Dinas Powys

Demolish and rebuild in accordance with design approved under application 2007/01271/FUL.

RECOMMENDED - REFUSAL – The Group recognised the intrinsic historic and architectural value of the existing building, its unique setting within a planned layout of modernist housing and the unsatisfactory precedent that might be caused by its demolition.

(iii) Llanbethery

2008/00332/FUL Received on 13 March 2008

Mr. and Mrs. Crookes, The Vines, Llanbethery, Vale of Glamorgan, CF62 3AN

James & Nicholas, Grove House, Grove Place, Port Talbot, SA13 1XA

The Vines, Llanbethery

Extension to existing dwelling to incorporate new dining area / sun lounge / kitchen / utility room / office and master bedroom suite.

RECOMMENDED - REFUSAL - The Group opposed the proposal on the grounds that the scale and materials did not preserve or enhance the character of the Conservation Area.

(iv) St. Georges-Super-Ely

2008/00278/FUL Received on 29 February 2008

Mr. Tony Lee, Mornington Bungalow, Drope Road, St. Georges-Super-Ely, Cardiff, CF5 6EP

Laurence Clarke, Pan-it Design, 17 Tyn y Cae Grove, Rhiwbina, Cardiff, CF14 6DB

Mornington Bungalow, Drope Road, St. Georges-Super-Ely

Loft extension to provide master bedroom with en-suite, two bedrooms and one family bathroom.

RECOMMENDED - APPROVAL.

(h) Councillor A.D. Dobbinson -

It was announced that councillor Dobbinson was not seeking re-election at the forthcoming Council elections and this would be the last meeting of the Advisory Group that Councillor Dobbinson would attend.

Members and officers thanked Councillor Dobbinson for his assistance over his term of office. In response, Councillor Dobbinson expressed his gratitude for the support shown to him by the Members and officers.

The Vale of Glamorgan Council

Planning Committee: 5th June, 2008

Director of Legal, Public Protection and Housing Services

Site Inspections

Purpose of the Report

1. To note the attendance of the following Councillors at the site indicated below on 17th April, 2008.

Recommendations

To note the report.

Reasons for the Recommendations

To advise Committee.

Background

2. The following site inspection was requested by the Planning Committee on 13th March, 2008.

Relevant Issues and Options

3. Apologies for absence were received from Councillors R.J. Bertin, G.A. Cox and E. Hacker:

Site of Proposed Tree Preservation Order,
Higher End, Penmark

Councillor A.D. Dobbinson (Chairman);
Councillors A.M. Ernest, A.D. Hampton,
Mrs. V.M. Hartrey, H.J.W James and
G.C. Kemp.

Resource Implications (Financial and Employment)

4. None.

Legal Implications (to Include Human Rights Implications)

5. None.

Crime and Disorder Implications

6. None.

Equal Opportunities Implications (to include Welsh Language issues)

7. None.

Corporate/Service Objectives

8. None.

Policy Framework and Budget

9. None.

Consultation (including Ward Member Consultation)

10. None.

Relevant Scrutiny Committee

11. None.

Background Papers

Nil.

Contact Officer

Mr. C. Hope, Tel: 01446 709855
E-mail: CHope@valeofglamorgan.gov.uk

Officers Consulted

None.

Responsible Officer:

Mr. P.H. Evans,
Director of Legal, Public Protection and Housing Services

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING
CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

(a) Building Regulation Applications - Pass

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

2001/1091/BR	A	Brunel Gardens, (Area N2B) Barry Waterfront	Construction of 83 units comprising 3 storey town houses, flats and two storey houses (as amended)
2007/0703/BR	AC	The Cottage, Ystradowen	Two storey rear extension(as amended)
2007/0899/BR	AC	59, Colcot Road, Barry	Internal refurbishment and improvements
2007/0952/BR	AC	9, Cwrt y Vil Road, Penarth	Rear extension to provide sun lounge, kitchen/breakfast room and cloakroom
2008/0003/PV	A	28, Beaufort Way, Rhose	Conversion of garage to dining room
2008/0104/BR	AC	2, Spitzkop, Llantwit Major	Two storey extension and internal works and new detached garage (as amended)
2008/0105/BR	AC	West House, Stanwell Road, Penarth	Replacement flat roof covering and associated works
2008/0118/BR	AC	45, North Walk, Barry	Side and rear extension
2008/0155/BR	A	24, Heol Neuadd, Caversham Park, Penarth	Garage conversion and new garage

2008/0173/BR	AC	10, Berkley Drive, Penarth	Two storey rear extension and porch (exempt)
2008/0175/BR	AC	Ashley Cottage, Bridge Road, Llanblethian, Cowbridge	Single storey extension for new kitchen and two storey side extension to improve living and bedroom space.
2008/0177/BR	AC	Land at Vale of Glamorgan Hotel, Golf and Leisure Club, Hensol	New 3 storey pavillion
2008/0179/BR	AC	Unit 15, Atlantic Trading Estate, Barry	Single storey storage/warehouse
2008/0180/BR	AC	26, Victoria Road, Penarth	Demolition of existing single storey extension and garage and construction of pitched roof single storey extension and garage. New windows, rear dormer. Removal of external fire escape and existing rooflights at 2nd floor
2008/0184/BR	AC	Ysgol Bro Morgannwg, Barry	Extension to the boys changing room
2008/0196/BR	AC	2, Cwrt Y Felin, Wick	Flat roof dormer to provide shower room facilities.
2008/0197/BR	AC	W601, Dow Corning, Cardiff Road, Barry	Partition off section of office area to provide a new locker room with provision for 90 lockers/coat hangers to accommodate office staff
2008/0200/BR	AC	Dyffryn Springs Nursery, Home Farm, Dyffryn	Extension to existing building to provide full disabled spec toilets
2008/0203/BR	AC	33, Mountjoy Avenue, Penarth	Single storey extension to rear of property.
2008/0209/BR	AC	High Lanterns, The Rhiw, Graig Penllyn	Single storey utility and WC extension
2008/0222/BR	A	5, Porthkerry Road, Barry	Removal of dividing wall between kitchen and dining room

2008/0223/BR	AC	Cottrell Park Golf Club, St. Nicholas	Extension to Golf Club to rear to form sun lounge
2008/0229/BR	AC	30, Purdey Close, Barry	Single storey side extension extending existing garage. Conversion of garage to habitable room plus porch extension on front of house
2008/0230/BR	AC	319, Barry Road, Barry	First floor extension to provide dressing room
2008/0235/BR	AC	Cliff Barn, Llancarfan	Conversion of existing building to dwelling house.
2008/0236/BN	A	Kingshall Farm, St. Brides Major	Conversion of the existing single storey barn to a residence including full renovation and extension
2008/0239/BR	AC	31, Trem Y Don, Barry	Extension to kitchen and utility room
2008/0240/BR	AC	Units 4 & 5, Windmill Industrial Estate, Wimbourne Road, Barry	Internal fit out of offices.
2008/0241/BR	AC	77, Westbourne Road, Penarth	Single storey extension to rear of property two storey and single storey extension to side of property new pitched roof to existing garage block.
2008/0242/BR	A	15, Bedlington Terrace, Barry	Disabled facilities adaptations.
2008/0244/BN	A	4, Stanwell Crescent, Penarth	Demolish & rebuild front elevation due to structural failure
2008/0245/BN	A	6, Stanwell Crescent, Penarth	Demolish & rebuild front elevation due to structural failure
2008/0246/BN	A	6, Raglan Close, Dinas Powys	Single storey extension to the rear of the house, incorporating a sun lounge and wc.

2008/0247/BR	AC	16, Lakin Drive, Barry	Single storey rear wc extension
2008/0248/BN	A	19, Harriet Street, Cogan, CF64 2JY	Internal alterations to enlarge lounge
2008/0249/BN	A	27, Oakfield Road, Barry, CF62 8PR	Change of use from carport to extension
2008/0250/BN	A	59, Lakin Drive, Barry	Attic conversion into two rooms
2008/0251/BR	AC	7, Clos Yr Wylan, Barry Island	Conversion of attached garage to kitchen
2008/0252/BR	AC	46, Park Road, Barry	Loft conversion to form bedroom and shower room. Change existing ground floor flat roof to pitched slated roof.
2008/0253/BN	A	16, Crescent Close, Cowbridge	Internal piled raft slab foundation to support existing extension
2008/0254/BR	AC	2, Tudor Close, Penarth	To extend/convert existing garage to study, new porch and construct new pitched roof to existing flat roof garage/utility room - new internal works to form en-suite
2008/0255/BR	AC	41, Winston Road, Barry	To demolish existing outbuildings and construct side single storey lean-to extension for disabled facilities, toilet and entrance lobby
2008/0256/BR	AC	Christmas Cottage, Pen Y Lan Road, St. Brides Major	Single storey lounge extension
2008/0257/BN	A	Land at Townmill Road, Cowbridge	New detached 4 bedroom dwelling
2008/0259/BN	A	Stoneleigh, St. Georges Super Ely	Repositioning existing staircase

2008/0260/BN	A	140, Windsor Road, Penarth	Roof windows in the roof. Existing back door to be replaced by french doors. move boiler from kitchen to utility area.
2008/0261/BN	A	39, Maes Y Cwm Street, Barry	Making two rooms into one, by removing a supporting wall.
2008/0262/BN	A	4, Westbourne Road, Penarth	Converting two rooms into one with supporting beams and concrete pads underfloor.
2008/0263/BN	A	13, Sullivan Close, Penarth	Single storey family room & breakfast room
2008/0264/BN	A	5, Meadowside, Sully Road, Penarth	Single storey side & rear conservatory extension
2008/0265/BR	AC	6, Highfield Road, Barry	Single storey extension to rear and loft conversion
2008/0266/BN	A	Maesydd Farm, Llangan	Single storey extension of games room onto existing garage
2008/0267/BN	A	The Cottage, Commercial Street, Llantwit major	New Front Door including intel. Enlargement of existing Velux to rear elevation
2008/0268/BR	A	12, Carmarthen Close, Barry	Disabled shower room facilities
2008/0269/BR	AC	9, Raglande Court, Llantwit Major	Porch & garage extension to front elevation. Loft conversion
2008/0270/BR	AC	4, Tyle House Close, Llanmaes	Single storey extension and alterations to kitchen and garage
2008/0271/BN	A	48, Baron Road, Penarth	Ground floor extension to enlarge kitchen and living area. First floor extension to provide one area bedroom.

2008/0272/BR	AC	12, New Barn Holdings, Flemingston	Extension to lounge and kitchen. Extension to form a store
2008/0273/BN	A	Gladstone Primary School, Gladstone Road, Barry	Renewal of windows and doors
2008/0274/BR	AC	68, Ham Lane South, Llantwit Major	Single storey side extension with mono pitched roof for utility/wet room
2008/0275/BR	A	14, Parc Clwyd, Barry	Single storey lounge extension and internal alterations
2008/0276/BR	AC	Evenlode Primary School, Evenlode Avenue, Penarth	Single storey teaching area extension to 2 Nos. adjacent classrooms with rendered cavity blockwork, doors and 2 Nos. windows, with a flat roof extending from existing roof
2008/0277/BN	A	10, Fitzhamon Avenue, Llantwit Major	Two storey side and ground floor extension
2008/0278/BN	A	29, Baron Road, Penarth	Kitchen extension to the rear of the property.
2008/0279/BN	A	Barn A, Doghill Farm, Dyffryn	Barn conversion; Disused agricultural barn conversion into a residential home.
2008/0280/BR	AC	1, The Old Malthouse, Dinas Powys	Conservatory
2008/0281/BR	AC	Pippins, Trerhyngyll, Cowbridge	Ground floor and first floor extension.
2008/0282/BR	AC	2, Broadway Green, St. Nicholas	Two storey extension with chimney removal, windows and alterations forming additional bathrooms.
2008/0283/BR	AC	18, Herbert Street, Barry	Single storey side and rear extension to form new garage, bathroom and kitchen.

2008/0284/BN	A	Caia House, St. Nicholas	Reconstruction of defective wall and floor in first floor bedroom.
2008/0285/BR	AC	51, The Verlands, Cowbridge	Two storey side extension, including garage extension and porch
2008/0287/BN	A	55, Masefield Road, Penarth CF64 2SE	Conversion of single storey garage to study
2008/0288/BR	AC	8, Borough Avenue, Barry	Two storey side extension
2008/0289/BR	A	4, Regency Close, Llantwit Major	Drainage works associated with porch
2008/0290/BN	A	17, Westward Rise, Barry	Single storey side and two storey rear
2008/0291/BN	A	36, Coleridge Avenue, Penarth	RSJ to be installed between two rooms in enable removal of wall.
2008/0292/BR	AC	194, Redlands Road, Penarth	Internal alterations to form new open plan kitchen and living area and new cloakroom.
2008/0293/BR	AC	23, Stradling Place, Llantwit Major	Two storey and single storey extensions
2008/0294/BR	AC	4, Leigh Close, Boverton	Single storey utility and W.C. extension
2008/0295/BR	AC	80, St. Davids Crescent, Penarth	Two storey rear extension to provide additional living accommodation
2008/0296/BN	A	7, Glastonbury Road, Sully	Single storey extension to enlarge the kitchen
2008/0299/BR	AC	7, Court Road, Barry	New kitchen and extension, toilet and lobby, new access to garage
2008/0300/BR	A	35, O'Donnell Road, Barry	Re-improvement works
2008/0302/BR	AC	20, Laburnum Way, Penarth	Re-improvement works
2008/0306/BN	A	1, Heol Cae Gwyn, St Brides Major	Replacement windows

2008/0307/BN	A	41, Enfield Drive, Barry	Single storey to enlarge the lounge
2008/0308/BR	AC	22, Caynham Avenue, Penarth	Two storey extensions to side and rear. Loft conversion
2008/0310/BR	AC	The Coach House, 10, Marine Parade, Penarth	Renewal of roof, first floor extension over existing garage, replacement of floors, new windows and doors, thermal insulation and associated services installations to existing coach house. (as amended)
2008/0312/BR	AC	152, Redlands Road, Penarth	Proposed single storey side and rear extension to provide new kitchen, utility, shower and dining room
2008/0313/BN	A	Duffryn House, Welsh St. Donats	Single storey sun lounge extension, Creation of two no. French/Patio doors to first floor onto roof/balcony of sun lounge
2008/0314/BN	A	200, Redlands Road, Penarth	Double storey extension
2008/0317/BR	A	Bowood, Colhugh Street, Llantwit Major	Singles storey extension for disabled showering and wc facilities.
2008/0319/BN	A	6, Gerddi Margaret, Barry	Single storey extension to rear of property
2008/0320/BN	A	6, Heol Gwerthyd, Pencoedtre Village, Barry	Conversion of garage roof - void into a bedroom. Part of conversion into a study.
2008/0321/BN	A	Barn C, Doghill Farm, Dyffryn, St. Nicholas	Barn conversion
2008/0322/BN	A	17, Glyn Y Gog, Rhose point, Vale of Glamorgan	Conversion of garage to habitable room
2008/0323/BR	AC	31, Middlegate Court, Cowbridge	Minor alterations

2008/0324/BN	A	15, Railway Terrace, Penarth	Loft conversion
2008/0325/BN	A	Plaisted Cottage, Llanmaes	Domestic garage
2008/0325/CW	A	13, Merioneth Place, Barry	Cavity wall Insulation
2008/0326/BN	A	30, Ceri Road, Rhoose	Upgrade fusebox to split load consumer unit, upgrade earthing and bonding protection to comply with BS7671
2008/0326/CW	A	25, Wesley Avenue, Rhoose	Cavity wall Insulation
2008/0327/CW	A	10, Kemeys Road, Rhoose	Cavity wall Insulation
2008/0328/BR	AC	5, Yew Tree Grove, St. Athan	Loft conversion
2008/0328/CW	A	38, Matthew Road, Rhoose	Cavity wall Insulation
2008/0329/CW	A	21, Chapel Close, Dinas Powys	Cavity wall Insulation
2008/0330/BN	A	Curnix Farm, Moulton, Near Barry	Barn conversion
2008/0330/CW	A	48, Fontygary Road, Rhoose	Cavity wall Insulation
2008/0331/BN	A	13, Britway Road, Dinas Powys	Two storey side extension, covered parking on ground floor.
2008/0331/CW	A	58, Nant Talwg Way, Barry	Cavity wall Insulation
2008/0332/BN	A	44, Minehead Avenue, Sully	Internal alteration to provide new bathroom and ensuite.
2008/0333/BN	A	Orchard House, Boverton Road, Boverton	Two small dormers to an existing attic room
2008/0333/CW	A	36, Fonmon Road, Rhoose	Cavity wall Insulation
2008/0334/BN	A	Brynteg, Beggars Pound, St. Athan	Conversion of garage for disabled bedroom and shower room

2008/0334/CW	A	9, Wesley Avenue, Rhooſe	Cavity wall Insulation
2008/0335/CW	A	12, Castle Road, Rhoose	Cavity wall Insulation
2008/0336/BN	A	50, Port Road East, Barry	New pitch roof over existing flat roof
2008/0336/CW	A	104, Colcot Road, Barry	Cavity wall Insulation
2008/0337/CW	A	13, Craven Walk, Penarth	Cavity wall Insulation
2008/0338/BR	A	16, Picton Court, Llantwit Major	Single storey shower room extension
2008/0338/CW	A	Cry-Don, St. Andrews Road, Wenvoe	Cavity wall Insulation
2008/0339/BR	AC	1, Upper Cosmeston Farm, Penarth	Single storey front extension
2008/0339/CW	A	22, Heol Sirhwi, Barry	Cavity wall Insulation
2008/0340/BN	A	33, Heol Draenen Wen, Wenvoe	Conversion of integral single garage to a habitable room
2008/0340/CW	A	10, Wesley Avenue, Rhoose	Cavity wall Insulation
2008/0341/BR	AC	6, Cwrt Ty Mawr, Penarth	Two storey extension above existing garage to provide two bedrooms
2008/0341/CW	A	14, Summerland Crescent, Llandough	Cavity wall Insulation
2008/0342/BN	A	11, Croffta, Southra Park, Dinas Powys	Knock kitchen and dining room into make one room and put beam between kitchen/dining room.
2008/0342/CW	A	50, Caslte Avenue, Penarth	Cavity wall Insulation
2008/0343/BN	A	4, Rhodfa Felin, Woodlands Rise, Barry	Garage conversion
2008/0343/CW	A	1, Ash Grove, Llandough	Cavity wall Insulation

2008/0344/BN	A	45, Newlands Street, Barry	Loft conversion, new windows, change bedroom to bathroom, change load bearing lintel on ground floor to steel.
2008/0344/CW	A	61, Pant Y Celyn Road, Llandough	Cavity wall Insulation
2008/0345/BR	AC	17, Nailsea Court, Sully	Single storey extension to side of house creating new garage, extended kitchen and utility room.
2008/0345/CW	A	1, Matthew Road, Rhoose	Cavity wall Insulation
2008/0346/BR	AC	8, Dochdwy Road, Llandough	Two storey extension to rear of property
2008/0346/CW	A	59, Castle Avenue, Penarth	Cavity wall Insulation
2008/0347/BN	A	Rose Cottage, Gileston	Refurbishment of outbuilding to guest accommodation.
2008/0347/CW	A	92, Westward Rise, Barry	Cavity wall Insulation
2008/0348/BN	A	4, Tordoff Way, Barry	Brick up prefabricated dwelling
2008/0348/CW	A	9, Hawthorn Road, Barry	Cavity wall Insulation
2008/0349/BN	A	26, Murlande Way, Rhoose	Single storey extension consisting of lounge and bedroom.
2008/0349/CW	A	38, Castle Avenue, Penarth	Cavity wall Insulation
2008/0350/CW	A	19, Berkley Drive, Penarth	Cavity wall Insulation
2008/0351/BN	A	Herontye, Castle Hill, Llanblethian	Loft conversion
2008/0352/BN	A	25, The Verlands, Cowbridge	Conversion of single storey single garage into a room
2008/0352/CW	A	42, Cog Road, Sully	Cavity wall insulation

2008/0353/BN	A	Great House (Ty Mawr), Bonvilston	Construct new kitchen extension and internal alterations
2008/0353/CW	A	129, Llys y Coed, Barry	Cavity wall insulation
2008/0354/BN	A	Upper Land Cross Farm, The Green, Leckwith	Installation of sewage treatment plant and L P G gas tank base
2008/0355/CW	A	4, Cwm Barry Way, Barry	Cavity wall insulation
2008/0357/CW	A	15, Hawthorn Road, Barry	Cavity wall insulation
2008/0358/CW	A	24, Berkley Drive, Barry	Cavity wall insulation
2008/0359/CW	A	11, Willow Close, Penarth	Cavity wall insulation
2008/0360/BN	A	41, Broadway, Cowbridge	Single storey garden room
2008/0360/CW	A	10, Robinswood Close, Penarth	Cavity wall insulation
2008/0361/BN	A	17, Lettons Way, Dinas Powys	Removal of internal wall between kitchen and dining room. Put in an additional window and enlarge doorway
2008/0362/CW	A	45, Nant Talwg Way, Barry	Cavity wall insulation
2008/0363/CW	A	21, Knowbury Avenue, Penarth	Cavity wall insulation
2008/0364/BN	A	14, Four Acre, Llantwit Major	Dormer loft conversion to the rear
2008/0365/CW	A	6, Cwm Barry Way, Barry	Cavity wall insulation
2008/0366/BN	A	1, Fryatt Street, Barry	Loft conversion
2008/0366/CW	A	5, Larkwood Avenue, Penarth	Cavity wall insulation
2008/0367/BN	A	132, Holton Road, Barry	Internal alterations to improve basement staircase
2008/0367/CW	A	Nant Talwg Way, Barry	Cavity wall insulation
2008/0368/CW	A	31, Robinswood Crescent, Penarth	Cavity wall insulation

2008/0369/CW	A	13, Byrd Crescent, Penarth	Cavity wall insulation
2008/0370/BN	A	Maes Y Coed, Welsh St. Donats	Isokern flued chimney to serve a wood burning stove
2008/0370/CW	A	1, Berkley Drive, Penarth	Cavity wall insulation
2008/0371/CW	A	6, Larkwood Avenue, Penarth	Cavity wall insulation
2008/0372/CW	A	16, Berkley Drive, Penarth	Cavity wall insulation
2008/0373/CW	A	9, Berkley Drive, Penarth	Cavity wall insulation
2008/0374/CW	A	6, Kemeys Road, Rhoose	Cavity wall insulation
2008/0375/CW	A	22, Wesley Avenue, Rhoose	Cavity wall insulation
2008/0376/CW	A	131, Fontygary Road, Rhoose	Cavity wall insulation
2008/0377/CW	A	21, Channel Close, Rhoose	Cavity wall insulation
2008/0378/CW	A	10, Cherwell Road, Penarth,	Cavity wall insulation
2008/0379/CW	A	17, Robnswood Crescent, Penarth	Cavity wall insulation
2008/0380/CW	A	60, Fonmon Road, Rhoose	Cavity wall insulation
2008/0381/CW	A	7, Greenhaven Rise, Llandough	Cavity wall insulation
2008/0382/CW	A	134, Westward Rise, Barry	Cavity wall insulation
2008/0383/CW	A	1, Glastonbury Road, Sully	Cavity wall insulation
2008/0384/CW	A	40, Fontygary Road, Barry	Cavity wall insulation
2008/0385/CW	A	18, Fontygary Road, Rhoose	Cavity wall insulation
2008/0386/CW	A	22, Nant Talwg Way, Barry	Cavity wall insulation
2008/0387/CW	A	41, Hawthorn Road, Barry	Cavity wall insulation
2008/0388/CW	A	33, Cwm Barry Way, Barry	Cavity wall insulation

2008/0389/CW	A	31, Bron Awelon, Barry	Cavity wall insulation
2008/0391/CW	A	129, Westward Rise, Barry	Cavity wall insulation
2008/0392/CW	A	10, Porthkerry Road, Rhoose	Cavity wall insulation
2008/0393/CW	A	23, Pencoedtre Road, Barry	Cavity wall insulation
2008/0394/CW	A	3, Nant Talwg Way, Barry	Cavity wall insulation
2008/0396/CW	A	39, Hawthorn Road, Barry	Cavity wall insulation
2008/0397/CW	A	63, Nant Talwg Way, Barry	Cavity wall insulation
2008/0398/CW	A	2, Rogersmoor Close, Penarth	Cavity wall insulation
2008/0400/CW	A	21, Heol Sirhwi, Barry	Cavity wall insulation
2008/0401/CW	A	20, Robinswood Crescent, Penarth	Cavity wall insulation
2008/0402/CW	A	13, Gwenfo Drive, Wenvoe	Cavity wall insulation
2008/0403/CW	A	17, Dispenser Road, Sully	Cavity wall insulation
2008/0404/CW	A	17, Cherwell Road, Penarth	Cavity wall insulation
2008/0405/CW	A	43, Castle Avenue, Penarth	Cavity wall insulation
2008/0406/CW	A	2, Ash Grove, Llandough	Cavity wall insulation
2008/0408/CW	A	26, Pant Y Celyn Road, Llandough	Cavity wall insulation
2008/0409/CW	A	20, Aneurin Road, Barry	Cavity wall insulation
2008/0410/CW	A	45, St. Pauls Avenue, Penarth	Cavity wall insulation
2008/0411/CW	A	25, Cedar Way, Penarth	Cavity wall insulation
2008/0412/CW	A	84, St. Davids Crescent, Penarth	Cavity wall insulation
2008/0413/CW	A	5, Hazel Road, Penarth	Cavity wall insulation
2008/0414/CW	A	43, Bron Awelon, Barry	Cavity wall insulation

2008/0415/CW	A	40, Purcell Road, Penarth	Cavity wall insulation
2008/0416/CW	A	20, Britten Road, Penarth	Cavity wall insulation
2008/0417/CW	A	1, The Crescent, Pontypridd Road, Barry	Cavity wall insulation
2008/0418/CW	A	46, Marine Drive, Barry	Cavity wall insulation
2008/0419/CW	A	101, Wordsworth Avenue, Penarth	Cavity wall insulation
2008/0420/CW	A	33, Rectory Close, Wenvoe	Cavity wall insulation
2008/0421/CW	A	83, Coldbrook Road East, Barry	Cavity wall insulation
2008/0423/CW	A	26, Porth Y Castell, Barry	Cavity wall insulation
2008/0424/CW	A	11, Dunraven Close, Dinas Powys	Cavity wall insulation
2008/0425/CW	A	3, St. Marks Road, Penarth	Cavity wall insulation
2008/0427/CW	A	98, Pontypridd Road, Barry	Cavity wall insulation
2008/0429/CW	A	19, Rectory Close, Wenvoe	Cavity wall insulation
2008/0430/CW	A	17, Slade Close, Sully	Cavity wall insulation
2008/0431/CW	A	2, Fennel Close, Penarth	Cavity wall insulation
2008/0432/CW	A	6, Uphill Close, Sully	Cavity wall insulation
2008/0433/CW	A	4, Britten Road, Penarth	Cavity wall insulation
2008/0434/CW	A	33, Willow Close, Penarth	Cavity wall insulation
2008/0435/CW	A	26, Winsford Road, Sully	Cavity wall insulation
2008/0436/CW	A	64, South Road, Sully	Cavity wall insulation
2008/0437/CW	A	10, Harlech Drive, Dinas Powys	Cavity wall insulation
2008/0438/CW	A	8, Harlech Drive, Dinas Powys	Cavity wall insulation
2008/0439/CW	A	38, Wimborne Crescent, Sully	Cavity wall insulation

2008/0440/CW	A	75, Wordsworth Avenue, Penarth	Cavity wall insulation
2008/0441/CW	A	4, Clevedon Avenue, Sully	Cavity wall insulation
2008/0442/CW	A	1, South Raod, Sully	Cavity wall insulation
2008/0443/CW	A	70, Minehead Avenue, Sully	Cavity wall insulation
2008/0444/CW	A	27, Longmeadow Drive, Dinas Powys	Cavity wall insulation
2008/0445/CW	A	12, Cosmeston Drive, Penarth	Cavity wall insulation
2008/0446/CW	A	6, Robin Hill, Dinas Powys	Cavity wall insulation
2008/0447/CW	A	41, Castle Drive, Dinas Powys	Cavity wall insulation
2008/0448/CW	A	11, Llandeilo Close, Dinas Powys	Cavity wall insulation
2008/0450/CW	A	11, Manorbier Close, Dinas Powys	Cavity wall insulation
2008/0451/CW	A	5, Manorbier Close, Dinas Powys	Cavity wall insulation
2008/0453/CW	A	59, Pencoedtre Road, Barry	Cavity wall insulation
2008/0454/CW	A	22, Pencoedtre Road, Barry	Cavity wall insulation
2008/0455/CW	A	7, Pencoedtre Road, Barry	Cavity wall insulation
2008/0456/CW	A	17, Castle Avenue, Penarth	Cavity wall insulation
2008/0457/CW	A	5, Dispenser Road, Sully	Cavity wall insulation
2008/0458/CW	A	40, Byrd Crescent, Penarth	Cavity wall insulation
2008/0459/CW	A	6, Bassett Road, Sully	Cavity wall insulation
2008/0460/CW	A	7, Rockrose Wat, Penarth	Cavity wall insulation
2008/0462/CW	A	5, Hawthorn Close, Dinas Powys	Cavity wall insulation

2008/0463/CW	A	10, Dispenser Road, Sully	Cavity wall insulation
2008/0464/CW	A	10, Dowland Road, Penarth	Cavity wall insulation
2008/0465/CW	A	12, Tarrws Close, Wenvoe	Cavity wall insulation
2008/0466/CW	A	23, Rectory Close, Wenvoe	Cavity wall insulation
2008/0467/CW	A	13, Dulverton Drive, Sully	Cavity wall insulation
2008/0468/CW	A	24, Stradling Close, Sully	Cavity wall insulation
2008/0469/CW	A	36, Bassett Hawkes, Sully	Cavity wall insulation
2008/0470/CW	A	4, Dinas Road, Penarth	Cavity wall insulation
2008/0471/CW	A	20, Cedar Way, Penarth	Cavity wall insulation
2008/0472/CW	A	28, Merthyr Dyfan Road, Barry	Cavity wall insulation
2008/0473/CW	A	22, Merthyr Dyfan Road, Barry	Cavity wall insulation
2008/0474/CW	A	12, Aneurin Road, Barry	Cavity wall insulation
2008/0475/CW	A	70, Castle Avenue, Penarth	Cavity wall insulation
2008/0478/CW	A	68, Pencoedtre Road, Barry	Cavity wall insulation
2008/0480/CW	A	26, Glastonbury Road, Sully	Cavity wall insulation
2008/0481/CW	A	30, Glastonbury Road, Sully	Cavity wall insulation
2008/0482/CW	A	27, Glastonbury Road, Sully	Cavity wall insulation
2008/0483/CW	A	11, Dinas Road, Penarth	Cavity wall insulation
2008/0484/CW	A	14, Tarrws Close, Wenvoe	Cavity wall insulation
2008/0485/CW	A	1, Caernarvon Close, Dinas Powys	Cavity wall insulation
2008/0487/CW	A	3, Merthyr Dyfan Road, Barry	Cavity wall insulation

2008/0488/CW	A	41, Victoria Road, Barry	Cavity wall insulation
2008/0489/CW	A	11, Grange Close, Wenvoe	Cavity wall insulation,
2008/0490/CW	A	16, Chantry Rise, Penarth	Cavity wall insulation
2008/0491/CW	A	23, Morningside Walk, Barry	Cavity wall insulation
2008/0492/CW	A	7, Merthyr Dyfan Road, Barry	Cavity wall insulation
2008/0493/CW	A	22, Gwenfo Drive, Wenvoe	Cavity wall insulation
2008/0495/CW	A	21, Plassey Square, Penarth	Cavity wall insulation
2008/0496/CW	A	12, Gwenfo Drive, Wenvoe	Cavity wall insulation
2008/0497/CW	A	71, Heol y Frenhines, Dinas Powys	Cavity wall insulation
2008/0498/CW	A	15, Dinas Road, Penarth	Cavity wall insulation
2008/0499/CW	A	4, St. Donats Close, Dinas Powys	Cavity wall insulation
2008/0500/CW	A	25, West Farm Road, Ogmore By Sea	Cavity wall insulation
2008/0501/CW	A	Halcyon, Ewenny	Cavity wall insulation
2008/0502/CW	A	16, Penlan Rise, llandough, Penarth	Cavity wall insulation
2008/0503/CW	A	55, Llanmaes Road, Llantwit Major	Cavity wall insulation
2008/0504/CW	A	49, Sherbourne Close, Barry	Cavity wall insulation
2008/0505/CW	A	15, Main Street, Barry	Cavity wall insulation
2008/0506/CW	A	Monkstone, Penarth Head Lane, Penarth	Cavity wall insulation
2008/0507/CW	A	Bryngolwg, Ewenny	Cavity wall insulation
2008/0508/CW	A	4, Somerset View, Ogmore By Sea	Cavity wall insulation

2008/0509/CW	A	61, Lon Yr Eglwys, St. Brides Major	Cavity wall insulation
2008/0510/CW	A	60, Pencodtre Road, Barry	Cavity wall insulation
2008/0511/CW	A	Swn Y Don, Colhugh Street, Llantwit Major	Cavity wall insulation
2008/0512/CW	A	73, Churchfields, Barry	Cavity wall insulation
2008/0513/CW	A	1, Berkley Drive, Penarth	Cavity wall insulation
2008/0514/CW	A	177, Plymouth Road, Penarth	Cavity wall insulation
2008/0515/CW	A	19, Dobbins Road, Barry	Cavity wall insulation
2008/0517/CW	A	3, Moxon Street, Barry	Cavity wall insulation
2008/0518/CW	A	1, Lougher Place, St. Athan	Cavity wall insulation
2008/0519/CW	A	11, Pontypridd Street, Barry	Cavity wall insulation
2008/0521/CW	A	35, Mountbatten Road, Barry	Cavity wall insulation
2008/0522/CW	A	10, Collard Crescent, Barry	Cavity wall insulation
2008/0523/CW	A	298, Gladstone Road, Barry	Cavity wall insulation
2008/0524/CW	A	Hafanwen, Cowbridge Street, Barry	Cavity wall insulation
2008/0525/CW	A	5, Ewenny Cross, Ewenny	Cavity wall insulation
2008/0526/CW	A	3, Millwood Rise, Barry	Cavity wall insulation
2008/0527/CW	A	10, Cambridge Street, Barry	Cavity wall insulation
2008/0528/CW	A	2, Waverley Close, Llandough	Cavity wall insulation
2008/0529/CW	A	68, Cornwall Rise, Barry	Cavity wall insulation
2008/0530/CW	A	9, Gwenfo Drive, Wenvoe	Cavity wall insulation
2008/0531/CW	A	8, Min Y Mor, Barry	Cavity wall insulation

2008/0532/CW	A	12, Grange Close, Wenvoe	Cavity wall insulation
2008/0533/CW	A	17, Bron Awelon, Barry	Cavity wall insulation
2008/0534/CW	A	2, Robinswood Crescent, Penarth	Cavity wall insulation
2008/0535/CW	A	16, Summerland Crescent, Llandough	Cavity wall insulation
2008/0536/CW	A	54, Castle Drive, Dinas Powys	Cavity wall insulation
2008/0537/CW	A	64, Tynewydd Road, Barry	Cavity wall insulation
2008/0538/CW	A	4, Cambridge Street, Barry	Cavity wall insulation
2008/0539/CW	A	16, Colcot Road, Barry	Cavity wall insulation
2008/0540/CW	A	25, Peterswell Road, Barry	Cavity wall insulation
2008/0541/CW	A	37, Cornwall Road, Barry	Cavity wall insulation
2008/0542/CW	A	316, Barry Road, Barry	Cavity wall insulation
2008/0543/CW	A	22, Plas St. Andresse	Cavity wall insulation
2008/0544/CW	A	Holm View, Victoria Park Road, Barry	Cavity wall insulation
2008/0545/CW	A	16, Arno Road, Barry	Cavity wall insulation
2008/0546/CW	A	131, Westbourne Road, Barry	Cavity wall insulation
2008/0547/CW	A	23, Elfed Avenue, Penarth	Cavity wall insulation
2008/0548/CW	A	1, Fern Drive, Barry	Cavity wall insulation
2008/0549/CW	A	6, Orchard Drive, Barry	Cavity wall insulation
2008/0550/CW	A	42, Porth Y Castell, Barry	Cavity wall insulation
2008/0551/CW	A	8, Orchard Drive, Barry	Cavity wall insulation
2008/0552/CW	A	75, Nant Talwg Way, Barry	Cavity wall insulation
2008/0553/CW	A	12, Carmarthen Close, Llantwit Major	Cavity wall insulation
2008/0554/CW	A	10, Colcot Road, Barry	Cavity wall insulation

2008/0555/CW	A	12, Knowbury Avenue, Penarth	Cavity wall insulation
2008/0556/CW	A	8, St. Lythan Close, Dinas Powys	Cavity wall insulation
2008/0557/CW	A	8, Monkstone Close, Penarth	Cavity wall insulation
2008/0558/CW	A	Beech Court Farm, Wick Road, Ewenny	Cavity wall insulation
2008/0559/CW	A	West Down, Church Close, Ogmore By Sea	Cavity wall insulation
2008/0560/CW	A	Gentle Murmurs, Woodside, Wenvoe	Cavity wall insulation
2008/0561/CW	A	1, Nant Canna, Treoes	Cavity wall insulation
2008/0562/CW	A	41, Porthkerry Road, Rhoose	Cavity wall insulation
2008/0563/CW	A	117, Minehead Avenue, Sully	Cavity wall insulation
2008/0564/CW	A	14, Meliden Road, Penarth	Cavity wall insulation
2008/0565/CW	A	40, The Broadshoard, Cowbridge	Cavity wall insulation
2008/0566/CW	A	9, Minehead Avenue, Sully	Cavity wall insulation

(b) Building Regulation Applications - Reject

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

2008/0243/BN	R	49, Clive Place, Penarth	Piled raft slab foundation to stabilise existing garage
2008/0355/BN	R	10, Westfield Drive, Penarth	Rear lean-to single storey extension and side two storey extension

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

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

2008/0032/AI	A	161 Holton Road, Barry	Alteration to form 3 floors of office space.
2008/0033/AI	A	3 The Nurseries, Fontygary Road, Rhoose	Construction of garage
2008/0034/AI	A	4 Hensol Villas, Hensol	Single storey rear extension
2008/0035/AI	A	Old Froglands, Llanmaes	Conversion of garage
2008/0036/AI	A	12 Laugharne Court, Cauldy Close, Barry	Alterations and installation of catnic lintel
2008/0037/AI	A	41 Augusta Crescent, Penarth	Removal of existing flat roof porch extension
2008/0040/AI	A	7 The Precinct, Boverton Road, Llantwit Major	Internal alterations
2008/0041/AI	A	34 St Paul's Avenue, Barry	Loft conversion
2008/0042/AI	A	Greystone Cottage, St. Brides Super Ely	Extension and alterations
2008/0043/AI	A	The Maltings, Water Street, Broughton	Single store front and 2 storey side extensions
2008/0044/AI	A	32 Primrose Close, Cowbridge	Replacement windows
2008/0045/AI	A	133 Holton Road, Barry	Alterations and fit out shop front
2008/0046/AI	A	Holm lea, Bradford Place, Penarth	Internal structural alterations to remove existing chimney breast
2008/0047/AI	A	124, Plassey Street, Penarth	Loft conversion

2008/0048/AI	A	Land between Pets Choice and Penarth Carpets, 1-3, Queens Gate Mews, Albert Road, Penarth	Construction of 2 retail units
2008/0049/AI	A	274, Holton Road, Barry Alterations and refurbishment to existing rear two storey building	Alterations and refurbishment to existing rear two storey building

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E - Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural	N - Non permittal (OBS - objections)
J - Condition Imposed : Appeals	Q - Referred to Secretary of State for Wales (HAZ)
L - Determined by NAFW	S - Special observations (OBS)
P - Approved <u>AND</u> refused (LAW)	U - Undetermined
P - Permittal (OBS - no objections)	RE - Refused (Enforcement Unit Attention)
R - Refused	V - Variation of condition(s) approved
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	

2007/01562/FUL	A	Treetops, Sully Road, Penarth	Retention of carport and extensions to garage
2008/00072/FUL	A	Nos. 1 & 2, Spitzkop, Llantwit Major	Proposed extension and garage (including new roof to garage at No. 1 Spitzkop
2008/00131/FUL	A	Unit 10a, Vale Business Park, Llandow	Change of use from ready mix concrete plant to storage of agricultural plant & repair to same, erection of a steel framed unit
2008/00141/FUL	A	159, Holton Road, Barry	Conversion of ground floor to coffee shop with rear extension

2008/00142/FUL	A	Barry Magistrates Court, Thompson Street, Barry	Reconstruction internally of the existing custodial suite, including alterations to the external facade: new entrance 1 canopy, existing entrance rebuilt. Removal of roof covering/rooflights, new perimeter guard rail
2008/00147/FUL	A	Y Bracty, Llantwit Road, Wick	Construction of horse manege 20m x 40m with 1.4m fence and gate
2008/00179/FUL	A	Plot 5 adjacent to 24, Cedar Road, Eglwys Brewis	New detached 5-bedroom house
2008/00183/FUL	A	Land west of Llangan	Proposed stables, hay store and tack room
2008/00185/FUL	A	21, St. Brides Way, Barry	Garage conversion and erection of shed
2008/00192/FUL	A	The Ship, Harbour Road, Barry	Form 2 No. timber and fabric canopies within the existing external drinking area
2008/00196/FUL	A	Herontye, Castle Hill, Llanblethian	Removal of existing roof and construction of new roof at steeper pitch and with additional dormer windows
2008/00200/FUL	A	Oakways Farm Stud, Groesfaen Road, Peterston Super Ely	Relocation of two stables and horse walker and change of use of agricultural barn to agriculture and the keeping of horses
2008/00202/FUL	A	Ordnance Survey Reference Pt 1941/2745, Aberthin	The placement of a timber field shelter, erected on a metal skid with open floor, and corrugated roof, placed on a 4 " concrete plinth

2008/00204/FUL	A	14, Smithies Avenue, Sully	Amendment to previously approved scheme for 2 dwellings - to provide 1 window per dwelling
2008/00205/FUL	R	Ty Broc, Parc Farm, St. Donats	Change of use of storage building to garages 4No.
2008/00211/FUL	A	16, Windyridge, Dinas Powys	Single storey rear extension
2008/00215/FUL	A	2, Barry Road, Cadoxton, Barry	Variation of Condition 4 of planning permission 04/01318/FUL - Opening hours extended until midnight Mondays to Saturdays and 23:00 hours Sundays
2008/00219/FUL	A	The Aubrey Arms, Bonvilston	Timber frame smoking shelter
2008/00220/FUL	R	23, St. Andrews Road, Barry	Proposed two storey side extension
2008/00233/FUL	A	Llancarfan Community Hall, Llancarfan	Extension to accommodate stage, store, W.C.s, disabled W.C. and new access to first floor balcony room
2008/00236/LBC	A	6, Church Street, Cowbridge	Summerhouse extension
2008/00238/FUL	A	68, Ham Lane South, Llantwit Major	Single Storey Side (utility/wet room) extension with mono pitched roof
2008/00239/FUL	A	14, Parc Clwyd, Barry	Single Storey extension
2008/00240/FUL	A	20, Heol Broadland, Barry	Proposed garage conversion to habitable room enclose existing porch
2008/00241/FUL	A	The Cottage, 6a, Beach Lane, Penarth	1st floor extension

2008/00247/FUL	A	33, Broad Street, Barry	Proposed conversion of the property into two separate and self-contained flat units
2008/00252/FUL	A	Cynma House, Colwinston	First floor extension over existing garage, workshop, study, alterations to approved application No. 03/00845/FUL
2008/00253/FUL	A	Ty Mawr Farm, Llangan	Alterations and extension to existing dwelling to include conversion of existing outbuilding
2008/00257/FUL	A	Carpetright, Unit A, Valegate Retail Park, Culverhouse Cross, Cardiff	Installation of new fire exit doors to existing retail unit
2008/00260/FUL	A	Unit F, Valegate Retail Park, Culverhouse Cross, Cardiff	Installation of new fire exit doors to existing retail unit
2008/00263/FUL	A	14, Druids Green, Cowbridge	Ground floor hall extension
2008/00280/FUL	A	102, Redlands Road, Penarth	Single storey extension to comprise kitchen and garage
2008/00281/FUL	A	1, Old Malt House, Station Road, Dinas Powys	Proposed conservatory
2008/00289/FUL	A	12, Middlegate Court, Cowbridge	Two single storey rear extensions (amendment to planning permission 07/00388/FUL)
2008/00290/FUL	A	91, Port Road East, Barry	Single storey shower/wc extension
2008/00294/FUL	A	5, Heol Mynydd, Welsh St. Donats	First floor extension to side over existing garage and kitchen
2008/00305/FUL	A	3, Tresilian Close, Llantwit Major	Conservatory to rear elevation

2008/00313/LBC	A	Flanders Farm, Flanders Road, Llantiwt Major	Replace existing UPVC windows on front elevation with wooden windows and replace existing stable door to kitchen (wooden) with new wooden stable type door
2007/00348/FUL	A	Style Gardens, Countrywide Stores, Port Road, Wenvoe	Applying for planning permission for the erection of a number of small timber offices/conservatories/ container offices and a permanent canopy wall to rear of store. All are already constructed & new canopy, also already constructed.
2007/00399/FUL	A	Style Gardens, Countrywide stores, Port Road, Wenvoe	Applying for planning permission to move storage containers from front of Countrywide Store to a new location. Regrading and planting of woodland area, approval to retain timber office already constructed on site. New car par proposal
2007/01642/FUL	A	Llandough Trading Estate, Penarth Road, Cardiff	Construction of two terraces of small industrial buildings (B1, B2 & B8) and ancillary yard/carparking
2008/00125/FUL	R	Land adjoining Maes Newydd, Buttrills Road, Barry	Erection of a 3 bedroomed detached house
2008/00145/FUL	A	115, Arlington Road, Sully	Extension to bungalow and loft conversion with dormer to rear
2008/00194/FUL	A	152, Redlands Road, Penarth	Proposed side and rear single storey extension to provide kitchen, utility, shower and dining room

2008/00216/FUL	A	Llandow Commercial Motors, Gluepot Road, Llandow Trading Estate, Llandow	Retention of new building
2008/00218/FUL	A	4, Westbourne Road, Penarth	Detached single garage
2008/00223/OUT	R	Land to the rear of 2, Ringwood Crescent, St. Athan	Residential Development - Erection of 2 no. detached dwellings (Outline) resubmission of App No. 2007/01380/OUT
2008/00224/FUL	A	The Bus Depot, Broad Street, Barry	To use the building for the purposes of storage, repair, use restoration and maintenance of items and vehicles related to preserved public service vehicles and their original operating companies
2008/00226/LBC	A	42, High Street, Cowbridge	New external signage interation refit
2008/00232/FUL	A	10, Ewenny Road, Wick, Cowbridge	Two storey side extension
2008/00237/ADV	A	42, High Street, Cowbridge	Shop sign and projecting sign
2008/00251/FUL	A	3, Downs View Close, Aberthin	Alterations to existing roof - remove flat roof and replace with hipped pitched roof Extension at rear of property
2008/00267/FUL	A	6, Gerddi Margaret, Barry	Single storey extension to rear of existing property
2008/00268/FUL	A	Little West, Southerndown	Conversion of existing building to two apartments
2008/00285/FUL	A	46, Park Road, Barry	Loft conversion to form bedroom and shower room, change existing ground floor flat roof to pitched slated roof

2008/00292/FUL	A	25, Purdey Close, Barry	Two storey side extension, single storey rear extension
2008/00298/FUL	A	Whitton Bush Farm, Llanccarfan, Near Barry	Single storey field shelter/stables constructed on a painted metal skid, two boxes 3.6m x 3.6 with a 1.2m canopy to the front
2008/00300/FUL	A	1, Cwrt Newton Pool, Rhooose	Single storey extension to rear
2008/00314/FUL	R	36, Coldbrook Road East, Barry	Dormer loft conversion
2008/00330/FUL	A	28, Colcot Road, Barry	Single storey rear extension
2007/01613/FUL	R	Sutton Rise, Sutton Lane, Ogmere By Sea	Loft extension including constructing a new gable end
2007/01713/OUT	R	Land adjacent to 25, Heol yr Ysgol, (Heol Sant Bridget) Saint Brides Major	Two storey dwelling with vehicular access on Heol Sant Bridget
2008/00026/FUL	A	Old Factory House, Factory Road, Llanblethian	Proposed new dwelling incorporating existing residential annexe building
2008/00055/FUL	A	9, Ash Grove, Barry	Change of use from domestic dwelling to small residential registered care home for 3 people
2008/00153/FUL	A	Rear of 1, Dock Street, Cogan, Penarth	Conversion of commercial store to office/studio
2008/00167/FUL	R	2, Coleridge Avenue, Penarth	Retention of 1.6 metre high fence and gates
2008/00186/FUL	R	Room No2, Unit No 20, Palmerston Workshop, Barry	Change of use for 1 room of the building to taxi call centre
2008/00250/FUL	A	18, Carne Court, Boverton, Llantwit Major	Rear conservatory

2008/00262/FUL	A	6, Britway Road, Dinas Powys	Replace existing conservatory with single storey extension and erection of double storey extension
2008/00264/FUL	R	Part of garden of No. 19, Tyle House Close, Llanmaes	New detached 3 bedroom house with parking
2008/00265/FUL	A	9, Dylan Close, Llandough, Penarth	Replace existing porch, erection of single storey rear and side extension
2008/00271/FUL	A	Victoria House, 1, Station Approach, Penarth	Change of use from Class A2 to Class B1 at first and second floor
2008/00273/FUL	A	Haelfaes Barn, St. Nicholas	Creation of attic accommodation in existing barn
2008/00277/FUL	A	27, Lon Yr Eglwys, St. Brides Major	Ground floor rear extension and loft conversion
2008/00278/FUL	A	Mornington Bungalow, Drope Road, St George's-super-Ely	Loft extension to provide master bedroom with en-suite, two bedrooms and one family bathroom
2008/00279/FUL	A	36, The Broad Shoard, Cowbridge	Porch
2008/00282/ADV	A	Former Mulligans Restaurant, Stalling Down, Cowbridge	1 no. Projecting sign, 4 no. Fascia sign, 1 no. hand painted Strapline, 1 no. Goal Post signs
2008/00287/FUL	R	Junction of Leckwith Road and Pen-y-Turnpike Road, known as Westwinds Farm	Erection of barn and new access from Pen-y-Turnpike Road
2008/00288/FUL	R	Porthkerry Leisure Park, Rhoose	Proposed change of use from caravan park shop to Manager's (Ocean Lounge Clubhouse) accommodation, ancillary to the use of the caravan park

2008/00293/FUL	A	Ambleside, Pen-y-lan Road, Aberthin	Dormer window modifications
2008/00296/FUL	A	17, Nailsea Court, Sully	Single storey extension to side of house creating new garage, extended kitchen and utility room
2008/00302/FUL	R	Hiraeth, Trepit Road, Wick	Two storey rear extension comprising lounge and kitchen on ground floor and bedroom and office on first floor. Structural timber frame from locally sourced timber
2008/00303/FUL	R	Old Castle Cottage, West Street, Llantwit Major	Detached garage
2008/00304/FUL	A	Unit 15, Atlantic Trading Estate, Barry	Erection of new warehouse unit for SHS Limited
2008/00307/FUL	A	25, The Wheate Close, Rhooose	Garage conversion
2008/00312/FUL	A	12, Fouracre, Llantwit Major	Amendment of construction of existing rear dormer to reduce bulk - all as requested under enforcement procedure
2008/00322/FUL	A	Flying Start Building, Skomer Road, Barry	Installation of new window and external shutter to match existing. Replacement of existing solid doors with new glazed doors
2008/00334/FUL	R	Unit 1- Barn conversion at Sea View Cottage, St. Athan	Proposed extension of residential curtilage to increase and improve amenity space and provide private garden

2008/00340/FUL	A	Atlantic College, St. Donats	Refurbishment of existing student house block (Dyfed only) and adjoining house parents' accommodation including addition of new canopy over entrance lobbies, installation of solar hot water heating panels, overcladding, over roofing and window and external door replacement
2008/00341/FUL	A	2, Cwrt Y Felin, Wick	Proposed flat roof dormer to provide shower room facilities
2008/00357/FUL	A	78, Porth-y-Castell, Barry	2 storey rear extension
2008/00384/FUL	A	14, Smeaton Close, Rhooose	Change garage to lounge, build infill to front of garage to form larger lounge, extend rear conservatory
2008/00388/FUL	A	Dwy Erw, Sonseil Lane, Off Pencoedtre Lane, Barry	Single storey granny annexe (amendment to 2007/01699/FUL)
2008/00477/LAW	A	6, Manor Park, Llantwit Major	Off road parking area & crossover
2003/00463/FUL	O	Ty Draw, Colwinston	Erection of stables, tack room, hay store and manege
2006/01181/FUL	R	Greenfields, Church Hill, Llanblethian, Cowbridge	Proposed refurbishment/extensions to existing dwelling
2007/01777/FUL	A	51, Plassey Street, Penarth	Change of use of ground floor to letting agency (Use Class A2) and extensions to rear at ground floor and first floor and new shopfront
2008/00100/FUL	A	Stonecourt, Bonvilston	Ground floor extension, new roof & internal alterations

2008/00159/FUL	A	48, Lower Pyke Street, Barry	To retain use of 2 no. self contained flats and erection of new rear external staircase.
2008/00246/FUL	A	27, Clive Place, Penarth	Replace timber sash windows for vertical sliding sash windows in white uPVC with decorative horned sashes in ground floor bay and two front windows on first floor
2008/00258/FUL	A	12, Eurgan Close, Llantwit Major	Two storey extension to side of dwelling
2008/00291/FUL	A	26, Murlande Way, Rhose	Single storey extension
2008/00301/FUL	A	Southways, St. Nicholas	First floor extension above existing lounge
2008/00306/FUL	A	15, Bedlington Terrace, Barry	Edwardian style conservatory
2008/00310/FUL	R	35, Voss Park Drive, Llantwit Major	Proposed single storey rear extension, 2 storey side and rear extension and roof conversion to property. Demolition of existing single garage.
2008/00320/FUL	A	10, Gwennol y Mor, Barry Island	Retention of smaller conservatory than originally granted full planning on 04/00337/FUL
2008/00325/FUL	A	105, Coldbrook Road East, Cadoston, Barry	New storey above existing bungalow to provide additional residential unit
2008/00327/FUL	A	19, Fulmar Close, Lavernock Park, Penarth	Sunlounge style conservatory to rear elevation
2008/00329/FUL	A	67, Redlands Road, Penarth	Driveway and crossover for a single car parking space
2008/00345/FUL	A	29, Arthur Street, Barry	Fence to front garden

2008/00354/FUL	A	30, Purdey Close, Barry	Single storey extension, garage conversion and porch to the front of the house
2008/00360/FUL	A	Green Isha Farm, Llantwit Major Road, Wick	To create horse exercising arena (manege) for personal use only in land adjacent existing outbuildings
2008/00364/FUL	R	Lime Tree Cottage, 3, The Vines, Colwinston	Convert garage into a family room, construct detached garage
2008/00380/FUL	R	4, Bryn-y-Mor, West Aberthaw	Two storey rear extension and the addition of one first floor room to existing dwelling
2008/00392/FUL	A	195, Winston Road, Barry	Proposed single storey side and rear extension
2008/00405/FUL	A	6, Redbrink Crescent, Barry Island	Single storey extension
2007/01768/FUL	A	Great House (Ty Mawr), Bonvilston	Demolition of existing attached outbuilding, construction of single storey rear extension forming new kitchen facility, change of use from office to ancillary residential accommodation, wall to front of dwelling house and solar panels
2007/01772/LBC	A	Great House, (Ty Mawr), Bonvilston	Demolition of an existing attached outbuilding, construction of single storey rear extension forming new kitchen facility and internal and external alterations including solar panels
2008/00031/FUL	A	Westridge, Porthkerry Park, Barry	Side extension

2008/00274/FUL	A	Shop at 3, Broad Street, Barry	Remove conditions 2 and 5 of planning permission 05/01195/FUL to allow the use of the ground floor of No. 3 Broad Street as a non-specific A3 take away unit. Vary condition 3 of planning permission 05/01195/FUL to allow opening hours of Monday-Saturday 08.00 to 00.00 and Sundays 10.00 to 22.00
2008/00316/FUL	A	The Oyster Catcher, Terra Nova Way, Penarth Marina, Penarth	To form new canopy from powder coated steel structure with waterproof fabric roof. To form new steel and fabric balustrade to enclose external drinking area
2008/00317/FUL	A	46, Heol St. Cattwg, Pendoylan, Cowbridge	New chimney to existing dwelling
2008/00324/FUL	A	The Stanleys, Westra, Dinas Powys	Single storey rear extension
2008/00338/FUL	A	The Star Inn, Treoes	Fire escape from first floor living accommodation
2008/00342/FUL	A	1, Eastbrook Close, Dinas Powys	Two storey side, single storey rear and single storey front extensions
2008/00343/FUL	A	4, Cennin Pedr, Barry	Garage conversion & single storey extension
2008/00344/FUL	A	26, Dudley Place, Barry	Proposed single storey rear extension to enlarge existing kitchen and dining room.

2008/00346/FUL	A	Trevaughan House, Trerhyngyll, Cowbridge	First floor extension over garage for bedroom/ensuite. Existing garage turn into utility/shower room. Install staircase up to existing store room in roof space and Velux windows to rear roof
2008/00348/FUL	A	29, Cardiff Road, Dinas Powys	Rear extension to existing kitchen
2008/00350/FUL	A	161, Holton Road, Barry	Change of use of the property for Class A2 use and specifically use as a Solicitors Offices
2008/00352/FUL	A	Holland Stables, Michaelston Le Pit	Installation of wood burning stove and flue
2008/00361/FUL	A	41, Shakespeare Drive, Llantwit Major	Internal alterations to provide second bedroom first floor, with dormer window
2008/00362/FUL	A	4, Fairfield Crescent, Llantwit Major	Construction of conservatory to rear of property
2008/00377/FUL	A	3, Llandyfrig Close, Dinas Powys	Motor cycle storage
2008/00390/FUL	A	20, Augusta Road, Penarth	Porch to front entrance
2008/00418/FUL	A	Sycamore House, Penllyn	Conservatory to rear elevation
2008/00428/FUL	A	8, Croft Gardens, Sully	Hardwood conservatory
2008/00440/FUL	R	23, Teasel Avenue, Penarth	2 Storey extension to side of house with 450mm gap from next dwelling
2007/01022/FUL	R	Old Middlehill, Walterston	Retention of agricultural building
2007/01228/FUL	A	3, The Keys, East Street, Llantwit Major	Conversion of ground floor to offices, first floor to remain as self contained

2007/01416/FUL	A	Allt Laes Farm, Peterston-Super-Ely	Automated gates and piers
2007/01775/FUL	A	5, Victoria Square, Penarth	Demolition of existing out building and bay window on rear elevation and replaced with a new extension to kitchen, garage demolished and replaced
2008/00012/FUL	A	Barn B, Westard Farm, Broughton Road, Wick	Retention of alterations to barn conversion (app.Ref.2005/00444/FUL) a walled garden and an extension of the residential curtilage to include an existing courtyard area
2008/00013/FUL	A	Barn A, Westard Farm, Broughton Road, Wick	Conversion of the barn into a granny annexe including repairs of the stone walls, a new slate roof and new openings
2008/00033/HH	A	Sunnycroft, Port Road West, Barry	High hedge
2008/00111/ADV	A	22, High Street, Cowbridge	Shop sign
2008/00117/FUL	A	45-47, Holton Road, Barry	Change of use to ground floor shop No. 45 from A1 to A3 use and proposed flat conversion to first and second floors to 2 No. self contained flats
2008/00165/FUL	A	Maytime, Port Road, Wenvoe	Demolition of single storey garden room/utility and replacement with single storey conservatory/garden room and shower room and 1.8 metre high fence to the boundary with the neighbouring property
2008/00203/FUL	A	Ty Broc, Parc Farm, St. Donats	Change of use of cowsheds & milking parlour into stables & tack room & feed store

2008/00308/FUL	A	11, Paget Road, Barry Island	Change of use of the Ground Floor use class from A3 to an amusement arcade (Sui Generis)
2008/00309/FUL	A	Ty Broc, Parc Farm, St. Donats	Convert existing cartshed into granny annex, construct vertical access area from granny annex to house, change roof materials to existing house
2008/00311/FUL	A	River Cottage, Piccadilly, Llanblethian	Two storey rear extension and new balcony
2008/00323/FUL	A	Heron House, Bakers Lane, Llantwit Major	Attached garage and dining room, single storey
2008/00328/FUL	A	7, Whitmore Park Drive, Barry	Single storey extension to side
2008/00349/FUL	A	21, Rheidol Drive, Barry	Garage conversion
2008/00350/FUL	A	161, Holton Road, Barry	Change of use of the property for Class A2 use and specifically use as a Solicitors Offices
2008/00356/LAW	R	Ty Draw Farm, Peterston Super Ely	Regularise the use of adjacent land as residential curtilage
2008/00358/FUL	R	4, Willow Crescent, Barry	Over existing garage single storey extension
2008/00359/FUL	A	High Lanterns, The Rhiw, Graig Penllyn	Single storey utility and w.c. extension
2008/00367/FUL	A	The Gathering Place, Church and Community Centre, St. Athan	Temporary consent for 12 months to site a steel storage container for secure storage for the Gathering Place Community Centre

2008/00371/FUL	R	292, Holton Road, Barry	Upgrade and refurbishment of existing three flats and existing shop and construction of dormer and two storey rear extension to provide 1 no. additional flat
2008/00378/FUL	A	Downs Farm, Sully Road, Penarth	Provision of security gates and walling, at entrance drive to the site
2008/00379/LBC	A	Red House, 60, Victoria Road, Penarth	Reinstatement of a missing chimney stack in style of original and the removal of the timber fence to the front curtilage and replacement with brickwork wall
2008/00381/FUL	A	22, Cornerswell Road, Penarth	Conservatory to rear elevation
2008/00385/FUL	A	77, Pant Y Celyn Road, Llandough	Proposed ground floor gable end extension & boundary fencing
2008/00402/FUL	A	3, Clos Y Fulfran, Barry	Ground floor rear extension
2008/00409/FUL	R	15, Tan y Fron, Barry	Two storey extension to the rear of the property.
2008/00414/FUL	A	56, Porth-y-Castell, Barry	Two storey extension to the side of house, separate single storey extension to the rear and widened vehicular access.
2008/00421/FUL	A	27, Heol Peartree, Rhose	Amendment to previously granted full planning permission 2007/00103/FUL. Remove 2m high entrance pillars, place new 1.5m pillar opposite existing driveway 1.5m entrance pillar
2008/00436/FUL	A	Arosfa, Ewenny Road, Wick	Roof alteration from flat to gable pitch

2008/00451/FUL	A	Land at St. Mary Hill, Bridgend	Construction of a new building for retail sales and repair of agricultural garden and playing field equipment and spare parts, together with external storage, display and service yard areas
2008/00465/LBC	A	The Lodge, Dimlands Road, Llantwit Major	Replacement of defective South East turret roof covering and structure. Dismantling and rebuilding part of S E turret external wall / insert lead tray to remedy long term damp penetration problem.
2007/01637/FUL	R	91, Broadway, Llanblethian	Domestic garage, Dressing room and en-suite bathroom
2008/00042/FUL	A	6, Wyndham Street, Barry	Two storey rear extension
2008/00198/FUL	A	20, St. Cyres Road, Penarth	Add first floor accommodation with pitched roof and single storey extension
2008/00254/FUL	A	19, Stanton Way, Penarth	Amendment to planning approval 2007/00978/FUL
2008/00315/FUL	A	Horse and Groom, 19, High Street, Cowbridge	Erection of a smoking shelter constructed of a free-standing frame enclosed at one end and over existing beer garden benches
2008/00337/FUL	R	2, Fferm Goch, Llangan	Single storey extension
2008/00386/FUL	A	16, Lon Fferm Felin, Barry	Single storey rear extension
2008/00393/FUL	A	26, Victoria Square, Penarth	Erection of small sail screens to garden wall. Sails 4 No. each approx 1.75m wide x 1.1m high
2008/00396/FUL	R	Springfield Spray, Sutton Road, Llandow	Retention of a bund

2008/00398/FUL	A	1, Court Drive, Llansannor	Ground floor extensions
2008/00399/FUL	A	11, Cambrian Avenue, Llantwit Major	Dormer extension to rear of property
2008/00400/FUL	A	Somerfield Store, Boverton Road, Llantwit Major	Installation of containerised plant into yard of existing supermarket
2008/00403/FUL	A	21, Aberystwyth Crescent, Barry	Proposed first floor extension, to rear addition of existing bungalow
2008/00404/FUL	A	42, Coleridge Avenue, Penarth	Rear extension to provide downstairs disabled toilet facilities
2008/00410/FUL	A	12, Lower Farm Court, Rhoose	Conversion of garage to office with exterior alterations
2008/00411/FUL	A	35, Castle Road, Rhoose	1. First floor extension over existing kitchen to side of dwelling 2. Conservatory to rear
2008/00415/FUL	A	Vishwell Farmhouse, St. Andrews Road, Wenvoe	Single storey domestic extension
2008/00420/FUL	A	Homeleigh, Chapel Road, Wick	2 Storey side extension comprising ground floor garage and first floor bedroom/bathroom and single storey rear extension comprising kitchen/dining. All external finishes to match
2008/00422/FUL	A	16, Lakin Drive, Barry	Single storey rear wc extension
2008/00429/FUL	A	Cabot Carbon Ltd., Sully Moors Road, Sully	2.5 X 5.75m extension of existing E & I building - single storey and 5.1 X 13m extension of treated silica plant - three storey
2008/00431/FUL	A	7, Clos yr Wylan, Barry Island	Conversion of attached garage to kitchen

2008/00443/FUL	A	143, Plymouth Road, Penarth	Proposed rear ground floor single storey extension to new kitchen, breakfast area, day room and study
2008/00444/FUL	A	Stanwell School, Archer Road, Penarth	Two storey extension to phase 1 building
2008/00449/FUL	A	Tanglewood, Penmark	Conservatory
2008/00467/FUL	A	9, Charles Place, Barry	Demolition of rear single storey annex and outhouses and rebuilding of rear single storey annex. Provision of a hardstanding area for parking to rear
2008/00475/FUL	A	64, Winston Road, Barry	Single storey extension
2008/00487/FUL	A	13, Castle Court, Llantwit Major	Installation of solar panels
2008/00508/FUL	A	5, Laburnum Way, Dinas Powys	Single storey rear extension
2008/00513/FUL	A	Land behind 7, Bron y Mor, The Knap, Barry	To attach the derelict land as indicated on the map to the garden of 7, Bron-y-Mor. The building of a new boundary wall which will include vehicle access. Removal of a dead tree

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4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No:	2007/01205/FUL
Appeal Method:	Written Representations
Appeal Reference No:	08/2071359
Appellant:	Mr. Colin Duddridge
Location:	8, Stanton Way, Penarth
Proposal:	Proposed demolition of existing dwelling and erection of 2 new dwellings
Start Date:	3 April 2008
L.P.A. Reference No:	2008/00086/FUL
Appeal Method:	Written Representations
Appeal Reference No:	08/2071496
Appellant:	Mr. & Mrs. Thomas,
Location:	Land adjacent to River View, East Aberthaw
Proposal:	Proposed detached cottage style four bedroomed dwelling
Start Date:	4 April 2008
L.P.A. Reference No:	2007/01747/FUL
Appeal Method:	Written Representations
Appeal Reference No:	08/2071612
Appellant:	Mr. & Mrs. Andrews,
Location:	11, Clive Crescent, Penarth
Proposal:	Variation to condition 1 of planning application 2007/00819/Ful so as to allow clear glazing to be fitted in north west side of conservatory
Start Date:	7 April 2008
L.P.A. Reference No:	2007/01695/FUL
Appeal Method:	Written Representations
Appeal Reference No:	08/2071827
Appellant:	Mr. & Mrs. R. L. C. Fisher,
Location:	1, New Forest View, Aberthin, Cowbridge
Proposal:	Alterations and extension to dwelling
Start Date:	9 April 2008

L.P.A. Reference No: 2008/00234/TPO
Appeal Method: Written Representations
Appeal Reference No: T/08/515064
Appellant: Mr. & Mrs. Prosser
Location: **26, Pwll Y Min Crescent, Peterston Super Ely**
Proposal: Fell 2 Silver Firs T1 and T2
Start Date: 9 April 2008

L.P.A. Reference No: 2007/00530/FUL
Appeal Method: Hearing
Appeal Reference No: 08/2072321
Appellant: Mr. G. Hadfield,
Location: **The Spinney Holiday & Leisure Park, Beach Road, Swanbridge**
Proposal: Replacement of existing timber building with traditional unit as park managers living accommodation
Start Date: 14 April 2008

L.P.A. Reference No: 2007/01000/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2072363
Appellant: David Housley
Location: **5, Purcell Road, Penarth**
Proposal: Retain a set of gates to driveway. Retain a boundary fence, built in feather edge close boards and stained.
Start Date: 15 April 2008

L.P.A. Reference No: 2007/01224/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2072610
Appellant: Mr. R. & Mrs. S. James,
Location: **50, Plas Taliesin, Penarth Marina, Penarth**
Proposal: Increase in size of balcony
Start Date: 18 April 2008

L.P.A. Reference No: 2007/01393/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2072577
Appellant: Mr. Colin Taylor,
Location: **Cuba Cottage, Llancadle**
Proposal: First floor extension to form bedroom and en-suite
Start Date: 21 April 2008

L.P.A. Reference No: 2008/00094/FUL
Appeal Method: Hearing
Appeal Reference No: 08/2072658
Appellant: Mr. Mark Canning,
Location: Land and buildings at Crofta Farm, Ystradowen
Proposal: Change of use of agricultural building to 1 no.
dwelling (barn 2 only)
Start Date: 21 April 2008

L.P.A. Reference No: 2007/01293/OUT
Appeal Method: Written Representations
Appeal Reference No: 08/2073021
Appellant: Mr. & Mrs. R. Norfolk,
Location: Little West Bungalows, Southerndown
Proposal: New Bungalow
Start Date: 28 April 2008

L.P.A. Reference No: 2007/01766/FUL
Appeal Method: Hearing
Appeal Reference No: 08/2073017
Appellant: Mr. Andrew Williams,
Location: 5, Cog Road, Sully
Proposal: Redevelopment of site to provide four residential
apartments
Start Date: 28 April 2008

L.P.A. Reference No: 2008/00045/OUT
Appeal Method: Hearing
Appeal Reference No: 08/2073111
Appellant: Mr. N. Esterkin,
Location: 29, Dock View Road, Barry
Proposal: Proposed 3 no. self contained flats
Start Date: 29 April 2008

L.P.A. Reference No: 2007/01051/FUL
Appeal Method: Hearing
Appeal Reference No: 08/2074073
Appellant: Mr. J. Reid & Miss. T. Vaughan Taylor,
Location: 17, Newbarn, Flemingston, Nr. St Athan
Proposal: Two storey extension to side & rear and single
storey extension to rear
Start Date: 9 May 2008

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

L.P.A. Reference No: 2007/01056/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2065060
Appellant: Mr. & Mrs. D. Griffiths,
Location: **Wallace Fach Cottage, Wick Road, Ewenny**
Proposal: Alter existing garage roof to accommodate an internal studio/work room. Remove and rebuild garden store.

Decision: Appeal Dismissed
Date: 11 April 2008
Inspector: Ms. Rebecca Phillips
Council Determination: Delegated

Summary

The proposed alterations to the existing garage would involve a significant increase to the height of the roof and a considerable change to the pitch of the roof which would be much more acute. The Inspector recognised that these proposals would result in the ridge height of the garage projecting substantially above the ridge height of the existing cottage. He considered that the side dormer extension would introduce a bulky and incongruous feature which would appear overly dominant by virtue of its size in relation to the garage. She considered that this would be at odds with the scale and character of the cottage that would not relate well to its surroundings and would be at odds with the character and appearance of the area, including the Special Landscape Area.

L.P.A. Reference No: 2007/00309/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2063446
Appellant: Mrs. J. Rendell,
Location: **Crows Nest, 48, Redbrink Crescent, Barry Island**
Proposal: Retention of extension with modifications as identified on plans i.e. cut back at first floor level and provision of window alcove (appeal against conditions of planning permission)

Decision: Appeal Withdrawn
Date: 31 March 2008
Inspector: Mr. A. H. Vaughan
Council Determination: Committee

Summary

Appeal Withdrawn.

L.P.A. Reference No: 2007/00753/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2063400
Appellant: Mr. David Morgan,
Location: **Redundant farm building at Village Farm, Marcross**
Proposal: Conversion of redundant farm building into dwelling
Decision: Appeal Allowed
Date: 23 April 2008
Inspector: Ms. Rebecca Phillips
Council Determination: Delegated

Summary

The Inspector considered the building to be appropriate for conversion and did not consider there to be any future agricultural use likely. The Inspector considered that the proposed alterations to the building would not unduly domesticate the appearance of the building or be overly prominent. She did not consider the site to contribute significantly to the rural character of its surroundings and use of it as a garden would be in keeping with the surrounding area and not have an unacceptable impact upon the landscape.

In allowing the appeal, the Inspector concluded that the proposed development would respect the original rural character of the barn and improve the appearance of the prominently located derelict building, assimilating it into its surroundings, bringing it back into use and ensuring its future retention without any adverse impact upon the rural landscape or Glamorgan Heritage Coast.

L.P.A. Reference No:	2007/00959/FUL
Appeal Method:	Written Representations
Appeal Reference No:	08/2063053
Appellant:	Miss. S. Poole,
Location:	85, Port Road East, Barry
Proposal:	Proposed two storey extension to side of existing dwelling
Decision:	Appeal Dismissed
Date:	2 April 2008
Inspector:	Robert Gardener
Council Determination:	Delegated

Summary

The Inspector recognised that the extension proposed would substantially add to the mass and scale of the existing house and create a frontage more than double its current width. He found the proposed enlargement to be out of keeping and would result in a harmful imbalance between the pair of semi-detached properties. He considered the proposed projection beyond the building line to be a discordant feature in the streetscene which would harmfully disrupt the local characteristic pattern of development. In dismissing the appeal he concluded that the proposal would not complement the local character of buildings and spaces, contrary to the aims of Council policy.

L.P.A. Reference No:	2007/00547/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2062252
Appellant:	Mr. & Mrs. Rob Sciubba,
Location:	Land adjacent to Church Farm (Ashwood House), Ystradowen
Proposal:	Erection of a dwelling house complete with a detached garage/store - amendments to permission 06/00173/FUL.
Decision:	Appeal Allowed
Date:	22 April 2008
Inspector:	Robert Gardener
Council Determination:	Delegated

Summary

The application subject of this appeal sought an amendment to the layout of the access to a new dwelling that had already been granted planning permission by virtue of a previous application. The main issue in this appeal was, therefore, whether the proposed access scheme and associated works would be an unjustified intrusion into the countryside which would adversely affect the landscape and detract from rural character of the locality.

In allowing the appeal the Inspector felt that the overall harm the proposed alterations caused to the landscape and rural character of the locality could be reduced by the implementation of the approved landscaping scheme to a level where the UDP objectives are not prejudiced and through which the marginal highway safety benefits of the proposed scheme should prevail.

L.P.A. Reference No:	2007/00600/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2061808
Appellant:	Leslie D. T. Burford,
Location:	10, Illtyd Avenue, Llantwit Major
Proposal:	3 bedroom house attached to 10, Illtyd Avenue
Decision:	Appeal Allowed
Date:	1 April 2008
Inspector:	Robert Gardener
Council Determination:	Delegated

Summary

The application subject of this appeal proposed the addition of a third dwelling on a pair of semi detached dwellings occupying a corner plot. The main issues were, therefore, the effect of the proposal on the character and appearance of the existing semi-detached house, its relationship with its adjoining neighbour and on the locality generally. A second issue was whether there would be adequate amenity space for the occupants of both the existing and proposed houses.

The Inspector did not agree with the Council's concerns over the creation of a terrace of properties being out of character with the area. He considered that in view of the examples of terrace properties and the variety of scale of dwellings within the vicinity, the terracing effect proposed would not appear harmfully out of place. Furthermore, he did not consider that the development would erode the spacious setting of the houses and thereby the character of the area. On this first issue, the Inspector concluded that the proposal would not constitute overdevelopment of the plot with the harmful consequences which Council policy seeks to avoid.

On the second issue, the Inspector considered the proposed garden space for both plots in line with the Council's Supplementary Planning Guidance. Whilst he recognised that the amenity space was below standard, he considered this a case where these standards could be relaxed. The Inspector also found the parking arrangements to be acceptable, subject to conditions.

L.P.A. Reference No:	2007/00743/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2061791
Appellant:	Noel & Ann Thomas,
Location:	Court Farm, Llansannor
Proposal:	Construction of 3 detached houses
Decision:	Appeal Dismissed
Date:	1 April 2008
Inspector:	Robert Gardener
Council Determination:	Committee

Summary

There was a principal policy objection to the application subject of this appeal in that the application proposed the erection of three new dwellings in the open countryside without any agricultural or forestry justification. The Inspector wholly agreed with this fundamental policy objection to the development.

In addition to this, there were issues of the visual impact of the development. The Inspector considered the development to create a significant urbanising presence unrelated to either the local form of development or the function of the countryside. He did not agree with the appellant that the new dwellings should be treated as either infilling or rounding-off the existing pattern of development. Rather, they would appear as further dwellings added in a sporadic fashion in the large spaces which have been formed between the listed barns and the former farmhouse and The Lodge. In the Inspector's view this development would be harmfully intrusive and out of keeping with the landscape qualities of the area.

Furthermore, the Inspector did not find any support for the development on sustainability grounds. He found the development to be remote and there was no evidence to substantiate the claim made that additional dwellings here would help sustain the local community in any meaningful way.

In conclusion, the Inspector shared the Council's view that the proposal would harm the rural character of the area and landscape in an unsustainable location. In these terms he found the proposal contrary to the Council's adopted policies concerning the location of new residential development. In addition, he considered that it would be an inappropriate addition to the setting of the listed buildings with which they would be closely related.

(d) Enforcement Appeal Decisions

L.P.A. Reference No:	ENF/2006/0337/PCENF/2006/0337/PC
Appeal Method:	Written Representations
Appeal Reference No:	C/07/1201606
Appellant:	Joyce Rendall,
Location:	48, Redbrink Crescent, Barry Island
Proposal:	The construction without planning permission of a two storey extension and the provision of a box dormer window, to the rear of the building known as 48 Redbrink Crescent
Decision:	Appeal Withdrawn
Date:	21 April 2008
Inspector:	Mr. A. H. Vaughan
Council Determination:	Committee

Summary

Appeal Withdrawn.

(d) April 2008 – March 2009 Appeal Statistics

		Determined Appeals			Appeals Withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	3	3	6	1
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		3 (50%)	3 (50%)	6	1
Enforcement Appeals	WR	-	-	-	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	1
All Appeals	WR	3	3	6	2
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		3	3	6	2

Background Papers

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

Contact Officer:

Justina M Walsh, Tel: 01446 704690

Officers Consulted:

Head of Planning and Transportation

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

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5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved
E - Split Decision

R - Refused

2007/01598/HH	A	Boundary between Bridge House & 91, The Broadway, Llantblethian, Cowbridge	Complaint of high hedge
2008/00319/TCA	A	79, Plymouth Road, Penarth	Reduce Oak by 25%
2008/00331/TCA	A	66, Stanwell Road, Penarth	Fell 2 conifers (Cypress) and 1 Poplar, trim Bay
2008/00333/TCA	A	Chestnut House, 1, Mawsons Mead, St. Nicholas	Removal of Ash
2008/00382/TPO	A	Dilmun, Llysworney	Fell remaining Scots Pine
2008/00383/TCA	A	The Crooked Shoard, off High Street, Llantwit Major	Fell one unstable mature Ash; canopy reduction to second mature Ash; 25% reduction & minor thinning to crown of Beech; and fell line of Sycamore, Ash, Hawthorn & Holly.
2008/00391/TPO	A	Between Springside and 10, Tyle House Close, Llanmaes	To fell Sycamore on shared boundary

2008/00355/TCA	A	9, Paget Place, Penarth	Crown reduction by 3.0 metres of Holm Oak and reduce Leylandii by 4.5m
2008/00321/TCA	A	The Old Forge, West Street, Llantwit Major	Remove sycamore trees
2008/00416/TPO	A	Conifers, Old Rectory Drive, St. Nicholas	Reduce side canopy (towards property) of Lime and Horse Chestnut; Fell stunted Beech; reduce canopy of 2 mature Beech along shared boundary with White Gate Lodge.
2008/00512/TPO	A	St. Quentins, Ashgrove, High Street, Llantwit Major	Fell Sycamore and Scots Pine
2008/00376/TPO	A	28, Walston Road, Wenvoe	Crown lift and reduce 2 Lime trees

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7. ENFORCEMENT ACTION

APPEALS AND ENFORCEMENT TEAM : UPDATE AND PROGRESS

Purpose of Report

1. The purpose of this report is to advise Members on the operation and progress of the newly established Appeals and Enforcement Team. The report is also intended to update Members on enforcement cases dealt with during the last financial year as well as any other matters dealt with by the team during the same period.
2. The Team's appeals statistics and results are already reported to every committee and will not, therefore, be subject of this report. It is, however, intended to report the Team's Enforcement Statistics and results to the Planning Committee every quarter in order to keep Members up to date on the team's performance and advise Members of any enforcement cases of note.

Background

3. Members may be aware that at the start of last year the Appeals and Enforcement function within the Development Control Division were combined and a single team established to deal with both functions, together with Tree Preservation Orders and Protected Hedgerows. The Team now consists of a Principal Officer, two Senior Officers, two Enforcement Officers, an Assistant Planner (Trees), together with administrative support. The appeals and enforcement case load is shared amongst the principal, senior and enforcement officers, who also consider applications for Certificates of Lawfulness and planning permission for development that has been subject of enforcement investigations, as well as providing comments on new Licensing Applications. The Assistant Planner (Trees) considers all applications for works to protected trees and hedgerows, provides comments on applications for planning permission that may effect any trees or hedgerows, and administers new Tree Preservation Orders. With the Enforcement Officers, the Assistant Planner (Trees) also investigates and pursues action in respect of unlawful works to protected trees.

Relevant Issues and Options

4. Total Enforcement Cases Received

The Appeals and Enforcement Team opened 617 enforcement cases in the year 2007/2008, which can be broken down as follows:

Public Complaints:	272
Monitoring:	39
Internal complaints:	88
Anonymous Complaints:	85
Community Council Complaints:	25
Councillor complaints:	42
Other:	66

5. Performance of the Appeals and Enforcement Team

Of the 617 cases opened in the year 2007/2008, 337 were resolved in the same period. Also during the same year the Team carried out an in depth case review of the enforcement records including a number of historical enforcement files. This resulted in a further 235 cases being resolved within the last year, giving a total of 572 cases being resolved in 2007/2008.

The target period for an enforcement case to be resolved is 12 weeks (Performance Indicator Ref: PI PLA005). This period is used in order to establish Performance Indicators and for benchmarking with other Local Planning Authorities. Of the total number of cases resolved in 2007/2008, 55% were resolved within 12 weeks. Of the cases that resulted from complaints, 62% were resolved within the 12 week period. Whilst the first of these figures is not ideal, this figure has been considerably affected by the number of historical enforcement cases that were closed during the 2007/2008 period. As the review process is almost complete, it is hoped that the figures for next year will be a more accurate reflection of the Team's performance.

6. Action Under Section 172 of the Town and Country Planning Act (as amended) 1990: Enforcement Notices, is as follows:

- a) Number of Enforcement Notices served this year: 13

7. Action Under Section 187A of the Town and Country Planning Act (as amended) 1990: Breach of Condition Notices, is as follows:

- a) Number of Breach of Condition Notices served this year: 1

8. Action Under Section 217 of the Town and Country Planning Act (as amended) 1990: S.215 Notices, is as follows:

- a) Number of S.215 Notices served this year: 2

9. Action Under Section 171C of the Town and Country Planning Act 1990 (as amended) Planning Contravention Notice is as follows:

a) Number of PCN's served this year: 9

10. Listed Buildings at Risk

Members may be aware of an information report put before the Cabinet at the meeting held on 3 October 2007, regarding a survey carried out in respect of the condition of listed buildings within the Vale. The survey recognised a number of Listed Buildings that are considered to be 'at risk' and advised Members of the action the Council can pursue in an attempt secure the improvement of the condition of these important buildings. A number of the buildings that are considered to be at most risk have been brought to the attention of the Appeals and Enforcement Team and these cases are being pursued as a priority by the Team. Members will be updated on the progress of these enforcement cases in the next quarterly report.

11. Tree Preservation Order Review

During the last year 2007/2008, the Assistant Planner (Trees) has carried out a preliminary review of the Council's records of Tree Preservation Orders (TPO's). As a result of this review it was noted that some of the Orders dated back some 50 years and that since the service of some of these Historic Orders, the sites have not been regularly monitored and the files have not been updated. There are some 340 TPO's within the Vale area and of these 40 are estimated to be out of date or have not been sufficiently monitored. It is essential that these Orders are reviewed and updated in order to ensure that the valuable trees within the Vale are more effectively protected. As a result of this, a full review of the historic TPO's has commenced.

This review started with a large TPO covering an area of Sigginstone. This TPO review was effectively used as a test case in order for future reviews to be carried out more efficiently and effectively. This TPO review resulted in an extensive consultation exercise and, as the order covered a number of private residences, there was much local concern and interest. In view of the public interest in the Sigginston TPO review, it is likely that any future reviews of large TPO's will create similar levels of public interest and concern. However, it is an exercise that must be carried out to secure the protection and management of the Vales' stock of valuable trees. A number of valuable lessons have been learnt from the test review and the comments and concerns of local residents have been taken on board by both the Appeals and Enforcement Team and Legal Services, who produce and issue the Orders.

It should be noted that the review of the historical TPO's is an exercise that is carried out by the Assistant Planner (Trees) in addition to her everyday workload, as outlined in paragraph 2 above. In view of the number of Orders to be reviewed and the time such a review takes, particularly in the case of the larger Orders, a time period for the completion of the reviews cannot be given.

Considering the nature of this work and the number of TPO's in the Vale, the TPO review is envisaged as an on going process.

12. Conclusion

As mentioned above, this report is the first of a proposed quarterly update of the progress and performance of the Appeals and Enforcement Team. In future reports it will be possible to make a comparison with last year's results and it is hoped that areas for improvement can be identified and improvements achieved.

Members are asked to note the proposed progression of the cases in respect of the listed buildings at risk. The next report will provide an update on these cases as well as any other matters that are of note.

Members are also asked to be aware of the ongoing review of the historic Tree Preservation Orders in the Vale and to anticipate public interest when these reviews are carried out.

RECOMMENDATION

- (1) It is recommended that this report be noted for information purposes.

Background Papers

Enforcement files referred to above.

Contact Officer – Justina Walsh, Tel: 01446 704690

Officers Consulted:

This report has been prepared in accordance with procedures approved by the Chief Officer Management Team and reflects their collective advice.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

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7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT AND ADJOINING AMBERLEY HOUSE, LLANTWIT
ROAD, WICK : UNAUTHORISED GARDEN EXTENSION/S, NEW VEHICULAR
ACCESS AND SITING OF CONTAINERS

Background

1. In October and November 2007, two separate complaints were received regarding on-going works in and around a 'yard' area adjacent a newly constructed house known as Amberley House, which property is located on the eastern, main road approach into the village of Wick. These works comprised the recent insertion of a gated access between the yard and that named property and then later, the erection of a replacement stable building within the yard area to replace a previous wooden structure.

Planning History

2. 08/00499/FUL - Retention of agricultural/domestic access. Undetermined.
07/00006/FUL - (The Yard Site), dwelling. Refused 29 March 2007 and dismissed on appeal 15 October 2007.
06/01136/FUL - (Amberley House) rear extension. Approved 4 October 2006.
06/00166/FUL - (Amberley House) extension. Approved 24 March 2006.
05/01664/FUL - (The Yard Site), dwelling. Refused 12 January 2006.
05/00663/FUL - (Amberley House) garage. Approved 17 June 2005.
04/01590/FUL - (Amberley House) conservatory. Approved 23 November 2004.
04/00304/FUL - New House (amended) and curtilage. Refused 30 April 2002.
03/00950/FUL - New house. Approved 19 September 2003.

99/00052/LAW - (The Yard Site) use for storage of plant, machinery and storage of containers. Refused 12 January 1999, dismissed on appeal 14 December 1999.

(Ogwr B.C.) - 91/0158, stables. Approved 4 April 1991.

(Ogwr B.C.) - 85/0975, garden extension. Approved 7 November 1985.

Enforcement action against use of the yard site for the storage of plant, machinery and operating a welding business. An Enforcement Notice was served on the 17 December 1998 and upheld on appeal 14 December 1999.

Relevant Issues and Options

3. Whilst the original complaints were concerned with the erection of a replacement stable building and creation of a new access, on researching the planning history of the whole site, it was clear that both the 'yard' site, which in land use planning terms, was consented as residential garden curtilage back in 1985, and Amberley House itself, have unauthorised curtilage extensions.
4. In the case of the 'yard' site, it does appear that as part of the then, on-going works to replace the previous wooden stable building with a wholly new build design, the landlord has also taken the opportunity to relocate the previous rear boundary fence some distance back into the field behind. However, in doing so, as the 'yard' site is consented as residential garden land (originally as part of Lyndhurst, a property now separated away from the yard by the subsequent erection of Amberley House in-between), the relocated fence now means that the curtilage has been extended by as much as 7mts. With the relocation of the fence, the resulting encroached land has also now been hard-surfaced in rolled-stone and low retaining wall constructed.
5. In the case of Amberley House, it is apparent that the property as constructed, has enclosed, planted and developed (built raised beds, patio and paving etc.) land to its rear, which is clearly outside both the original planning permission boundary, and all subsequent consents granted to extend the property further. Whilst it has taken some advantage of the adjoining 1985 'yard' consent as residential curtilage, to both physically extend the property and its curtilage, the identified land is still not covered by any previous residential use consents and in fact, includes land subject of a previous refusal for a curtilage extension. The extended L shaped garden element measures 27mts across its width and extends back between variously, 8 to 15mts.
6. A further issue of concern is the creation of a gated, partially rolled-stone surfaced, access between the 'yard' site and Amberley House, which provides access to the field behind Amberley House and also apparently, to that properties dedicated sewage treatment plant. At the time of writing, an application has been made to retain the access. In anticipation of a highway objection being raised, however, and a possible refusal of permission, further action may become necessary.

7. The final issue of concern is that when the 'yard' site was being redeveloped and extended, two metal box containers sited on the yard were relocated onto adjoining land. At the time of writing, the case officer having being verbally advised that they were to be sold off, notes that some 6 months further on, those containers still remain. As such, a further, unacceptable change of use of land has occurred.

Conclusions

8. The change of use of agricultural land to domestic garden represents an unjustified intrusion into the rural landscape, extends the settlement boundary of Wick and would detract from the character of the open countryside. As such, there are clear planning policy objections. Similarly, no justification can be made for the present siting of the metal box containers and even if they were to be relocated back to within the 'yard' site, they would still be subject of planning control and given the consented use of that 'yard' as residential curtilage land, would still be considered an inappropriate form of development. On the issue of the new access, whilst an application has been made and remains undetermined, if a refusal is forthcoming, the blocking of that access will be required and therefore, is included for possible action within this report.

Resource Implications (Financial and Employment)

9. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

10. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
11. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

12. None.

RECOMMENDATION

- (1) That the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Cessation of the use of the land for residential garden purposes.
 - (ii) Removal all residential trappings, planting and hard-surfacing from the unauthorised garden extension land.
 - (iii) The erection of a suitable fence or wall to redefine the approved residential curtilages of Amberley House and the adjacent yard site.

- (iv) The removal of the metal box containers from the land
- (v) Cessation of the use of the vehicular access, removal of the rolled-stone surface and thereafter, the blocking up of the same by the erection of a suitable fence or planting of a hedge.

Reasons for Recommendation

- (i) To prevent the unacceptable residential encroachment outside the settlement boundary into the open countryside and also the use of land for purposes not related to agriculture and forestry and therefore contrary to Policies ENV1, ENV10 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.
- (ii) The creation of a new vehicular access onto the classified B4265 road, where two other approved vehicular access points in close proximity already exist to serve the same land and property, cannot be justified and therefore represents a hazard to highway safety and the free flow of traffic along the B4265.

In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Background Papers

Enforcement File Ref: ENF/2007/0451/A

Contact Officer - Mr. G. R. Thomas, Tel: 01446 704694

Officers Consulted:

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

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

7. ENFORCEMENT ACTION

LAND TO THE EAST OF MORNING STAR AND TY CWM, DROPE ROAD, ST.
GEORGES SUPER ELY : CHANGE OF USE OF THE LAND FOR RESIDENTIAL
PURPOSES THROUGH THE SITING OF A STATIC AND TOURING CARAVAN,
CREATION OF AN ACCESS AND LAYING OF A HARD SURFACE AND
ERECTION OF STRUCTURE

Background

1. A complaint was initially received by the Local Planning Authority on 10 April 2008, alleged unauthorised works relating to the creation of an access, erection of gates and the creation of a track into a field at land to the east of Morning Star and Ty Cwm, Drope Road, St. Georges Super Ely. A further complaint made on the 21 April 2008 alleged the siting of a caravan on the land.
2. An officer visited the site on 23 April 2008, and noted that works had taken place including what appeared to be the creation of a new access, erection of timber pillars and gate and the laying of hardcore material on entrance to the site. It also appeared that part of the hedgerow had been removed. A static caravan had been placed on the land and a small JCB digger and works van was also present. The officer spoke to a Mr. Ian Ryall who introduced himself as the owner of the land and explained that he was residing in the caravan, allegedly unaware that permission was required for its siting. Mr. Ryall stated that the caravan had been sited for approximately four days. The officer explained that such a residential use is considered a material change of use to the land and a planning application is necessary. The officer also highlighted that such a planning application to retain the caravan would not be looked upon favourably at this location given the policy restriction against dwellings outside a settlement boundary in the countryside. Mr. Ryall provided address details of a property he is in the process of selling in Ely, Cardiff.
3. Further to the initial site visit and with further telephone complaints from local residents a Planning Contravention Notice (PCN) was issued to Mr. Ryall on 1 May 2008, to establish further information with a view to pursuing formal enforcement action. The Notice was served at both the site and the Ely address given by Mr. Ryall previously. On serving the Notice at the site it was noted that possible structures were being erected in the corner of the field opposite the static caravan.

4. The PCN was returned on 13 May 2008, by Mr. Ryall who met two officers of the Local Planning Authority. The officers made clear that a breach had occurred at the site and Mr. Ryall clarified that a mobile caravan had been sited on the land in addition to the existing caravan for toilet purposes. Mr. Ryall explained that the caravan was his residence at present and that he had ordered pheasants to place on the land. He had envisaged applying for planning permission in the future for a farmhouse. Mr. Ryall, after requesting, was given planning application forms to apply for the caravan on the land. However, it was made clear that such an application would not be looked upon favourably and would not prevent the pursuit of formal enforcement action.
5. The return of the Planning Contravention Notice clarified that Mr. Ryall is a tenant on the land, which his three children own. It was stated within that the use or operation or activities on the land began approximately on 20 March 2008.

Details of the Breach

6. As described above it is considered that the breach consists of the change of use of the land for residential purposes through the siting of two caravans, the creation of a new access and laying of hardstanding, and the erection of structures on the land.

Planning History

7. None.

Policy

National Planning Guidance:

8. National Guidance in the form of Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006), is considered to be of direct relevance to this case, in particular paragraphs 9.3.6 and 9.3.10 which deals with new dwellings in the open countryside. This guidance indicates that such development should be strictly controlled and requires a functional test to be carried out to establish whether, for the proper functioning of the agricultural enterprise, one or more workers need to be readily available at most times and a financial test to establish that the farming enterprise is economically viable.
9. In addition to this, Technical Advice Note (Wales) 6, Agricultural and Rural Development, is also considered directly relevant to this appeal. In particular, paragraphs 40 to 58 of the Advice Notes which relate to Agricultural and Forestry Dwellings.

Development Plan:

10. The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are also of relevance to this report:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV4 - SPECIAL LANDSCAPE AREAS (I) ELY VALLEY AND RIDGE SLOPES

ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS3 – DWELLINGS IN THE COUNTRYSIDE.

HOUS5 – AGRICULTURAL OR FORESTRY DWELLINGS

Reasons for Serving an Enforcement Notice

11. The site lies within a Special Landscape Area outside of any defined settlement boundary. As such, there are considered to be two principal issues in this case. Firstly, whether the use of the site for residential purposes is acceptable, in view of the location of the development within the open countryside. The second is the visual impact the residential caravans and the associated paraphernalia have on the surrounding countryside recognised for its special landscape value.
12. With regard to the acceptability or justification for the residential use of the land and buildings, it is important to first consider the fundamental principles of the Council's Countryside protection policies. Essentially, Policy ENV1 only permits development within the countryside that is essential for activities that are appropriate to a rural location. Council Policy HOUS3, together with Government Guidance Planning Policy Wales and Technical Advice Note (TAN) 6 make provision for new residential accommodation within the countryside that can be justified in the interests of agriculture. TAN 6 set out certain tests that must be satisfied in order to establish that there is a justification of a new residence. TAN 6 also makes provision for temporary residential dwellings (i.e. a caravan) on a newly established farming enterprise. Whilst, it is noted that the occupier of the land has intentions of establishing a farming unit on the site and says he has ordered a number of birds in order to establish a pheasant farm, this farming unit has not yet been established. The occupier of the site has not confirmed that he is employed in other farming activities close to the site. As such, there is no apparent agricultural justification for the residential use of the site. In view of the lack of evidence of any agricultural need for the residential use of the site, the use is unjustified under the tests set out in TAN 6, as supported by Planning Policy Wales, as well as being contrary to Policies ENV1, HOUS3 and HOUS5.
13. In addition to the findings above, the siting and appearance of the static caravan erected on site is also considered to be unsympathetic and has a harmful effect on the rural character of the area. The caravans, together with the associated paraphernalia in the form of gas bottles, vehicles, etc., have a particularly temporary and untidy appearance which is highly prominent when viewed from the adjoining highway. In addition to this, sections of hedgerow have been removed and the access appears more residential in use, which fails to have regard to the distinct rural character of the area.

14. The caravans and equipment that result from the unauthorised use, together with the area of hard surface, are considered to have a harmful effect on the surrounding countryside recognised for its unspoilt landscape value. The development does not compliment the local character of the surrounding open spaces and has a detrimental impact on the adjacent areas contrary to the criteria defined in Policy ENV27. In addition to this, sections of hedgerow have been removed and the access appears to be residential in use, which fails to have regard to the distinct rural character of the area. In line with advice given within the Council's Supplementary Planning Guidance 'Design in the Landscape' in reference to Policy DG7 it is outlined that there is a need to maintain the rural character of rural roads as an integral element of the landscape and to conserve hedgerows, hedge banks and historical feature on the roadside.

Conclusions

15. The residential use of the land to the east of Morning Star and Ty Cwm, Drope Road, is considered to be an unjustified form of development that is visually harmful and detrimental to the surrounding area recognised for its landscape value. The use of the site is, therefore, considered to be contrary to Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006) and Technical Advice Note (Wales) 6, Agricultural and Rural Development, as well as Policies ENV1, ENV4, ENV27, HOUS3 and HOUS5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.
16. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action.

Resource Implications (Financial and Employment)

17. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

18. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
19. The Action is founded in law. The proposed action may have implications for the individual's rights referred to in the Human Rights Act 1998, in particular Article 8 – the right to respect for private and family life. However, in view of the unjustified and inappropriate nature of the development and the fundamental conflict this development has with the Council's responsibility to protect the Countryside from unjustified and inappropriate development, the actions proposed are, on balance, considered to outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

20. None.

RECOMMENDATION

- (1) That the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Cessation of the use of the land for the siting of caravans for residential purposes.
 - (ii) Removal from the land of all caravans and associated paraphernalia.
 - (iii) Removal from the land of the hard surfaced material.

Reason for Recommendation

- (1) The residential use of the land to the east of Morning Star and Ty Cwm, Drope Road, is considered to be an unjustified form of development that is visually harmful and detrimental to the surrounding area recognised for its landscape value. The use of the site is, therefore, considered to be contrary to Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006) and Technical Advice Note (Wales) 6, Agricultural and Rural Development, as well as Policies ENV1, ENV4, ENV27, HOUS3 and HOUS5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

In the event of non compliance with the notice, authorisation is also sought to take such legal proceedings as may be required.

Background Papers

Enforcement File Ref: ENF/2008/0204/PC

Contact Officer - Mr. Liam Jones, Tel: 01446 704735

Officers Consulted:

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

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

7. ENFORCEMENT ACTION

LAND AND BUILDINGS AT OAKWAYS FARM, (CURRENTLY MAES SAESON)
PETERSTON SUPER ELY

Background

1. The land and buildings subject of this report is known as Oakways Farm and comprises a relatively recently created holding located in the open countryside along Groesfaen Road, north of Peterson Super Ely village. The holding comprises of 65 acres of land, which is used for the keeping of horses as well as being farmed and grazed by the farm's sheep and cattle.
2. At present, the site is used for a number of activities including, a stud farm, for horse breeding, horse riding and horse training. The applicant owns a large stock of horses of which she breeds, trains and sells. Fourteen are currently kept at Oakways Farm.
3. Currently present on the site, there are two different complexes of buildings. The main complex consists of a large agricultural type barn, which has a lawful use for the keeping of horses together with the farm office, staff room, whelping room and a toilet and shower room for visitors to the site who have disabilities. Located to the side (south) of the barn is a ménage. Planning permission has recently been granted for the relocation of a horse walker and two free standing timber stable buildings to be located ~~close~~ close to the main barn. These structures are on the site, but have not been relocated to their approved location.
4. The second complex of buildings consists of another large type agricultural barn in the southern most corner of the site. Planning permission has also been granted for the use of this building for the stabling of horses.
5. The land and buildings subject of this report have a complicated planning history including a number of Enforcement Notices. These are detailed in the planning history in the paragraphs below.

Details of the Breach

6. As can be seen for the planning history below, this site has been subject to previous enforcement investigations. The site has been recently inspected in pursuit of compliance with the Enforcement Notices. During these investigations it was revealed that the owner of the farm/horse breeding complex did not have any residential accommodation elsewhere (having sold her previous property, Gwern y Gedrych Farmhouse which adjoined the current holding) and was, in fact, residing at the site without any form of permission.
7. As mentioned above, the main barn at Oakways has a lawful use for the keeping of horses together with the farm office, staff room, whelping room and a toilet and shower room for visitors to the site. This use of the barn and the facilities it contains was allowed at appeal in October, 2006, by virtue of planning application 2005/01744/FUL. The owner of the site uses the staff room as her kitchen and living room, and the shower and toilet facilities as her bathroom. She advised the Enforcement Officers that she sleeps in the sleeping compartment of a horse trailer and the horse trailer is kept either in the barn or on the land to the front of the barn. The Enforcement Officers had sight of the horse trailer in question during a site inspection.
8. In view of the owners own admission, it is apparent that a residential use of the land and buildings is taking place. This is a material change of use of the land and buildings that requires the benefit of planning permission. As the necessary permission has not been granted, this change of use is unauthorised and in breach of planning control.

Action Pursued to Date

9. The owner of the site has been made aware of this breach of planning control and has been advised that this breach cannot continue without control. She has confirmed her intentions to apply for planning permission in the future for a permanent or temporary residential unit on the site with a justification on agricultural/equestrian grounds. Such an application has not, however, been submitted to date.

Planning History

10. The site has the following planning history:

Reference No.	Description	Decision
2005/01784/FUL	New barn to replace barn at Gwern-y-Gedrych	Refused 11/01/2006
ENF/2006/0447/A	4 Enforcement Notices served: 1. For the siting of 3 caravans 2. Use of barn for stabling of horses 3. Hard standing, ménage/sandpit and horsewalker 4. Three timber stables	26/01/2006

2005/01756/FUL	Enlarge storage/haylage. Sheep feeding area. Replace existing gates including concrete support	Refused 03/01/2006 Appeal dismissed 25/10/2006
2005/01744/FUL	Change of use of existing lean-to from sheep handling to accommodate dual purpose for sheep and stuff horses and farm office, team room, whelping room, disables WC, etc. Proposed sandpit and horse walker.	Refused 03/01/2006 Appeal dismissed for horsewalker. Appeal allowed for sandpit and change of use of lean to 25/10/2006
2005/01698/FUL	Placing on site 3. no. Caravans as temporary living accommodation for applicant and staff.	Refused 12/01/2006 Appeal allowed for one caravan granting temporary consent for 1 year. 25/10/2006
2008/00200/FUL	Relocation of two stables, horse walker and change of use of agricultural barn to agriculture and the keeping of horses.	Approved 10/04/2008

Policy

National Planning Guidance:

11. National Guidance in the form of Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006), is considered to be of direct relevance to this case, in particular paragraphs 9.3.6 and 9.3.10 which deals with new dwellings in the open countryside. This guidance indicates that such development should be strictly controlled and requires a functional test to be carried out to establish whether, for the proper functioning of the agricultural enterprise, one or more workers need to be readily available at most times and a financial test to establish that the farming enterprise is economically viable.
12. In addition to this, Technical Advice Note (Wales) 6, Agricultural and Rural Development, is also considered directly relevant to this appeal. In particular, paragraphs 40 to 58 of the Advice Notes which relate to Agricultural and Forestry Dwellings.

Development Plan:

13. The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are also of relevance to this report:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS3 – DWELLINGS IN THE COUNTRYSIDE

HOUS5 – AGRICULTURAL OR FORESTRY DWELLINGS

14. The development lies within an area of open countryside outside of any settlement boundary defined in the UDP.

Reasons for Serving an Enforcement Notice

15. There are considered to be two principal issues in this case. Firstly, whether the use of the site for residential purposes is acceptable, in view of the location of the development within the open countryside. The second, is whether the nature of this residential accommodation is appropriate, in view of the living and sleeping arrangements.
16. With regard to the acceptability or justification for the residential use of the land and buildings, it is important to first consider the fundamental principles of the Council's Countryside protection policies. Essentially, Policy ENV1 only permits development within the delineated countryside that is essential for activities that are appropriate to a rural location. Council Policy HOUS3, together with Government Guidance Planning Policy Wales and TAN 6 make provision for new residential accommodation within the delineated countryside that can be justified in the interests of agriculture. TAN 6 set out certain tests that must be satisfied in order to establish that there is a justification of a new residence. Whilst it is accepted that the site subject of this report is a farming/horse breeding unit, no evidence has been put forward by the owner to justify the residential use of the site. In view of the ~~lack~~ of evidence of any agricultural or equestrian need for the residential use of the site, the use is unjustified under the tests set out in TAN 6, as supported by Planning Policy Wales, as well as being contrary to Policies ENV1, HOUS3 and HOUS5.
17. Whilst it would have been open to the Council's Enforcement Officers to request information that would have supported any justification, it is known that the owner of the site was the occupier, but has only recently sold (October 2005) a substantial detached dwelling, farmyard and buildings, known as Gwern-y-Gedrych, which is situated just 400 metres to the north of the site subject of this report. In view of this, it would not be reasonable and could be considered to be an abuse of the planning process to allow the erection of a new dwelling when, up until recently the land owner was in occupation of an on site dwelling allowing the required close management of the unit at Oakways.

18. Furthermore, it is also known that the site owner has very recently put up for sale the second barn and adjoining land as a separate 'equestrian centre'. This second barn was subject of the 2008/00200/FUL permission for a change of use from agriculture to the keeping of horses. This change of use was approved following the land owners claims that she could not accommodate all her horse stock within the existing buildings. As this building is now up for sale, it is evident that circumstances have now changed and her horse stock and operations on site are being reduced or compacted, thus further diminishing any justification for an agricultural/equestrian related dwelling.
19. With regard to the appropriateness of the nature of this residential use, the accommodation it comprises is particularly substandard. Whilst the kitchen/living area together with the bathroom facilities may be adequate, their location within a modern sheet steel barn, actively used for the keeping of animals, is wholly unacceptable for a residential use. It is accepted that these rooms are used in association with the agricultural/horse breeding and equestrian use of the site, but this is only as staff room and as facilities for visiting members of the public. This accommodation is inappropriate as a residence. Furthermore, and more importantly, the sleeping accommodation is entirely unsuitable and, when considered together with the living room and bathroom facilities, is a residential use that provides no residential amenity for its occupier. This substandard residential accommodation is entirely contrary to the Council's Policy ENV27 which sets out the Council's general design criteria .

Conclusions

20. The residential use of the land and buildings at Oakways farm is considered to be an unjustified form of development, the accommodation of which is wholly inappropriate and unacceptable. The development is, therefore, considered to be contrary to Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006) and Technical Advice Note (Wales) 6, Agricultural and Rural Development, as well as policies ENV1, ENV27, HOUS3 and HOUS5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.
21. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action.

Legal Implications (to include Human Rights Implications)

22. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
23. The Action is founded in law. The proposed action may have implications for the individual's rights referred to in the Human Rights Act 1998, in particular Article 8 – the right to respect for private and family life. However, in view of the unjustified and inappropriate nature of the development and the fundamental conflict this development has with the Council's responsibility to protect the Countryside from unjustified and inappropriate development, the actions proposed are, on balance, considered to outweigh any rights the individual has under the 1998 Act.

Resource Implications (Financial and Employment)

24. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Equal Opportunities Implications (to include Welsh Language Issues)

25. None.

RECOMMENDATION

- (1) That the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Cessation of the use of the land and buildings for residential purposes.

Reason for Recommendation

- (1) The residential use of the land and buildings at Oakways farm is considered to be an unjustified form of development, the accommodation of which is wholly inappropriate and unacceptable. The development is, therefore, considered to be contrary to Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006) and Technical Advice Note (Wales) 6, Agricultural and Rural Development, as well as policies ENV1, ENV27, HOUS3 and HOUS5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

In the event of non compliance with the notice, authorisation is also sought to take such legal proceedings as may be required.

Background Papers

Enforcement File Ref: ENF/2006/0447/A

Contact Officer - Miss Hayley Phillips, Tel: 01446 704672

Officers Consulted:

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

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

PLANNING COMMITTEE MATTERS: CIRCULATION OF LATE
REPRESENTATIONS TO THE PLANNING COMMITTEE

Purpose of the Report

1. To seek the authorisation of the Planning Committee in respect of revising current arrangements relating to the consideration and reporting of late items of information and/or letters to a Planning Committee.

Background

2. It has been recognised both by officers and by Committee Members that the current arrangement whereby members of the public, interested parties, applicants etc. can submit late information right up until 12.00 pm on the day of Planning Committee could lead to situations where both officers and Members have insufficient time to properly consider the submitted details. In some recent Planning Committees there have been late representations submitted extending to over 70 pages in length.

Relevant Issues and Options

3. In order to ensure that both Members of the Committee and Officers can properly consider late representations it is suggested that the cut off point be moved forward 24 hours to 12.00 p.m. on the day before Committee.
4. It is also suggested that all late representations will be considered by officers on the day before Committee and those which are considered to be relevant to the consideration of any report on the Committee agenda will be circulated to all members of the planning committee by e mail by 5.00 p.m. on the day before Committee. Such late representations will also be tabled, as currently, for completeness.
5. As a consequence of moving this cut off time forward by 24 hours it is also proposed to allow the public to view the Committee report 4 working days before the date of the Planning Committee (currently 3 days). This should ensure that no-one is disadvantaged and that the status quo is effectively maintained for applicants' agents and the public in general.

Resource Implications (Financial and Employment)*

6. The changes proposed will allow a more effective and efficient use of resources in both the Planning and Transportation Division and in respect of the work of the Committee Clerks.

Legal Implications (to Include Human Rights Implications)

7. None arising out of this report

Crime and Disorder Implications

8. None arising out of this report

Equal Opportunities Implications (to include Welsh Language issues)

9. None arising out of this report.

Corporate/Service Objectives

10. The implementation of the suggested changes will allow for more efficient working.

Policy Framework and Budget

11. This is a matter for the consideration of Planning Committee.

Relevant Scrutiny Committee

12. Economy and Environment.

RECOMMENDATION

- (1) That the Committee authorise that the time when no further information can be accepted or considered for any item which is to be considered at a Planning Committee is changed from 12 p.m. on the day of the Committee to 12.00 p.m. on the day before Committee.

Reason for the Recommendation

- (1) To allow officers and Members to properly consider any information that may have been submitted after the Committee report has closed and before the actual day of the Planning Committee.

Background Papers

None arising out of this report.

Contact Officer – Marcus Goldsworthy, Tel: 01446 704661

Officers Consulted:

Dorrett Thompson, Legal Services

ROB QUICK

DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

ST. ILLTYD'S JUNIOR AND INFANTS SCHOOL, STATION ROAD, LLANTWIT
MAJOR : PROPOSED 20 M.P.H. ZONE

Purpose of Report

1. To seek Members' approval to introduce a 20 m.p.h. zone Order over a number of roads within and adjoining the central area of Llantwit Major, together with amended/improved pedestrian crossing facilities on Station Road to the front of St. Illtyd's Junior and Infants School and a re-modelling of the mini-roundabout at the junction of Station Road and Le Pouliguen Way, all as part of an approved Safe Routes in Communities scheme funded by the Welsh Assembly Government.

Background

2. Station Road is used by a significant number of motorists as part of a local internal traffic route, a route to the B4265 and route to the railway station. Situated adjacent to Station Road and taking pedestrian and vehicular access from it, is St. Illtyd's Junior and Infants School, the surface car park and servicing area to the Safeway store and access to a doctor's surgery. The proposal seeks to specifically improve the safety of all pedestrians and cyclists using Station Road and its adjoining roads and to further encourage these forms of sustainable travel.
3. Measures exist to improve pedestrian access to St. Illtyd's Junior and Infants School and general pedestrian safety along Station Road using a zebra crossing and associated traffic calming measures. However, owing to the behavioural attitude of drivers, the measures have not been as successful as was expected and consequently they require to be amended in the interests of pedestrian safety.
4. A mini-roundabout was provided on Station Road to specifically accommodate the existing access to the car parking and servicing of the Summerfield store and the new access requirements of St. Illtyd's Junior and Infants School.
5. The scheme is in line with the Council's objective to promote road safety outside schools by increasing the number of 20 m.p.h. restrictions, improving pedestrian access and addressing issues of excessive vehicle speed.

6. The school generates high levels of parking with congestion occurring at the start and end of the school day, which is a common and difficult problem to address.
7. The incidence of road traffic collisions involving personal injury was investigated to ensure that the proposed measures address their occurrence. This showed that 2 such incidents occurred on Station Road, to the front of St. Illtyd's Junior and Infants School, during a five year period from 1 January 2003 to 31 December 2007. All the injuries were sustained by drivers, as a result of vehicle/ vehicle conflict, no pedestrians were involved.
8. A traffic survey was also undertaken on Station Road using automatic data collection equipment for a five-day period. The results revealed that the highest recorded 85th percentile speeds for westbound traffic was 20.7 m.p.h. with 1614 vehicles in a 24 hour period, and for eastbound traffic the 85th percentile was 20 m.p.h. with 1739 vehicles in a 24 hour period.
9. The prevalence of on-street parking caused by parents taking their children to and from school in conjunction with patients attending the doctor's surgery reduces the effective width of the road for through traffic movement. Such indiscriminate parking can result in increased driver speed; it also reduces the visibility for and of pedestrians, particularly children.

Relevant Issues and Options

Proposed Re-Positioning of the Zebra Crossing

10. The aggressive attitude of drivers at the existing narrowed carriageway humped Zebra Crossing is such that pedestrians, that is primarily parents and children going to and from St. Illtyd's Junior and Infants School, are having difficulty in exercising, over drivers, their rights to cross, which is causing parent and children concern and is detrimental to road safety. To address this situation, it is proposed that the existing humped zebra crossing be removed with a new humped zebra crossing, with no narrowing, being provided at a point some 35 metres west of the Station Road/Le Pouliguen Way mini-roundabout junction.
11. The current school crossing patrol officer will operate from the proposed zebra crossing.

Re-Modelling of the Mini-Roundabout at Station Road / Le Pouliguen Way

12. The aggressive attitude of drivers also surfaces through their excessive speed, in the context of the area, in proceeding left from Le Pouliguen Way into Station Road. To address this matter it is proposed that the mini-roundabout at their junction be re-modelled producing a layout, which physically controls the speed of vehicles to below 20 m.p.h.

20 M.P.H. Zone and Amendment of the Existing Traffic Calming Measures

13. To further control the speed of traffic it is proposed to introduce a 20m.p.h. speed limit on Station Road, between its junction with Le Pouliguen Way and Durell Street. Also, in association with this, to provide a pair of road cushions on Station Road to its eastern frontage with the property known as Bromley House.
14. Finally in recognition of the weight of pedestrian movement on Station Road and also, as a means of reducing the carriageway width and further controlling the speed of traffic such that it becomes a traffic calming feature, to provide a footway along its northern side over the frontage of No. 7 and Gething House and part frontage of Fonman Cottage.
15. The proposed extent of the 20 m.p.h. zone together with the other measures identified in paragraphs 7 to 11 are shown on Plan No. T/08/56/RWB.
16. The Chief Constable, Local Members, and the Head Teacher of the High School have been consulted and their responses are awaited.

Resource Implications (Financial and Employment)

17. The cost of implementing the traffic calming features and supporting Traffic Regulation Order is estimated to be £156,300, which will be met from the 2008/09 Safe Routes in Community schemes funding that was awarded to the Council by the Welsh Assembly Government.
18. The proposed works will be designed and supervised by the Engineering Design Division. To comply with the current policy governing the procurement of goods, works or services for contracts with an estimated value of more than £15,000 but less than £100,000, three quotations will be obtained, one of which will be from the Highways Maintenance Division.

Legal Implications (to include Human Rights Implications)

19. The Road Traffic Regulation Act 1984 allows highway authorities to establish crossings for pedestrians and to make or vary Orders to regulate the movement of vehicular traffic and to improve the amenities of the area.
20. The Council as highway authority has a responsibility to ensure the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
21. The Highway (Road Hump) Regulations 1999 and section 90A of the Highways Act 1980 permits a Local Authority to install road humps subject to statutory consultations and public notice being undertaken.
22. There are no human rights implications.

Crime and Disorder Implications

23. The reduction of traffic speed is likely to lessen any crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

24. The proposal will benefit all sectors of the community by improving road safety.
25. Traffic signs and road markings forming part of any scheme will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

26. To provide a safe highway infrastructure.

Consultation (including Ward Member Consultation)

27. Stakeholder consultations including local Member consultation will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That Members resolve to give public notice of the Vale of Glamorgan Council's intention to introduce a 20 m.p.h. zone, the effect of which will be as shown in Schedule 1 of Appendix A, and to construct a pair of speed cushions and a humped zebra crossing as shown in Schedule 2 of Appendix A.
- (2) That, in the event of no objections being received, the Order be made and the traffic calming works be constructed.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984, the Highways (Road Hump) Regulations 1999 and the Highways Act 1980.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic File IF550.

Contact Officer - Robert Bertram, Tel: 029 2067 3138

Officers Consulted:

Operational Manager Legal Services
Accountant, Building and Visible Services

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX A

SCHEDULE 1

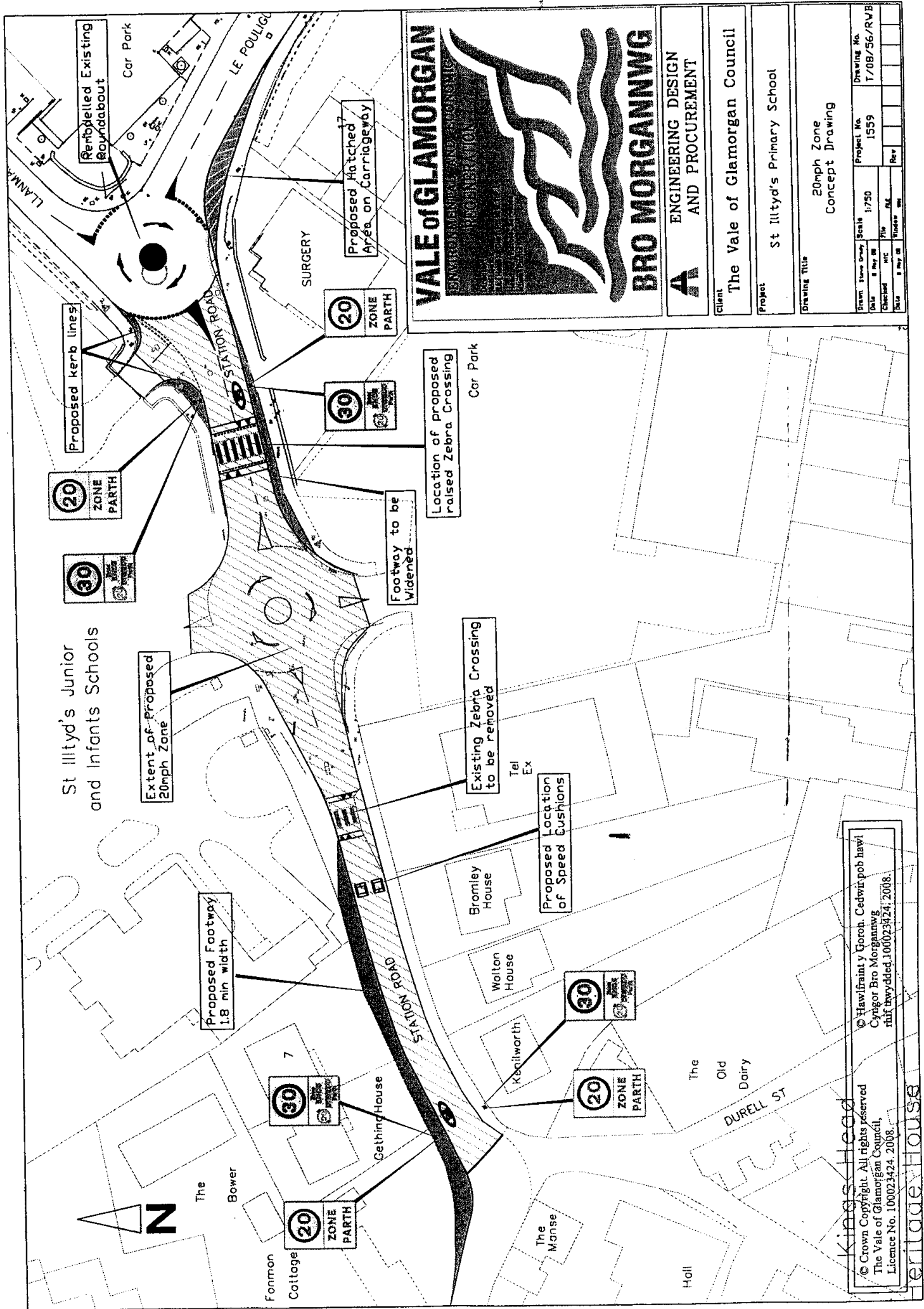
Station Road – 20 m.p.h. Speed Limit

No person shall cause or permit a vehicle to proceed at a speed greater than 20 miles per hour along Station Road between its junctions with Le Pouliguen Way and Durell Street

SCHEDULE 2

Station Road – Traffic Calming

Flat top speed cushions 65mm high x 1900mm long x 1750mm wide.	Station Road – the centre being approximately 2metres west of the extended common boundary between the Telephone Exchange and Bromley House.
Flat top humped zebra crossing approximately 75mm high x 5000mm long x 7000mm wide.	Station Road – the centre being approximately 10 metres east of the south eastern boundary to the surgery.



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

SOUTH ROAD, SULLY : EXTENSION OF EXISTING SHARED PEDESTRIAN
AND CYCLE ROUTE

Purpose of Report

1. To seek Members' approval to convert a section of pedestrian footway into a shared pedestrian and cycling facility.

Background

2. The National Cycle Strategy encourages local authorities, the private sector and voluntary groups to work towards a change in attitudes to cycling and the development of cycle infrastructure.
3. The Vale of Glamorgan Unitary Development Plan incorporates Environmental Policy 2. This aims to encourage sustainable environmental practices to include proposals to help reduce vehicle movements by car and encourage cycling and walking.
4. Policy Tran 9 – (Cycling Development) indicates that provision will be made for cycle routes including safe and convenient links with and between the Vale of Glamorgan and Cardiff.
5. Guidelines for planning and design are found within the National Cycle Network : Guidelines & Practical Details (Sustrans / Ove Arup & Partner) and the Council has adopted the Vale of Glamorgan Cycle Study 1997. This Study recommends the development of a network of cycle routes, for both utility and leisure purposes, with priority being given to the Cardiff strategic cycle route between Penarth and Barry.

Relevant Issues and Options

6. It is proposed to extend, from its junction with Winsford Road to the proposed Zebra Crossing on Sully Road, located to the front of the Library, the existing shared pedestrian and cycle facility to the north side of Sully Road. This will require the extent of the existing footway affected by the proposal to be converted to a shared facility. The details of the proposals are more particularly shown on Plan No.T/08/55/RWB attached.

Resource Implications (Financial and Employment)

7. The scheme, whose estimated cost is £10,000, will be funded from the 2008/2009 Safe Routes in Communities schemes funding, awarded to the Council by the Welsh Assembly Government. The proposed works will be designed and supervised by the Engineering Design and Procurement Division. Unless this element is packaged with other elements of the overall Sully Primary School Safe Routes in Communities scheme, the works will be undertaken by the Highway Maintenance Division. Otherwise to comply with the current policy governing the procurement of goods, works or services for contracts with an estimated value of more than £15,000 but less than £100,000, three quotations will be obtained, one of which will be from the Highways Maintenance Division.

Legal Implications (to include Human Rights Implications)

8. Members are advised that the existing footway to be converted to a shared use facility has the following legal definition:

Footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only. Section 329 (1) Highways Act 1980. It is a fixed penalty offence by virtue of regulation 2 (c) of the Fixed Penalty Offences Order 1999 9SI. 1999, No.1851) to drive a motor vehicle and by regulation 3(2)(b) to ride a bicycle on a public footway.

9. In contrast a Cycle Track means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1972) with or without a right of way on foot. Section 329(1) Highways Act 1980.
10. To convert all, or part of a footway to a cycle track, under Section 65(1) requires a resolution by an appropriate Committee. By virtue of Section 34 Road Traffic Act 1988 it is an offence to use a motor cycle on a cycle track, and the making of a Traffic Regulation Order is therefore no longer needed to control such use. The adjacent cycle track or shared surface should be clearly signed.
11. Members are advised that whilst the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984 (S.I. 1984 No. 1431) provides an alternative procedure under which a local highway authority can convert all, or part, of a footpath to a cycle track, these requirements do not apply in circumstances where it is proposed to convert a **footway** to a cycle track under the permissive powers available under Section 65 of the Highways Act 1980.
12. There are no human rights implications.

Crime and Disorder Implications

13. There are no crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

14. Any signage will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

15. The issues contained within this report are part of the service objective – *To improve the environment and the quality of life in the Vale of Glamorgan by effectively managing the Council's highway network.* This links to the corporate objective of Environmental Improvement.

Consultations (including Ward Member Consultation)

16. Stakeholder consultations including local Member consultation will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That the proposed cycle facility be approved.
- (2) That pursuant to Section 65 (1) of the Highways Act 1980 the Vale of Glamorgan Council construct a shared pedestrian/cycle facility along the length of footway as shown in yellow on Plan No. T/08/55/RWB.

Reasons for Recommendations

- (1) To enable the Highway Authority to provide clear evidence that they have exercised their powers in accordance with Section 65 of the Highways act 1980.
- (2) To comply with the Highways Act 1980.

Background Papers

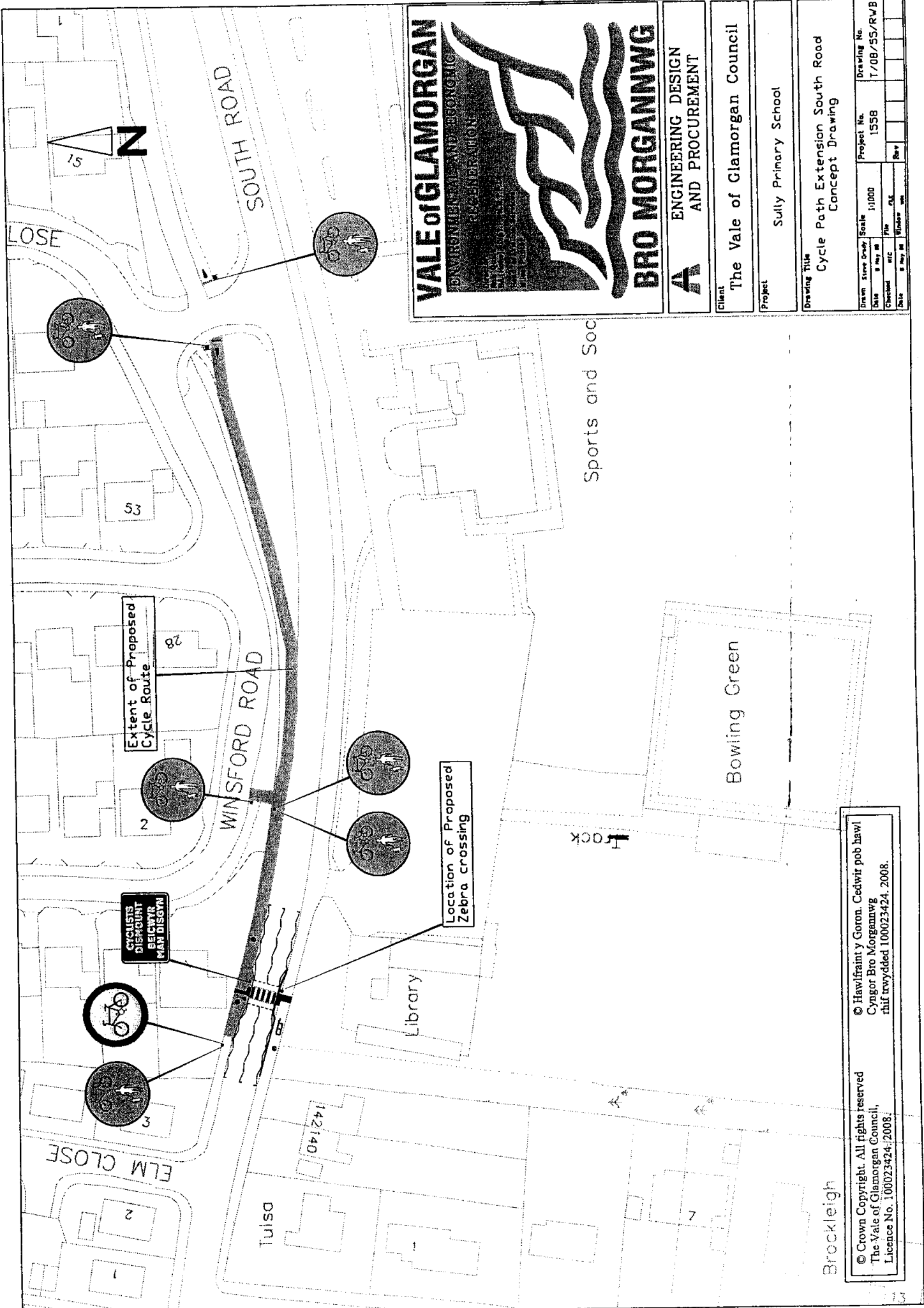
Contained in capital scheme File No. 1558.

Contact Officer - Robert Bertram, Tel: 029 2067 3138

Officers Consulted:

Operational Manager Legal Services
Accountant, Building and Visible Services

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION



VALE of GLAMORGAN
 ENVIRONMENTAL AND ECONOMIC
 CONSULTATION
BRO MORGANNWG

**ENGINEERING DESIGN
 AND PROCUREMENT**

Client:
 The Vale of Glamorgan Council

Project:
 Sully Primary School

Drawing Title		Project No.		Drawing No.	
Cycle Path Extension South Road		1558		T/08/55/RWB	
Scale		File		Rev	
1:1000		RWB			
Checked		Drawn		Rev	
RWB		RWB			

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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

HEOL YR YSGOL, ST. BRIDES MAJOR : PROPOSED 20 M.P.H. LIMIT

Purpose of Report

1. To seek Members' approval to introduce a 20 m.p.h. speed limit Order and signing and lining, over Heol yr Ysgol, St. Brides Major, as part of an approved Safe Routes in Community scheme funded by the Welsh Assembly Government.

Background

2. As well as providing the sole means of vehicular access and primary means of pedestrian access to St. Brides Major Church in Wales Primary School, Heol yr Ysgol also provides the southernmost means of vehicular access to the residential development of some 29 properties. The school generates relatively high levels of vehicular and parking activity at the start and end of the school day parking, which is a common and difficult problem to address, whilst the residential development will generate varying levels of vehicular activity throughout the day.
3. The scheme is in line with the Council's objective to promote road safety outside and in the immediate vicinity of schools by providing on their respective roads 20 m.p.h. speed restrictions.

Relevant Issues and Options

4. The occurrence of on-street parking caused by parents taking their children to and from school reduces the road to less than a single lane over a significant length. This is of particular concern at the junction of the road. Such indiscriminate parking in conjunction with standard traffic speeds associated with residential areas is detrimental to road safety particularly in respect of children.
5. The proposed 20 m.p.h. Order will be introduced on Heol yr Ysgol for a distance of approximately 225 metres from its south western extent. The details of which are shown on the attached copy of Plan No. T/08/58/RWB and schedule forming Appendix A to this report.
6. The Chief Constable, Local Members, and the Head Teacher of the Primary School have been consulted and their responses are awaited.

Resource Implications (Financial and Employment)

7. The total estimated cost of implementing the identified proposals is of the order of £6,300. This will be funded by Welsh Assembly Government grant 2008/09 as part of the Safe Routes in Communities initiative.
8. The proposed works will be designed and supervised by the Engineering Design Division. In compliance with the current policy governing the procurement of goods, works or services, as the estimated value of the works is less than £15,000 they will be undertaken by the Highways Maintenance Division.

Legal Implications (to include Human Rights Implications)

9. The Road Traffic Regulation Act 1984 allows highway authorities to make or vary Orders to regulate the movement of vehicular traffic and to improve the amenities of the area.
10. The Council as highway authority has a responsibility to ensure the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
11. There are no human rights implications.

Crime and Disorder Implications

12. The reduction of traffic speed is likely to lessen any crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

13. The proposal will benefit all sectors of the community by improving road safety.
14. Traffic signs and road markings forming part of any scheme will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

15. Corporate/Service Objectives - To provide a safe highway infrastructure.

Consultations (including Ward Member Consultation)

16. Stakeholder consultations including local Member consultation will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That Members resolve to give public notice of the Vale of Glamorgan Council's intention to introduce a 20 m.p.h. limit, the effect of which will be as shown in Schedule 1 of Appendix A.

- (2) That, in the event of no objections being received, the Order be made and the traffic calming works be constructed.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984 and the Highways Act 1980.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic File No. IF551.

Contact Officer – Ben Hartery, Tel: 029 2067 3078

Officers Consulted:

Operational Manager Legal Services
Accountant, Building and Visible Services.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX A

SCHEDULE 1

Hoel yr Ysgol (Full Length) Sully – 20 m.p.h. Limit

No person shall cause or permit a vehicle to proceed at a speed greater than 20 miles per hour along Heol yr Ysgol from its south western extent for a distance of approximately 225 metres in a north easterly direction.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 5 JUNE 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

SULLY COUNTY PRIMARY SCHOOL, BURNHAM AVENUE AND SMITHIES
AVENUE(PART), SULLY : PROPOSED 20 M.P.H. ORDER

Purpose of Report

1. To seek Members' approval to introduce a 20 m.p.h. zone Order over Burnham Avenue (full length) and Smithies Avenue (part only), together with associated traffic calming measures, a Zebra Crossing on South Road at the Library, minor traffic measures on Minehead Avenue, Sully, all as part of an approved Safe Routes in Community scheme funded by the Welsh Assembly Government.
2. The further elements of the approved scheme, which are concerned with the improvement and enhancement of cycle facilities in Sully, cycle storage facilities and a "meet and greet" shelter within the grounds of Sully Primary School, will be the subject of a separate report.

Background

3. As well as providing the sole means of vehicular access and primary means of pedestrian access to Sully County Primary School, Burnham Avenue also provides the westernmost means of vehicular access to the residential development of some 135 properties, centred on Smithies Avenue. The school generates relatively high levels of vehicular and parking activity at the start and end of the school day, which is a common and difficult problem to address, whilst the residential development generates varying levels of vehicular activity throughout the day.
4. Furthermore, Burnham Avenue provides vehicular and pedestrian access to Sully Bay and its extensive leisure area, and the adjoining sports ground, for all of which there is associated car parking. These leisure facilities will generate additional vehicular and pedestrian movements along Burnham Avenue, which could, depending on the time of year and weather conditions, be significant. The speed of this traffic in the vicinity of Sully County Primary School and entry point to the leisure area gives cause for concern.
5. The scheme is in line with the Council's objective to promote road safety outside and in the immediate vicinity of schools by providing 20 m.p.h. restrictions.

Relevant Issues and Options

20 m.p.h. Order and Associated Traffic Calming Measures

6. During the five year period from 1 January 2003 to 31 December 2007 there have been no road collisions involving personal injury at or within the vicinity of any the proposed road safety measures.
7. A traffic survey was undertaken on Burnham Avenue to the immediate north side of its junction with Smithies Avenue using automatic data collection equipment for a five-day period. The results revealed that the highest weekday recorded 85th percentile speeds for southbound traffic was 22.2 mph with 311 vehicles in a 24 hour period, and for eastbound traffic the 85th percentile was 20.7 m.p.h. with 340 vehicles in a 24 hour period.
8. Both Burnham Avenue and Smithies Avenue have carriageways 7.3 metres wide with footways of some 1.8 metres wide on both sides.
9. The occurrence of on-street parking caused by parents taking their children to and from school reduces the carriageways of Burnham Avenue and Smithies Avenue to a single lane over a significant length. This is of particular concern at the junction of the two roads. Such indiscriminate parking in conjunction with standard traffic speeds associated with residential areas is detrimental to road safety particularly in respect of children.
10. Most probably this situation will also result in parents / carers perceiving the road safety dangers to be such that they take their children to school by car rather than walking, to the further detriment of road safety and the use of sustainable means of travel.
11. Whilst not a legal requirement, when introducing 20 m.p.h. Orders and to ensure compliance in general terms with the restriction it imposes, the Council will introduce a traffic calming scheme consisting of a series of speed cushions and a single speed table. Their location is shown on the attached Plan No. T/08/54/RWB.
12. The proposed 20 m.p.h. Order will be introduced on Burnham Avenue (full length) and Smithies Road for a distance of 10 metres from its junction with Burnham Avenue. The details of which are shown on the attached copy of Plan No. T/08/54/RWB and schedule forming Appendix A to this report.

Proposed Zebra Crossing

13. It is proposed to introduce a Zebra Crossing on South Road at the Library to replace the existing uncontrolled crossing at this location. The enhancement of the pedestrian crossing facility is considered necessary to provide pedestrians with the required level of control over traffic and road safety comfort when crossing South Road. It will also provide a location on the Sully cycle route for cyclists to cross South Road. The location and arrangement of the Zebra Crossing is shown on the attached copy of Plan No. T/08/55/RWB.

General

14. The Chief Constable, Local Members, and the Head Teacher of the School have been consulted and their responses are awaited.

Resource Implications (Financial and Employment)

15. The total estimated cost of implementing the identified proposals is £84,500, which will be funded by Welsh Assembly Government grants 2008/09 as part of the Safe Routes in Communities initiative. The cost of the individual proposals is set down below:
- (a) 20 m.p.h. Order on Burnham Road with associated traffic calming features and supporting Traffic Regulation Order - £22,000.
 - (b) Zebra Crossing on South Road - £35,000.
 - (c) Minor traffic measures on Minehead Avenue - £9,000.
 - (d) Re-location of bus stop on South Road - £500.
16. The proposed works will be designed and supervised by the Engineering Design Division. To comply with the current policy governing the procurement of goods, works or services for contracts with an estimated value of more than £15,000 but less than £100,000, three quotations will be obtained, one of which will be from the Highway Maintenance Division.

Legal Implications (to include Human Rights Implications)

17. The Road Traffic Regulation Act 1984 allows highway authorities to establish crossings for pedestrians and to make or vary Orders to regulate the movement of vehicular traffic and to improve the amenities of the area.
18. The Council as highway authority has a responsibility to ensure the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
19. The Highway (Road Hump) Regulations 1999 and Section 90A of the Highways Act 1980 permits a Local Authority to install road humps subject to statutory consultations and public notice being undertaken.
20. There are no human rights implications.

Crime and Disorder Implications

21. The reduction of traffic speed is likely to lessen any crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

22. The proposal will benefit all sectors of the community by improving road safety.
23. Traffic signs and road markings forming part of any scheme will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

24. Corporate/Service Objectives - To provide a safe highway infrastructure.

Consultations (including Ward Member Consultation)

25. Stakeholder consultations including local Member consultation will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That Members resolve to give public notice of the Vale of Glamorgan Council's intention to introduce a 20 m.p.h. zone, the effect of which will be as shown in Schedule 1 of Appendix A, and to construct a series of speed cushions and speed tables as shown in Schedule 2 of Appendix A.
- (2) That, in the event of no objections being received, the Order be made and the traffic calming works be constructed.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984, the Highways (Road Hump) Regulations 1999 and the Highways Act 1980.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic File No. IF548.

Contact Officer - Robert Bertram, Tel: 029 2067 3138

Officers Consulted:

Operational Manager Legal Services
Accountant, Building and Visible Services

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX A

SCHEDULE 1

Burnham Avenue (Full Length), Smithies Avenue (Part Only), Sully – 20 m.p.h. Zone

No person shall cause or permit a vehicle to proceed at a speed greater than 20 miles per hour along:

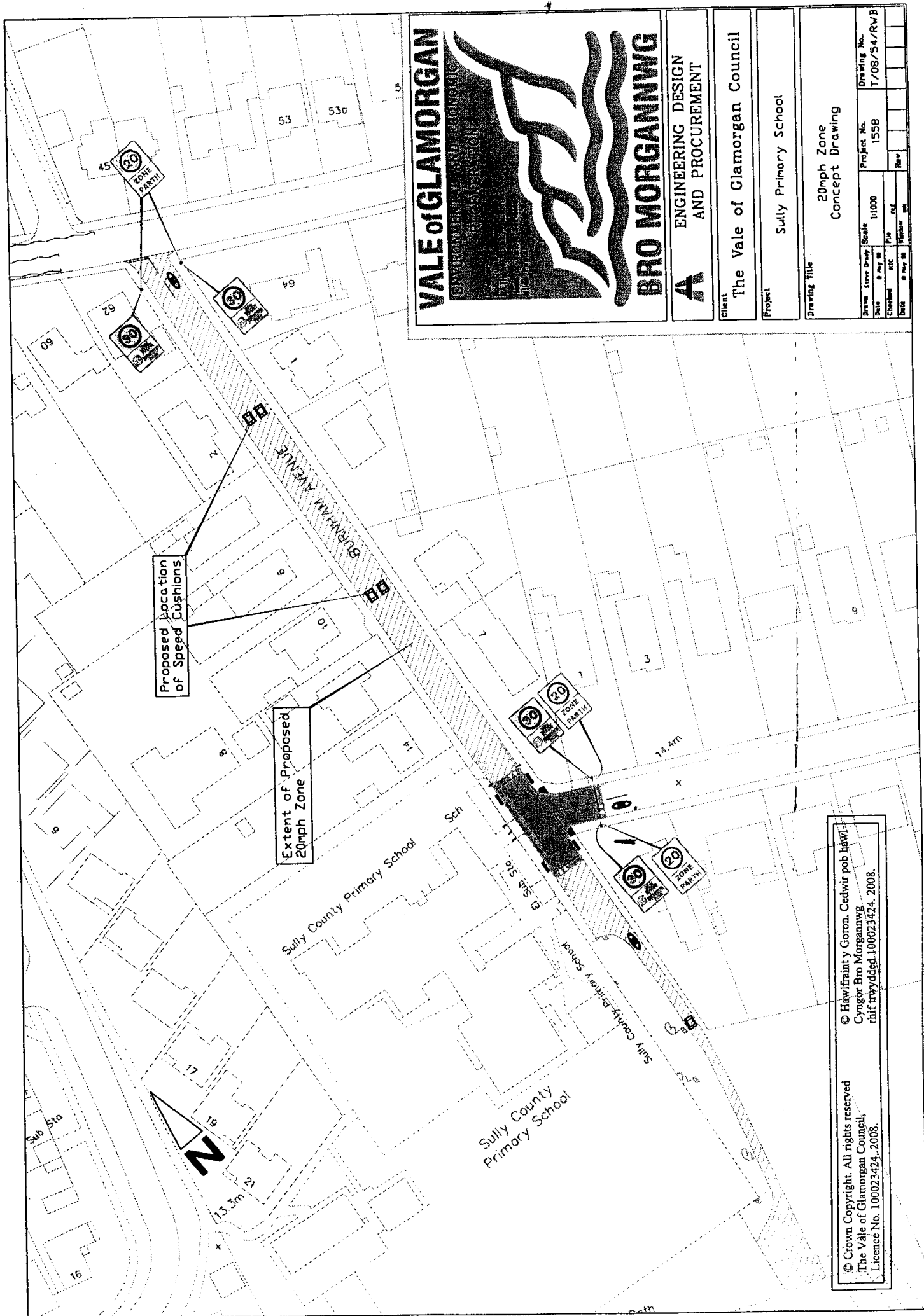
Burnham Avenue from its junction with South Road, throughout its entire length:

Smithies Avenue from its junction with Burnham Avenue for a distance of some 10 metres in a south easterly direction.

SCHEDULE 2

Burnham Avenue – Traffic Calming.

Speed cushions 65mm high x 1900mm long x 1750mm wide.	Burnham Avenue – the centres of locations 1 and 2 being approximately 43 and 90 metres south of its junction with South Road and the centre of location 3 being approximately 56metres south of the centre line of Smithies Avenue.
Speed table approximately 75mm high x 25m long on Burnham Avenue and x 10m long on Smithies Avenue.	At the junction of Burnham Avenue and Smithies Avenue.



Planning Committee Meeting 5th June 2008

2006/01458/FUL Received on 11 June 2007

Porthkerry Road Methodist Church, C/o Agent.
Liddell & Associates, Stuart House, The Back, Chepstow., NP16 5HH

Porthkerry Road Methodist Church, Porthkerry Road, Barry

Conversion of church to residential (8 units) and new residential block (6 units) with associated works

SITE DESCRIPTION

The application site comprises an existing Grade II Listed church and associated, attached single storey hall, along with other outbuildings to the rear.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of the existing church to provide self-contained residential flats and the construction of a new build detached block of flats to the side. The proposal entails the following works:

- Demolition of the existing single storey church hall and corrugated tin sheds to the rear of the church against the rear lane.
- Conversion of the existing church to provide 8 No. self contained flats. These will include 2 No. one bed flats on the ground floor, a two bedroom flat on the first floor, and 5 No. two bed flats over two floors.
- Construction of a two storey, pitched roof block of 6 No. flats (4 No. one bed and 2 No. two bed) over an under-croft car parking level. The proposed parking area will measure approximately 16m x 20m and accommodate 16 No. parking spaces. The upper floor accommodation will be constructed in two separate wings connected by a stairwell measuring approximately 6.7m x 3.4m. The front wing will have a footprint of approximately 15m x 9.8m, whilst the rear wing will measure approximately 10m x 7.2m. The overall height of the building, measured over its highest taking into account adjacent ground levels at the front and east side, will be approximately 12.9m, lowering to approximately 8.2m at the rear where ground levels rise. The external finishes include natural stone on the front elevation, facing brickwork, reconstituted stone quoins and surrounds to windows and natural slate roof.
- A new vehicular access onto Porthkerry Road, approximately 6m from the boundary with neighbouring No. 11 Porthkerry Road, and measuring approximately 4.8m in width. This will provide the entrance to the under-croft parking.

- A new landscaped garden area to the rear with a bin store located against the northern boundary with the lane.

The application is supported by a Design and Sustainability Statement.

PLANNING HISTORY

06/01514/LBC - Application for Listed Building Consent for the conversion of the church to 8 No. flats and construction of 6 No. new build flats; submitted in conjunction with the current planning application and yet to be determined.

CONSULTATIONS

Barry Town Council comments on initial scheme : “Strong Objection.

1. The intention to retain and find an appropriate alternative use for this Grade II Listed building is welcomed and a sympathetic residential conversion would appear to be acceptable in principle. However the new build element of the submitted scheme raises very serious concern in respect of its adverse visual impact on the listed church building, its setting and the general street scene, in particular in relation to its excessive height, bulk and its silhouette. The development is therefore considered contrary to policy.
2. The proposals for the church conversion in combination with the new build are considered to represent overdevelopment with a resultant serious underprovision of on-site car parking facilities contrary to policy. It is considered that an adequate level of on-site car parking is particularly important at this location where the adjacent streets carry considerable volumes of traffic and already suffer the serious problems associated with heavy street parking.”

Further comments following receipt of additional information:

“The Council’s strong objection submitted in respect of the original consultation in December 2006 still stands.

Comments on amended plans:- Again this Council welcomes the intention to reutilise this Grade II Listed church building. A sympathetic residential conversion appears acceptable in principle.

The reduction in the number of residential units and in the scale of the new block of flats is welcomed. However, it is disappointing to note that the removal of a whole floor of accommodation from this block has resulted in a disproportionately small reduction in the height of this building to the roof ridge.

This Council continues to express concern regarding the low level of on-site car parking although a slight relaxation of the normal standards may be considered acceptable as a means of enabling the scheme to proceed. As previously stated adequate provision of on-site car parking is considered to be particularly important at this location where the adjacent streets carry large volumes of traffic and already suffer the serious problems associated with heavy street parking.

Comments on further revisions/additional information:- That the contents of the revised plans and particularly the revised site plan including bin stores and repositioned bench be noted, but that this Council's Strong Objection in respect of the original consultation in December 2006 still stands."

Environment Agency Wales have submitted their "Standard Advice" Guidance Note for Developers only.

Dwr Cymru/ Welsh Water requested that their standard conditions and advisory notes be attached to any consent along with a condition requiring that no development commence until a scheme for the comprehensive and integrated drainage of the site is agreed.

Glamorgan Gwent Archaeological Trust indicate that they have no objection to the application on archaeological grounds, however, due to the historic and cultural significance of the buildings, with the Sunday School Hall being used as an emergency hospital during the First World War, it is requested that a condition be imposed on any consent requiring a programme of building recording and analysis to be agreed and undertaken prior to site works.

The Director of Legal, Public Protection and Housing Services (Private Sector Housing - Environmental Health) has no adverse comments.

The Director of Legal, Public Protection and Housing Services (Environmental Health-Pollution Section) are concerned that a number of flats are close to or below adjacent road level. They recommend that a noise and vibration assessment is undertaken at the proposed site in accordance with TAN11 (day & nighttime). The determined Noise Exposure Category (NEC) will identify any noise mitigation measures required.

The Head of Visible Services (Highway Development) initial comments:

"Further to a site visit I would inform you that the Highway Authority will be undertaking a speed survey as part of the assessment for the development proposals."

Further comments: "Further to the recent speed surveys undertaken I would comment as follows:

1. The access to the development site is required to be formally constructed to adoptable standards with the provision of a 5.5m carriageway, 6m radii alongside dropped kerbs and tactile paving.
2. Visibility from the access to the development site is required to be provided at 4.5m x 45m in both directions along the adopted highway. Within the visibility splays no structure shall be greater than 900mm above the carriageway channel edge. Any vegetation shall be located to the rear of the visibility splay.
3. An additional parking space is required to be provided within the boundary in order that each apartment has a parking space.

4. An area is required to be set aside within the development to enable service vehicles to park and manoeuvre in a forward gear.

Therefore an amended site plan is required.”

Comments on amended plans:

“It is noted that the width of the access has been reduced to 4.2m which is below the absolute minimum that will enable two vehicles to pass side by side. Consequently vehicles would have to queue along the adjacent highway which is unacceptable due to highway safety issues.

As previously requested the access should be 5.5m for the first 6m from the adopted highway with 6m radii; visibility 4.5m x 45m in both directions; and an area within the site for service vehicles.”

Comments on further amended plans:

“As Porthkerry Road is classified and a main distributor an area is required within the site for service vehicles to enter and exit in a forward gear. In order that refuse can be collected a bin store is required to be provided within the site located adjacent to the adopted highway along Porthkerry Road or Romilly Road.

The proposal to relocate the existing bench within the boundary of the site onto the adjacent highway is unacceptable due to the width of the footway.”

Comments on final amendments:

“Further to receiving amended plans in relation to the above, it is noted that the previous requests for an area to be provided within the boundary of development to enable service vehicles to enter/exit the site in a forward gear, has not been considered by the Local Planning Authority despite the issue of highway safety.

However, if the Local Planning Authority are minded to grant planning consent for the above development, the following details are required to be made conditional to the planning consent.

1. The proposed parking provision of 16 vehicle spaces to be provided within the boundary of the development shall be laid out in accordance with the Councils Parking Guidelines prior to beneficial occupation and thereafter maintained and retained at all times for the purpose associated with the development proposals.

Reason: To ensure adequate parking facilities are provided to serve the development and in the interests of highway safety.

2. The proposed vehicle access shall be constructed in accordance with the amended site layout plan (Drawing No: 1833/11d, dated February 2008) and as a vehicle crossover to the Vale of Glamorgan Council's standard details for adoption.

REPRESENTATIONS

The occupiers of properties in the vicinity of the application site were initially notified on 27 October 2006. Further notifications following the receipt of additional information/amended plans were undertaken on 19 June 2007 and 1 April 2008. In addition the application was advertised on site and in the press on 14 November 2006.

Following the first notification of the application letters of objection were received including:

- A standard letter from the occupiers of Nos. 9, 16, 24, 25, 28, 28A, 29, 30, 31A, 35, 36, 38, 39, 41, 52, 56, 58 and 62 Romilly Road, 10 and 16, Porthkerry Road, and 19 and 23 Windsor Road.
- A second standard letter submitted as a petition and signed by a total of 53 signatories from Romilly Road, Porthkerry Road, Windsor Road, York Place, Willow Crescent, Milton Road, Shelley Crescent and Beryl Road.
- Individual letters from the occupiers of Nos. 26 and 50 Romilly Road and 22 Porthkerry Road.

The issues raised relate to the excessive height of the new build; unacceptable affect on the amenity and character of the area; inadequate access and parking detracting from highway safety; overshadowing; overlooking windows; demolition and construction works; and concerns over who would occupy the flats. Copies of the standard letters are reproduced at Appendix A.

Following the second neighbour notification letters of objection were submitted by:

- A standard letter from the occupiers of No. 20 Romilly Road, Nos. 14, 16, 18, 28 and 75 Porthkerry Road, Aberthaw House Hotel, 37 Willow Crescent, 14 Milton Road, 16 Cawley Place, 15 Shelley Crescent, 23 Beryl Road, and 23 Kingsland Crescent.
- Individual letters from the occupiers of Nos. 12, 16, 18, and 36 Romilly Road and 18 Lower Romilly Road.

The issues raised relate to inadequate parking and dangerous access; loss of trees; and unacceptable conversion to flats. A copy of the standard letter is reproduced at Appendix B.

Following the final neighbour notification of the last amended plans further letters of objection have been submitted by:

- Nos. 10, 16, 17, 18, 18 ground floor, 18 top floor, 20, 24, 27, 30, 50, and 52 Romilly Road, 1, 3, 5, 12, 14, 16, 22, and 96 Porthkerry road, 21, 22 and 23 Windsor Road, 1 York Place, 23 Beryl Road, 37 willow Crescent, 15 Shelley Crescent, 14 Milton Road, 16 Cawley Place, and Flat 3 @ 23 Kingsland Crescent.

- A standard letter from the adjacent Sunrise Residential Home from 10 individual signatories.
- An individual letter from the occupiers of No. 50 Romilly Road.

Copies of the two standard letters and the individual representation are reproduced at Appendix C. Again the primary concern from the majority of nearby residents relates to highway safety and the exacerbation of on-street parking problems, whilst the occupiers of No. 50 Romilly Road to the north of the site also continue to raise concerns over restriction of sunlight; directly overlooking windows; appropriate materials; and demolition and construction problems.

The agent has made representations in respect of the Section 106 planning obligation requirements. His email is attached in full at Appendix D. It states:

“While therefore the church agrees to enter into the S106, I would not want you to report to your Planning Committee that we are a willing partner to such an agreement. Given that the receipts are to be utilised in a community project we are of the view that your Authority in this instance should waive all contributions.”

All of the representations received in respect of the application are available in full on file for Committee Members inspection.

REPORT

The proposal entails the residential conversion of an existing Grade II Listed church, with the demolition of the adjoining church hall and its replacement with a new build flat development, resulting in the provision of a total of 14 No. residential units. The site is located within the residential settlement boundary for Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) and the following policies are relevant to the assessment of the application.

Planning Policies

Policy HOUS2 of the UDP allows for housing infill, small-scale development and redevelopment within the residential settlement boundary of Barry provided it meets the requirements of Policy HOUS8-Residential Development Criteria. These state:

- THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE.
- 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.
- 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.
- WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET.

- v. THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- vi. ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy ENV17 of the UDP relates to the Protection of Built and Historic Environment and states:

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

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

WILL NOT BE PERMITTED.

Policy ENV27 of the UDP refers to the Design of New Developments and is also a criteria based policy that requires that new development have full regard to the context of the local natural and built environment and its special features.

Policy TRAN10 relates to Parking and requires the provision of parking in accordance with Council's guidelines subject to type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

Policy REC3 relates to the provision of open space within new residential development and requires this to be provided at a standard of 2.43ha per 1,000 population. Where it is not practical to provide on site, the supporting text to the policy does endorse the use of payments for off site provision.

The Council also has Supplementary Planning Guidance (SPG) including the Barry Development Guidelines and an SPG on Amenity Standards which, in addition to requirements in relation to levels and quality of amenity space, contains policies relating to privacy, overshadowing and visual amenity. The Barry Development Guidelines identifies the site as being within the Romilly Area and the church as an important landmark building. The objectives include the conservation of the Edwardian identity of the area and to sustain the residential vitality of the area. The Council also has approved Supplementary Planning Guidance on Public Art which is relevant to this major application.

National guidance is contained in Planning Policy Wales March 2002. This recognises the importance of protecting the historic environment. Paragraph 6.5.7 notes that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Issues

It is considered that one of the principal issues in the assessment of this application is the impact the proposal will have on the character, appearance and setting of the existing Grade II Listed church which is identified as a landmark building within the Barry Development Guidelines SPG. It is noted that the proposal entails the demolition of the existing church hall, a single storey building attached to the side of the church. Whilst this building has some cultural and historic interest, as indicated in the comments of the Glamorgan Gwent Archaeological Trust, nevertheless it has no architectural merit and is of little value within the wider street scene. As such it is considered that its loss would not detract from either the setting of the church or the wider character of the area. As regards the proposed replacement, the original scheme envisaged a large new building with three floors of accommodation over an under-croft parking level.

This was considered to be excessive in size and scale and would dominate the adjacent church building to the detriment of its character and setting. The latest revised plans show a smaller building both in height and width so that it sits more comfortably within the space without overpowering the listed church. Whilst it is higher than the neighbouring residential home this follows the natural fall of the road, and although it is set further forward than No. 11 Porthkerry Road, it is in line with the church. An assessment of the impact on the architectural detail of the building is dealt with more specifically within the associated Listed Building Consent application.

Other visual impacts relate to the loss of existing trees which will include a street tree on Porthkerry Road which will be removed to facilitate the new vehicular access to provide off-street parking for the proposed flats. This will detract from the wider amenities of the street but will be mitigated by the removal of the unsightly corrugated shed to the rear of the site and the provision of new planting within a landscaped amenity area to the rear. There is also scope to require replacement trees on the frontage of the site outside of the visibility splays.

The issue of highway safety is one of the principal objections of the majority of the neighbouring residents who have objected to the application. They refer to the existing problems with on-street parking in the wider area exacerbated by the school, hotel and other commercial uses. They are concerned that the development for 14 No. new flats with only 16 No. parking spaces will exacerbate the situation. In addition there are worries that the proposed new vehicular access is unsafe. The stated preference is to convert the church without the construction of the new build flats, however, the high costs involved in the conversion of a listed building means that the commercial viability of the scheme rests on the provision of the new build units.

It must be recognised that the existing church and church hall already generates a certain level of traffic movements and parking and these existing buildings could also be used for other purposes without planning permission, e.g. as a crèche or for education purposes, and these uses could generate greater levels, and all without any off-street parking. In order to make the development more accessible by alternative modes of transport than the private car, the Local Planning Authority is seeking a Section 106 planning obligation of £25,000 to provide or enhance sustainable transport facilities serving the site (e.g. facilities for pedestrians, cyclists, public transport or car sharers). This should help to reduce the number of car trips to and from the development. It is noted that the Council's Highway Engineer is satisfied with the latest plans for parking and vehicular access, although the additional provision of on-site turning facilities for service vehicles has not been provided as requested. It is difficult to see how such a provision could be achieved within the development proposed, having regard to the site conditions with the land rising steeply to the rear lane. It is likely that an on-site turning facility for service vehicles would be at the expense of the proposed parking spaces. Notwithstanding this the Council's Highway Engineer has not raised an objection to the revised scheme subject to conditions relating to the provision and maintenance of the parking, and the construction of the vehicular access.

On the issue of residential amenity it is noted that the proposed scheme will provide for a communal garden area to the rear of the site. The area will measure approximately 29m x 13m which almost meets the Council's standards for flat development. However a significant part will be steeply graded, and therefore impracticable for use, nevertheless a seating area is proposed and the whole will be landscaped. As regards neighbouring amenity it is noted that the occupiers of No. 50 Romilly Road to the north have raised concerns over loss of sunlight and overlooking windows. However there is unlikely to be any significant harmful impact on these occupiers as their property is on a much higher level, with the windows in the rear elevation of the new build being more than 21m distant, and unlikely to have clear views over the rear lane. It is considered that the proposal will have a greater impact on the neighbouring residential home at No. 11 Porthkerry Road. The new building will be sited closer to the boundary and further forward to the road frontage than the existing hall. It will also be higher, and as a result, there will be an additional impact in terms of overshadowing of the residential home which is likely to detract from the limited amenity area available to its residents. It is considered that the degree of impact would not be so severe as to justify the refusal of the application alone, and it is also noted that whilst objections have been submitted from the Sunrise Residential Home these do not raise concerns over overshadowing but refer to the disturbance during demolition and construction, which is an unfortunate but temporary situation that is not a valid planning ground for refusal. It is noted that there are no habitable room windows overlooking the boundary and therefore no concerns in relation to privacy.

Under Unitary Development Plan Policy REC3, new residential developments are expected to make provision for public open space. Given the size of the site, this is not practical in this instance. Therefore, it is considered reasonable to seek a financial contribution to upgrade existing local areas of public open space and / or recreational facilities likely to be used by future occupiers of the site.

In addition the Council has a percent for art policy which is supported by the Council's adopted Supplementary Planning Guidance on Public Art. On major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. This provision will be secured through a Section 106 Agreement.

As regards other issues it is noted that the Glamorgan Gwent Archaeological Trust have confirmed that there is no archaeological interest on the site, however, they have requested that a programme of historical recording and analysis of the buildings be undertaken.

The Council's Pollution Section, Environmental Health have indicated that there is a concern with respect to the position of some ground floor flats in relation to adjacent road levels and possible noise nuisance. They have recommended that a noise and vibration assessment be undertaken to determine the requirement for any noise mitigation measures.

It is noted that the Environment Agency has no objection to the application, however Dwr Cymru/Welsh Water has requested a condition requiring the submission of a comprehensive scheme for the integrated drainage of the site.

Finally, whilst it is recognised that the scheme will serve to provide for the long term future of an important landmark listed building, nevertheless there will be impacts from the residential development which the Council can seek to mitigate through its S106 procedures. Thus given the scale and nature of the development the Council is seeking a number of obligations including a contribution to sustainable transport, public open space and public art. On developments of this scale, the Council would usually seek contributions to provide or enhance community facilities in the vicinity of the site. However, the applicant has resisted such a contribution in this instance because the financial receipt from the sale of the site is intended to be used towards the proposed Community Church at Barry Waterfront. Therefore, in this case it is considered that a flexible approach to this requirement is acceptable. Nevertheless, it is not considered appropriate to waive the other contributions which are considered necessary to mitigate against the impacts of the proposed residential development. To do so would prejudice the Council's future position in negotiation on planning obligation matters throughout the Vale of Glamorgan. The agent has not submitted details in respect of the financial viability of the scheme to support their case for waiving the planning obligation requirements, and it is considered the total contribution of approximately £65,000 (depending on the 1% for art calculation) is reasonable given the scale and form of the proposed development.

In this regard the Council must act consistently and fairly in its approach to planning contributions and to waive the requests in this particular case, on the basis of the nature of the applicant or the 'possible' use of the funds to be realised from the development would leave the Authority open to challenge in other future cases.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2 and HOUS8 'Residential Development Criteria', ENV17 'Protection of Built and Historic Environment', ENV27 'Design of New Development', TRAN10 'Parking', and REC3 'Provision of Open Space within New Residential Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, the Barry Development Guidelines and Public Art; and national guidance contained in Planning Policy Wales March 2002, it is considered that the proposed residential redevelopment of the site will serve to preserve the character and appearance of the Grade II Listed Porthkerry Methodist Church and ensure a viable long term future, without any undue adverse impact on either neighbouring residential amenities or highway safety.

RECOMMENDATION

Subject to the interested person first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall pay the sum of twenty five thousand pounds (£25,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The developer shall pay the sum of thirty thousand pounds (£30,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.
- The legal agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£979.20 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans:

- Site Location Plan, received 17 October 2006.
- Existing Site Plan, Drawing. No. T135/1, received 17 October 2006.
- Existing Ground Floor, Drawing. No. T135/2, received 17 October 2006.
- Existing Elevations, Drawing. No. T135/3, received 17 October 2006.
- Existing Elevations, Drawing. No. T135/4, received 17 October 2006.
- Proposed Lower Level Parking, Drawing. No. 1833/5a, amended plans received 28 March 2008
- Proposed Ground Floor Plan, Drawing. No. 1833/6d, amended plans received 28 March 2008.
- Proposed First Floor Plan, Drawing. No. 1833/7d, amended plans received 28 March 2008.
- Proposed Elevations, Drawing. No. 1833/9e, amended plans received 28 March 2008.
- Proposed Elevations, Drawing. No. 1833/10d, amended plans received 28 March 2008.
- Proposed Site Plan, Drawing. No. 1833/11d, amended plans received 28 March 2008.
- Site Sections, Drawing. No. 1838/12, amended plans received 14 February 2008.
- Proposed Section A-A, Drawing. No. 1833-15, amended plans received 28 March 2008.
- Ramp/Stair Detail, Drawing. No. 1833-16a, amended plans received 28 March 2008.
- Existing & Proposed Section B-B, Drawing. No. 1833/17, amended plans received 28 March 2008.
- Proposed Site Sections, Drawing. No. 1838/18, amended plans received 28 March 2008.

Reason:

For the avoidance of doubt as to the approved plans.

3. Before the commencement of development a full schedule of external finishes, including samples, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of the Grade II Listed Porthkerry Methodist Church in accord with Policies ENV17 - Protection of Built and Historic Environment and ENV27 - Design of New Development of the Unitary Development Plan.

4. The proposed new vehicular access shall be fully implemented in accordance with Drawing No. 1833/11d, amended plans received 28 March 2008, before the first beneficial occupation of any one of the residential units hereby permitted.

Reason:

In the interests of highway safety in accordance with Policies HOUS8 - Residential Development Criteria and ENV27 - Design of New Developments of the Unitary Development Plan.

5. The proposed on-site car parking as indicated on Drawing No. 1833/5a, amended plan received 28 March 2008, shall be fully implemented before the first beneficial occupation of any one of the residential units hereby permitted, and shall thereafter be retained and maintained within the curtilage of the site for the parking of private motor vehicles exclusively in connection with the development hereby approved.

Reason:

To ensure the provision and maintenance of adequate car parking to serve the development in the interests of highway safety in accord with Policies TRAN10 - Car Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

6. Before the first beneficial occupation of any one of the residential units hereby permitted, full details of the bin store as indicated on Drawing No. 1833/11d, amended plans received 28 March 2008, including details of access onto the rear lane, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details before the first beneficial occupation of any one of the units hereby permitted.

Reason:

To ensure adequate provisions for waste collection in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

7. Before the commencement of development a noise and vibration assessment of the proposed development, in accordance with TAN11- Noise (day and night time), shall be undertaken to determine the Noise Exposure Category and identify the need for any mitigation measures. The completed report shall be submitted to the Local Planning Authority for their agreement in writing, and any noise mitigation measures identified as necessary shall be implemented before the beneficial occupation of the particular unit to which they relate.

Reason:

In the interests of residential amenity in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

8. No site works shall be undertaken until a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority. The programme shall be implemented by an agreed specialist and in accordance with the approved written specification.

Reason:

To mitigate the impact on buildings of architectural and cultural significance in accord with Policy ENV17 - Protection of Built and Historic Environment.

9. Full details of all works to existing and proposed boundary and retaining walls, including any gates and railings, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be fully implemented before the first beneficial occupation of any one of the units hereby permitted, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of the Listed church in accord with Policies ENV17 - Protection of Built and Historic Environment and ENV27 - Design of New Developments of the Unitary Development Plan.

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the first beneficial occupation of any one of the units hereby permitted 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.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. Prior to the commencement of development full details of a scheme for comprehensive and integrated drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details before the first beneficial occupation of any one of the residential units hereby permitted and thereafter so maintained at all times.

Reason:

To ensure adequate drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no additional windows shall be inserted in either side elevation of the new build development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. Before the commencement of development full details, including cross sections, of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including the proposed rear amenity area, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character and appearance of the listed church in accord with Policies ENV17 - Protection of Built and Historic Environment and ENV27 - Design of New Developments of the Unitary Development Plan.

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. 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.**
- 3. Tthe work involves the creation of an access to the highway, including the removal of a highway tree, the applicant will be required to undertake the works at his own expense and must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

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

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

2006/01514/LBC Received on 26 October 2006

Porthkerry Road Methodist Church, C/o Agent.
Liddell & Associates, Stuart House, The Back, Chepstow., NP16 5HH

Porthkerry Road Methodist Church, Porthkerry Road, Barry

Conversion of church to residential (8 units) and new residential block (6 units)
with associated works

SITE DESCRIPTION

Porthkerry Road Methodist Church is sited in a prominent location on the eastern corner of Porthkerry Road and Romilly Road. The roads are contained on the northern and western sides of the site by retaining walls as ground level falls quite steeply towards the south and east. To the Porthkerry Road frontage this is reflected in a step down of an average one metre from the site to the pavement. Attached to the main chapel building by a modern link is a single storey school hall, whilst at the rear of the site is an independent metal clad outbuilding ('the Primary Room').

DESCRIPTION OF DEVELOPMENT

The proposals which require Listed Building Consent are:

- The conversion of the chapel to eight residential units with associated structural alteration, revision to internal layout and associated repair.
- The demolition of the school hall and Primary Room.

PLANNING HISTORY

06/01458/FUL - Conversion of church to residential (8 units) and new residential block (6 units) with associated works. Application currently undetermined and subject to consideration at this Committee.

CONSULTATIONS

The application has been advertised on site and in the press.

Barry Town Council
Society for Protection of Ancient Buildings
Victorian Society

REPRESENTATIONS

Barry Town Council:

Strong Objection

- “1. The intention to retain and find an appropriate alternative use for this Grade II Listed building is welcomed and a sympathetic residential conversion would appear to be acceptable in principle. However, the new build element of the submitted scheme raises very serious concern in respect of its adverse visual impact on the listed church building, its setting and the general street scene, in particular in relation to its excessive height, bulk and its silhouette. The development is therefore considered to be contrary to Policies ENV17 and ENV27 of the Adopted Vale of Glamorgan Unitary Development Plan.
2. The proposals for the church conversion in combination with the new build are considered to represent overdevelopment with a resultant serious under provision of on-site car parking facilities contrary to Policies HOUS2, HOUS8 and ENV27 of the same plan. It is considered that an adequate level of on-site car parking is particularly important at this location where the adjacent streets carry considerable volumes of traffic and already suffer the serious problems associated with heavy street parking.” (13.12.06)

The Victorian Society:

Thank you for notifying the Society of the above application. We appreciate you taking the time to join Elaine Davey, Chair of our South Wales Group, and I on site last week. We would also extend our thanks to the Rev. Sue O'Hare and her wardens for arranging access to the building.

The Society regrets this proposal for residential conversion of Porthkerry Methodist Church but we also understand the difficulties faced by a congregation in decline. We would ask that the following comments be taken into consideration when determining this application:

Proposed Subdivision

- The church interior offers a very generous space but the eight units proposed should be the maximum permitted.
- In terms of the layout of these units we are concerned by the intention to create a partition in flats 1, 2, 5 and 6 which would essentially cut the third bay of stained glass in half. There may well be issues concerning the amount of natural light these apartments will receive but this is an unsatisfactory solution. A large area has been set aside for the communal entrance hall and it might be preferable to take some of this into the apartments in order to keep the partitions between the windows.
- We have not received any sections to show the level at which the new floor would be inserted in relation to the windows. It would also be useful to see sections showing the relationship of the existing ceiling structure to the first floor apartments.

- The only new windows appear to be those proposed for the rear elevation. These are similar in design to those proposed for the new block of flats adjacent to the church; they have no relationship with the style of existing windows in the listed building. As there are already smaller leaded windows behind the organ we would suggest that any new windows here follow this design precedent.
- We object to the scale of this block which would compete with the listed church and have a detrimental impact on its setting.
- It was suggested on our site visit that the existing Sunday school building was used as a temporary worship space during construction of the church. If this is the case then the Victorian structure would therefore be the earliest building on the site and is presumably curtilage listed. The case for demolition of the Sunday school needs to be justified and the far preferable conversion of this building should certainly be properly investigated.

We hope you will find these comments useful. Please contact the Society if we can give any further help over these or amended proposals. We would be grateful to be informed of your authority's determination in the case." (11.12.06)

A sample of a standard letter signed by 21 local residents is attached at Appendix A.

REPORT

For the sake of clarity, it should be noted that in considering whether to grant listed building consent Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires the Council to have special regard to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses. In distinction to the planning application (ref: 2006/01458/FUL) this report therefore relates to the impact of the proposed conversion of the main chapel building, to the demolition of the attached school hall and outbuilding at the rear of the site. The latter is considered to be listed by virtue of its age (pre July 1st, 1948) and its location within the curtilage of the listed building.

Also under consideration at this meeting is the parallel planning application (2006/01458/FUL). This application considers the conversion of the new chapel building in land use planning terms, the construction of a new block of flats adjacent (which does not require listed building consent) and associated matters relating to amenity issues, car parking and access.

This report considers the following principal issues:

- Summary of the architectural/historic character of the buildings
- Condition of the buildings
- Assessment of the proposals
- Conclusions

Summary of the Architectural/Historic Character of the Buildings

Porthkerry Road Methodist Church forms an imposing building, Grade 2 Listed of architectural/historic importance. Constructed in 1897 to a design of the local Cardiff practice J. P. Jones, Richards and Budgen, the building is included in the list as a fine example of a late 19th Century Gothic inspired chapel, but especially in recognition of its particularly well detailed and executed perpendicular styled entrance elevation in pennant stone with bathstone dressings. The building is of cruciform plan with a substantial workshop area containing original pews, with transepts. It features an interior of some volume and scale, three storeys in height with a boarded ceiling and partially exposed roof trusses. The interior scale of the building is enhanced as, unlike many chapel buildings, there are no side balconies although there is a shallow gallery at the front.

The main features of the interior include the 7 light south window, an apse containing the organ and the double height stained glass windows to the side elevations and transepts.

Attached to the main chapel building is a single storey school hall which formed the original chapel on the site and was constructed in 1889. This is of rectangular plan form and presents a gable to the main frontage on Porthkerry Road with a circular window to the upper gable. The building is constructed in brickwork and has a pitched, slated roof. The front elevation has been rendered over and is attached to the chapel by a modern single storey unit. Internally, the hall has been much altered and modernised to provide ancillary facilities.

At the rear of the site, the Primary Room is a single storey, timber framed building with pitched roof, clad and roofed in corrugated iron sheeting.

Condition of the Buildings

The main chapel appears to be well maintained and is structurally robust. It features the original, slated roof which appears to be in good condition. The school hall also appears to be structurally robust but has apparent need of repair to external elements of the fabric including the roof finish. Although no detailed information has been provided to support an understanding of the condition of the Primary Room, it is described as being 'dilapidated' in the revised application.

Assessment of the Proposals

This is considered under two headings:

- Proposals for the Reuse of the Chapel
- Demolition of the School Hall and Primary Room

Proposals for Reuse of the Chapel: The proposal has been subject to significant amendments in internal layout since the date of original submission. These have responded to concerns relating to the relationship of the plan within the side elevation windows and to the section through the building.

The revised scheme entails the conversion of the chapel into eight residential units. Of these, three units (Nos. 1, 2 and 8) are flatted, Nos. 3-7 are self-contained over two floors with second floor mezzanine decks designed to make use of the full three-storey height of the interior space. Unit 8 also contains a mezzanine.

Access to the units is obtained via the existing main chapel entrance (units 1 and 2) and in other cases through a central hall located at the centre of the building with external access obtained from a rear door located on the south-eastern side of the eastern transept. The hall is lit by a combined rooflight located on the north-eastern roof slope.

The proposed conversion will result in the partial horizontal subdivision of the internal space of the buildings by the insertion of intermediate floors. This will have a major consequence for the interior form and scale of the existing building. However, the revised design involving the use of five units which extend over two floors, and the use of mezzanines, will be advantageous in helping to fully exploit the internal height of the building.

In terms of internal layout, the plan successfully relates to existing side windows, with intermediate floor levels now designed in section to match the height of the existing intermediate stone transom detail on the windows. In this way, new intermediate floors will have a reduced impact on the external elevation of the building when viewed through the windows.

The only external alterations to the building involve:

- the removal of the existing main chapel doors to allow for access to the two ground floor flat units. The doors are replaced with glazed units.
- The provision of a new disabled access ramp to the front of the building.
- The insertion of windows at the rear.

The details are considered to be generally satisfactory in design.

Demolition of the School Hall and Primary Room: The school hall forms a simple, but appropriately scaled extension to the main chapel. It is not of particular architectural interest and has a substantially altered character. The Primary Room also forms a building of some interest as an early building on the site and in terms of its framed construction and cladding. However, it is understood to be in poor condition such that its refurbishment could not be justified.

CONCLUSIONS

The conversion of chapel buildings to a different use as a consequence of declining congregations is often a matter of regret. There are inevitable implications which result from changes to the internal character of the chapel and the consequences of subdivision in layout. However, these changes require to be balanced against the need for the retention of the building, and its conversion to new, viable use. This is a case in point with Porthkerry Methodist Chapel, which has particular value in its external form, detail and in the contribution it makes to the local environment.

The proposals for the chapel will entail drastic changes to the character of the interior as a consequence of conversion to residential use. However, the scheme also respects certain principles of good practice in the conversion of chapel buildings by:

Retention almost without alteration of the external fabric

Respect for window form, plan and detail

Use of internal sectional details which respect window section

Commitment to retention of internal detail where practical, e.g. roof boarding, pilasters, single glazing and leaded lights.

Further information, however, is required concerning the structural implications of the internal conversion, including details of the proposed mezzanines, and concerning repair to the fabric of the interior and exterior. This is reflected in the recommended conditions of consent.

The school hall is attached to the main building and forms the earliest part of the site. The building is recognised as being appropriate in form and scale in relation to the existing building. However, it is difficult to substantiate a case in favour of its retention given its lesser intrinsic architectural value and much altered form.

Proposals relating to the construction of new flats on the site in terms of their form, scale and impact on the listed building are issues which are considered under the planning application for the site.

The Primary Room comprises a timber framed building clad with corrugated metal sheeting. Although an interesting building of its type, it is not considered to be of outstanding architectural/historic interest. Its demolition is not unreasonable given the wider proposals for the reuse of the chapel and the site, within which context its viability and reuse are open to question.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

3. This consent shall relate to the following schedule of drawings and documents:
 - Site location plan: T135/1, 2, 3, 4, 5a, 6d, 7a, 10d, 11a, 12, 15, 16a, 17, 18.
 - Design and Sustainability Statement.

Reason:

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

4. Prior to the commencement of development, details (1:20, 1:50) of the proposed new structure to be inserted into the building, to include ground and intermediate flooring, mezzanine decks, load bearing walls, columns, beams and lintels shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to consider the impact of the proposed new layout and structure on the historic fabric of the building.

5. The proposed new structure as required of Condition No. 4, shall be designed to be freestanding and independent of the historic fabric of the building.

Reason:

In order to minimise damage to existing historic fabric.

6. Prior to commencement of development, notwithstanding the submitted details, details (1:20) of the proposed junction between the intermediate floor and the stone transom to the window shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to minimise the impact of the new floor on the structure of the window and ensure the appropriate visual appearance of the floor through the window and the external elevation of the building.

7. Prior to the commencement of development, details (1:20) of the proposed replacement glass entrance doors on the south elevation of the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure the appropriate design and appearance of the new doors in terms of their impact on the historic building.

8. Prior to the commencement of development and notwithstanding the submitted details, details (1:20) of proposed new windows to be inserted in the rear (north) elevation of the chapel shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure that the proposed windows are appropriate in design and detail to the character of the listed building.

9. Prior to the commencement of development, a method statement supporting the retention and repair of existing windows, including a survey of the stained glasswork, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the appropriate repair of existing windows.

10. Prior to the commencement of development, details (1:20) of the proposed combined roof lighting to be sited on the roof of the chapel shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to consider the impact of the rooflight on the elevational appearance, structure and fabric of the chapel, and in the absence of submitted detail.

11. The rooflight referred to in Condition No. 10 shall be of a conservation type, i.e. where the upper face of the rooflight lies level with the slated finish of the roof.

Reason:

In order to ensure that an appropriate design of rooflight is installed in the context of the historic building.

12. Prior to the commencement of development, a method statement to include details of the specification, location and routing of supply systems relating to all mechanical and electrical services, including cold and hot water distribution, waste, gas or other fuel installation shall be submitted to and approved in writing by the Local Planning Authority. The details to be provided shall include:

- Pipework.
- Electric circuits and cabling, socket outlets, light fittings, means of fire detection, alarm and other fire protection measures.
- All means of mechanical ventilation, including supply and extract ductwork, chimneys and flues.
- Above ground foul drainage.
- Above ground rainwater drainage.

Reason:

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

13. Prior to the commencement of development, a method statement supporting the provision of interior finishes to the building, to include schedules describing the retention and repair of existing details shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that proposals for interior finishes to the building accord with its special architectural/historic interest and in order to consider wherever possible, the retention and repair of existing detail.

14. Prior to the commencement of development, a method statement describing the external condition of the fabric of the building together with a schedule of its repair, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To allow further consideration of the condition and repair of the external fabric of the listed building.

NOTE:

1. * Contact:

**Nick Lloyd/Peter Thomas,
Planning and Transportation Policy,
Directorate of Environmental & 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 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.

2007/00655/OUT Received on 9 May 2007

Mr. & Mrs. Richards, Cornerways, Wick Road, Ewenny, Vale of Glamorgan
R. Hathaway, 25, Preswylfa Court, Bridgend, CF31 3NX

Cornerways and Swn-y-Coed, Wick Road, Ewenny

Redevelopment to 4 detached properties

SITE DESCRIPTION

The application site relates to the curtilage of two dormer bungalows located at the junction of Corntown and Wick Road, in the village of Corntown. Cornerways is located in an elevated position above and at the junction of Corntown Road and Wick Road with two separate access points from Wick Road. The second dwelling Swn-y-Coed is located above the level of Cornerways on Wick Road.

The site as a whole covers an area of some 0.59 acres (0.24 hectares) and is enclosed by a hedge on bank along the Wick Road and Corntown Road frontages.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the demolition of the two dwellings on the site and its redevelopment for the construction of four detached dwellings. All matters are reserved except for access and siting, however indicative elevation drawings have been submitted including sections through the site to provide illustrative supporting material as to the form of development which could be provided on the site.

The scheme as amended proposes four dormer style dwellings where Plot 1 is shown to be sited on Corntown Road broadly in line with the adjacent dwelling (The Nook) and is shown to utilise one of the existing access points which served Cornerways. The three further dwellings are shown to be accessed via a single access halfway along the Wick Road frontage into a private drives and parking areas, with each dwelling being served by a garage. Each of the plots are of varying size between 487 square metres to 600 square metres, with the dwellings shown to have a footprint of 105 square metres. Whilst the elevation drawings are indicative the dwellings are shown to have eaves heights of 3.1 metres and ridge heights of 7 metres.

The application has been supported by a sustainability statement.

PLANNING HISTORY

None relevant.

CONSULTATIONS

Ewenny Community Council were consulted and have raised an objection to the application on the following grounds (summarised):

- “1. Proposed development would change the character of the site and the village in this prominent position.
2. It would increase the density of the site.
3. The gradient of the site would mean that the development would adversely affect the properties on Corntown Road in front of the development.
4. Mature trees on and near the proposed development could be affected.
5. Development would increase the existing drainage problems on Wick Road.
6. Increase in traffic onto the upper section of Wick Road.
7. Demolition of two sound properties would be wasteful.”

Environment Agency Wales were consulted and have responded with a standard advice note for developers.

The Head of Visible Services (Highway Development) was consulted and made the following comments:

“The development proposals require the provision of three parking spaces to be provided within the boundary of each dwelling for the use of residents and two parking spaces within the boundary of the site for the use of visitors. Furthermore, an area is required to be provided within the development site to enable service vehicles to manoeuvre.

Visibility splays of 2.4m x 60.0m to the north and 2.4m x 70.0m to the south are required to be provided along the adjoining highway, from the access of the development site. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelope and shall not be greater than 600 mm in height.

The existing points of vehicle access to both dwellings are required to be stopped up and the adjacent verges/footway reinstated in accordance with the Highway Authority's standards for adoption.

Therefore, an amended site layout plan, to a suitable scale showing the above, is required to be submitted for consideration.”

Further to receiving an amended site layout plan the following comments have been made:

“The achievable visibility splays from the proposed site access along Corntown Road, from plot one, are below the requirement of 2.0m x 70.0m. Furthermore, as there are no manoeuvring facilities proposed within the plot, vehicles would have to reverse on and off Corntown Road, which is a classified highway.

Additionally, the vehicle access from Wick Road serving plots three and four is below the minimum width of 4.5m, preventing two vehicles from pass side by side, leading to queuing along the highway.

Therefore, the Highway Authority object to the above proposals as the development would be detrimental to highway safety.

Further to receiving a further amended site layout plan in relation to the above, the Highway Authority would inform that provided that the following details are made conditional to the planning consent and are submitted for approval by the Local Planning Authority prior to commencement of any works at the development site, an objection to the development proposals cannot be sustained.

1. The existing access to plot 1 is required to be relocated approximately 10.0m to the south of its existing location along Wick Road, adjacent to the boundary of plots 1 and 2 and shall be constructed as a vehicle crossover. Reason: In the interests of highway safety.
2. The proposed means of access to plots two, three and four shall be constructed as a vehicle crossover to a minimum width of 4.5m with the provision of a 1.0m margin strip, in accordance with the Vale of Glamorgan Council's standard details for adoption.

The existing vehicle crossovers located along Wick Road shall be reinstated as highway verge in accordance with the Highway Authorities specifications for highway works.

The applicant is required to contact the Highways Traffic Section of the Vale of Glamorgan Council prior to carrying out any works on the development site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense. Reason: To ensure that the proposed access and associated works within the adopted highway are undertaken in accordance with the Vale of Glamorgan Council's standard details for adoption.

Reason: To ensure that works within the adopted highway are undertaken in accordance with the Vale of Glamorgan Council's standard details for adoption.

3. Parking and manoeuvring facilities in accordance with the Council's Parking Guidelines shall be provided within the boundary of each plot to serve residents and visitors of the development site. The applicant is required to submit full details of the proposed parking and manoeuvring facilities to the Local Planning Authority for written approval prior to commencement of any works at the development site.

Reason: To maintain adequate parking provision within the boundary of the site in the interests of highway safety."

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution Section)) were consulted and responded with no comment to make.

Dwr Cymru/ Welsh Water were consulted and raised no objection subject to conditions.

Glamorgan Gwent Archaeological Trust were consulted and have stated that the area is located in an area rich in archaeological resource and it is likely that archaeological features related to prehistoric and Roman activity, which could be of national importance are located inside the application area. They have therefore advised that an archaeological evaluation should be undertaken and the determination of the application deferred until the report is submitted.

An Archaeological Evaluation report was subsequently prepared by Cambria Archaeology. The report concludes that no significant archaeological features or deposit were encountered. Additionally the report states that the presence of the two existing properties suggest the site has already been disturbed through construction processes and the gardens which have been subject to landscaping. Both of these factors could have had a substantial impact on any archaeological features or deposits which may once have been located within the proposed development area.

Glamorgan Gwent Archaeological Trust have considered the submitted evaluation report and now have no objections.

REPRESENTATIONS

Adjacent and nearby occupiers were notified on the original and amended plans and a site notice was also posted. To date two letters of representation have been received from the occupiers of The Nook in respect of the original and amended plans. The original letter of objection is attached as Appendix A.

REPORT

Members may recall that this application was deferred at the 17 April 2008 meeting of Planning Committee to allow a site visit to be undertaken by Members of the Committee.

Planning Policies

The site falls within the settlement boundary of the rural settlement of Corntown and therefore the following policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are relevant:

Policy HOUS2 supports the principle of housing infill, small-scale development and redevelopment within the rural settlement of Corntown, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) the scale, form and character of the proposed development is sympathetic to the environs of the site;
- (ii) 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;
- (iii) the proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (iv) when appropriate and feasible the provisions of Policy REC 3 are met;
- (v) the provision of car parking and amenity space is in accordance with the council's approved guidelines; and
- (vi) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy ENV27 (Design of New Developments) states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Policy HOUS11 (Residential Privacy and Space) states that existing residential area characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

TRAN 10 (Parking)

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

Also considered relevant is national planning policy guidance contained in Planning Policy Wales (March 2002). In particular, paragraph 9.3.3 states that "Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."

Furthermore, paragraph 9.3.4 "In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity...."

Issues

Whilst the site falls within the settlement boundary, where residential development would be considered acceptable in principle, it is located adjacent to the countryside and located on rising ground, where Wick Road is secondary road and distinctly rural in character. When the application site is viewed from the junction of Wick Road and Ewenny Road, the two existing bungalows on the site are well screened and have little impact on the character of the area, being set back from the road frontage which is enclosed by a hedge. Therefore it is considered that any redevelopment of the site should seek to retain its semi-rural character and should be of low impact.

The application was submitted following pre-application meetings for a scheme which proposed six dwellings in a cul-de-sac form of development. It was considered that the scale and form of the development proposed would fail to respect the semi rural character of the area.

The application as submitted now proposes four detached dwellings, comprising of one and a half storey dormer bungalows. Accordingly, subject to access, siting, visual impact considerations, the scale and form of development now proposed is considered acceptable and would not significantly intensify the use of the site as a whole or be at variance with the character of the area.

The original layout proposed to locate two of the dwellings (Plots 2 and 4) in close proximity to the road frontage. It was considered that this, in addition to the width of the access, would introduce an unlikely urban character to the site. Further discussions took place particularly with regard to highway layout in order to attempt to reduce the visual impact of the access and retain the informality of the existing access points serving the existing dwellings. Amended plans now propose to utilise the existing access to serve plot 1, although the Head of Visible Services (Highway Development), has required this access to be relocated approximately 10.0m to the south of its existing location along Wick Road. Furthermore the proposed means of access to plots two, three and four is also required to have a vehicle crossover to a minimum width of 4.5m, with the provision of a 1.0m margin strip. Moreover each dwelling should be served by Parking and manoeuvring facilities in accordance with the Council's Parking Guidelines. It is considered that the requirements of the Head of Visible Services (Highway Development) would not unacceptably impact on the character of Wick Road and can be required by condition and form part of a future reserved matters application.

In terms of impact on the street scene the final amended scheme is now considered to respect the semi-rural landscape setting and maintains the open aspect along Wick Road with the houses set back from the road frontage. Furthermore the simplified access on Wick Road and the blocking off of the two former access points and reinstatement of the hedgerow will further reduce and screen the impact of the development.

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which should also be private and of a usable shape. On the basis that the dwellings would be dormer bungalows based on the site layout shown and the footprint of the dwellings, all of the proposed plots could satisfy these standards where the gardens would be both private and usable. Whilst Plots 1 and 2 would have the gardens to the front and side of the dwellings these areas would nevertheless be private and usable given the mature hedge around the front of the site.

In terms of the impact on the privacy and amenities of nearby adjacent occupiers the nearest dwellings which could be affected by the proposal are The Nook and Glendale. The submitted cross section drawings, whilst indicative in terms of the house types and the levels of the dwelling, do indicate that the proposed dwellings will be sited in an elevated position, in relative close proximity to The Nook. However, whilst siting is for consideration, the actual levels of the dwelling and the scale and form of the dwelling proposed adjacent to this existing dwelling will form part of a subsequent application and will be considered at the detailed application stage and if necessary amended to ensure the proposed dwelling will not have any overbearing impact or result in a loss of privacy to the adjacent occupier.

In this regard based solely on siting, orientation and distance between dwellings, it is considered that the proposed dwellings are not likely to result in a loss of privacy to adjacent occupiers (both existing and proposed).

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', HOUS11 'Residential Privacy and Space', ENV27 'Design of New Developments'; and TRAN10 'Parking', the proposed form of residential development is considered acceptable in relation to its siting and access and is not considered at variance with the semi rural character of the area.

RECOMMENDATION

APPROVE subject to the following conditions(s):

1. Approval of the details of the design and external appearance of the dwellings and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.
- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. This consent shall relate to the plans registered on 17 July 2006 other than where amended by plans reference 002 received on 2 November 2007.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

5. Notwithstanding the submitted details a revised access plan to include:

1. Relocation of access to Plot 1 approximately 10 metres to the south of its existing location along Wick Road.
2. The provision of the access serving Plots 2, 3 and 4 with vehicle crossover to a minimum width of 4.5m with the provision of a 1.0m margin strip.

shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of access shall be laid out in accordance with the approved details prior to the first beneficial use of any of the dwellings and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on adequate and safe access into the site to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the commencement of any development at the site, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land (including full details of the reinstatement of the closed access points), together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. 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 each of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. The hedgerow (as reinstated) fronting Wick Road and Corntown Road, shall be maintained and retained at all times.

Reason :

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. All means of enclosure associated with the development, to include all existing perimeter boundaries to be repaired or reinstated and means of enclosures to serve the new dwellings shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development of each of the plots and the means of enclosure shall be implemented in accordance with the approved details prior to any of the respective dwellings being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

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

2007/00722/FUL Received on 17 October 2007

JCW Construction Limited, 7, Wick Road, Ewenny, Vale of Glamorgan., CF56 5BC,
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Llantwit Major Social Club, Beach Road, Llantwit Major

Demolition of part of existing building and construction of 16 no. apartments

SITE DESCRIPTION

The site comprises the former Llantwit Major Social Club, located in the historic core of Llantwit Major, and bordered on its northern side by the Town Hall car park, to the south by dwellings and the Presbery, and to the west by Methodist Lane and the open land/ valley beyond. The site lies within the Llantwit Major Conservation Area, and has a number of trees protected by Tree Preservation Order and/or their location within the Conservation Area.

DESCRIPTION OF DEVELOPMENT

It is proposed to demolish the existing single storey structures on the site, retaining the three-storey Victorian villa, and to construct a large 2½ storey extension/ new build to the west, which would be linked to the existing, extended building by a lightweight ground floor link with 'bridge' above.

The scheme has been substantially amended since its original submission, and now proposes a total of 16 apartments over three floors (extension accommodating 11 apartments; 5 apartments within the existing building), with 24 No. parking spaces provided.

The internal access road would be realigned and widened to incorporate a pavement, with the existing front boundary wall taken down and, following negotiations, replaced in similar form to the rear of the enhanced vision splays, with a new entrance gates set back into the new entrance.

The scheme has been the subject of significant negotiations since its original submission, including a reduction in the number of apartments and the size and massing of the extensions, and the omission of two semi-detached dwellings with detached garages originally proposed to the front of the site.

The application was accompanied by a design statement which concludes that the proposals are a sensitively designed scheme that reflects both the aesthetic requirements of the site and its surroundings, noting that the majority of the facades to the existing buildings will be retained and the recent ad hoc extensions demolished, thereby preserving the original appearance of the main building.

PLANNING HISTORY

The building itself has no specific relevant planning history, but the following application relates to the social club car park.

01/00269/FUL - Change of use from old betting office to taxi office. Approved 25 May 2001.

CONSULTATIONS

Llantwit Major Town Council have offered no objections in principle to the latest amended scheme, but express reservations regarding inadequate parking and the need to retain the existing trees as they enhance the area.

Environment Agency Wales has no objections subject to their generic advice notes.

Dwr Cymru/Welsh Water have no objections subject to conditions relating to foul water and surface water discharges

Vale of Glamorgan Conservation Advisory Group at their meeting on 26 July 2007 (considering the initial scheme) recommended refusal. The Group felt that the application should be refused on the grounds that the form, scale and design of the application were inappropriate and would not preserve or enhance the character of the Conservation Area.

Glamorgan Gwent Archaeological Trust advised that it is likely that archaeological features, which may be of national importance, could be located inside the application area. Accordingly, they requested that determination of the application be deferred pending a report on the archaeological evaluation in line with advice in Welsh Office Circular 60/96.

Following such work being commissioned and undertaken, they subsequently advise that the required archaeological works have been undertaken, and the evaluation report on such works has since been considered and accepted by the Council's advisors, albeit they will require the further submission of a Written scheme of Investigation (WSI) detailing a programme of archaeological work prior to commencement of development. While this can be dealt with by condition, you may nevertheless wish to get your advisors to address this point prior to determination.

The Head of Visible Services (Highway Development) have been involved during the course of negotiations on the scheme, and comment on the latest scheme that the development proposals are now considered acceptable provided that the following details are made conditional to the planning consent.

- The proposed improvements to the existing access shall be undertaken in accordance with the amended plans before beneficial occupation of the development site. Reason : In the interests of highway safety.
- The proposed access to the development site shall be constructed from a bound material for a distance of 12.0m from the boundary of the adjacent highway. Reason : To prevent loose material being deposited on the adjacent highway, in the interest of highway safety.
- The proposed gates to the development site shall be located at a minimum distance of 12.0m from the boundary of the adjacent highway. Reason : To prevent vehicles queuing on the adjacent highway, in the interest of highway safety.
- The proposed parking provision of 24 vehicle spaces and the manoeuvring facilities as shown on the amended plans shall be laid out in accordance with the Highway Authorities parking standards and provided before beneficial occupation of the development. Reason : To ensure that adequate parking and manoeuvring facilities are provided to serve the development, in the interest of highway safety.

REPRESENTATIONS

The following nearby residential properties have been consulted on the original plans plus two further sets of consultation following significant amendments to the scheme(s):

Llwynhir, Hillbrow, The Old Surgery, Chestnut Villa, The Rise, Major Cars, Nos. 6 and 6a, Colhugh Street, 1 Anchor Cottage, 2 Anchor Cottage, Hope Cottage, Nos. 1, 2, and 3 Colhugh Close, No. 1 Hayes Cottages, Presby, Brooklands Cottage, Y Berllan, Norfolk House, The Croft, Nos. 1 & 2 Hayes Cottage, No. 6 Colhugh Street, Chestnut Villa, 89, Eastgate, The Croft.

Ten individual letters of objection were received to the original scheme (which included two houses to the site frontage). Grounds of objection included : Lack of parking and impact on traffic/ highway safety; overdevelopment (particularly the two frontage houses); impact on the conservation area, impact on trees.

The second scheme (which omitted the frontage development and showed a reduction in the massing of the scheme) received six letters of objection, predominantly satisfied with the omission of the frontage development but still concerned primarily about lack of parking and the impact on highway safety, but also on the impact on the trees. There also remained some concern about the impact on the Conservation Area.

The current/ final scheme has been subject of three letters of objection from the occupants of The Rise, 1 Hayes Cottage, and Y Berllan, primarily considering there to be still inadequate parking, with concerns remaining about the impact on the trees and that the development is not appropriate within the Conservation Area.

All letters are available for inspection on the file, but copies of the representation from The Rise is provided at Appendix A for information, as a sample of the objections received.

REPORT

National Planning Policies

National Policy advice on the Historic Environment is contained in Planning Policy Wales March 2002) and Welsh Office Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas', which emphasise the need to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas, with paragraph 6.5.15 of PPW stating that "if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a Conservation Area, or its setting, there will be a strong presumption against the grant of planning permission".

It is acknowledged that National guidance in the form of Planning Policy Wales (March 2002), places an increased emphasis on the re-use of suitable previously developed land and buildings, and advocated maximising the use of such land in urban areas. It also stresses, however, (para. 1.2.1) that the planning system is there to “regulate the development and use of land in the public interest” and to “reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land ...thereby contributing to sustainable development”.

The housing section of PPW subsequently advises, at paragraph 9.2.12, that: “sensitive design and good landscaping are particularly important if new buildings are to be fitted successfully into small vacant sites in established residential areas”. It further advises at paragraphs 9.3.3 and 9.3.4 that “insensitive infilling or the cumulative effects of development or redevelopment...should not be allowed to damage an area’s character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing”.

It also advises that, in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

The importance of achieving good quality design is also emphasised in Technical Advice Note (Wales) 12 Design 2002, which advises (at 4.5) that “the visual appearance of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals”.

Local Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance to this appeal:

Policy 2 (Sustainability)

Policy 8 (Transportation)

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION

ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

ENV21 - DEMOLITION IN CONSERVATION AREAS

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance on 'Amenity Standards' which seeks to explain the Council's amenity standards for residential development in a clear and easily interpreted manner, and ensure that all new residential development contributes towards a better environment and quality of life for residents, without adversely affecting the amenity enjoyed by residents.

The 'Trees and Development' SPG is also of relevance to this application, insofar as it provides guidance to developers on such matters, and requires the submission of tree surveys with applications, as is the SPG on the provision of Public Art.

The aims of the above policies are essentially to prevent inappropriate development within urban areas, to preserve or enhance the character and appearance of Conservation Areas, and to prevent 'town cramming', which for the purpose of the latter policy is defined as 'insensitive infilling or development which, through its cumulative effects, will damage the character or amenity of an area'. These policies follow the general aim of Planning Policy Wales which seeks to ensure that insensitive infilling, or the cumulative effects development, do not adversely effect an area's character and amenity.

In particular, they require that new development satisfactorily reflect the scale, form, design, layout, character, materials and setting of those buildings that establish the character of the area, an objective which is firmly supported by design guidance in TAN(W) 12.

Issues

Taking into account its sensitive location at the heart of the Llantwit Major Conservation Area, it is considered that the principal issues relate to the impact on the character and setting of this part of the Conservation Area, upon the amenities of proposed occupants and nearby/ neighbouring dwellings, and upon highway safety. The impact on trees within the site is also of importance, while the need for planning obligations related to the development also require consideration.

Impact of Proposals on Conservation Area

The policies of the adopted Unitary Development Plan require that all new development should be of a high standard of design that has regard to the context of the environment in which it is proposed. In particular, they require that the scale and form of proposed development is sympathetic to the environs of the site, and that it satisfactorily reflects the scale, form, design, layout, character, materials and setting of those buildings that establish the character of the area, an objective which is firmly supported by design guidance in TAN(W) 12.

Development within the historic core of the Llantwit Major Conservation area must similarly seek to ensure that its special character is not eroded by insensitive forms of development. Within this context, when considering the development proposals, it is necessary to give considerable weight to the character and appearance of the Conservation Area, and to the contribution of the site and property to such character.

In this respect, the application site is considered to form a key location within the central core of the Llantwit Major Conservation Area, by reason of its size, the open character of the site, and its prominence in the streetscene, accentuated by the change in levels beyond the immediate western boundary of the site, and by its prominence from the public car park to the Town Hall.

The current building, with its Victorian gothic styling, is not listed but nevertheless, (and despite poor additions and alterations over the years), continues to contribute to the character and appearance of the Conservation Area, being prominent in views, from the town hall car park, and from across the Ogney Valley, and being of a size and scale which reflect the character of its surroundings. The main building therefore remains one which, within its spacious site, merits preservation and careful consideration of any development proposals.

Within this context, it is encouraging that the development proposals seek to remove many of the unsightly additions to the building, and to restore/ refurbish the main house, including extensions to the rear/ side. A method statement has been submitted identifying the nature of alterations to the building, which also confirms that all new windows/ doors will be provided in timber, with appropriate large-scale details having been submitted. These works would plainly enhance the character of the Conservation Area, such that the main issues concern one of detailing, and the manner by which new development on the site sit within this historic context.

Concerning the new build proposals, since its original submission significant negotiations have been entered into with the applicant and his architect, which have led to the submission of numerous amendments to the design and form of the building, detailing and site layout. The result of these negotiations has been a new building of 2½ storeys, which would be separated from the existing building by a glazed walkway with an open bridge at first floor level, the applicant stating that this would preserve the aesthetic integrity of the existing building. The scale, massing and design of the new building has been considerably amended, with the amended scheme now being relatively simple in appearance, utilising a smooth painted render finish, painted timber sliding sash windows and a slate roof.

Subject to careful control on the detailing of this new build development, it is considered that the scale, form and design would now respect the character and appearance of the conservation area, not competing against the imposing scale of the principal building, and being of a simple form which, in local and wider views, such as across the Ogney Valley to the west, would sensitively fit within this site in its historic, sensitive location.

Front Boundary/ Entrance Gates

Of critical importance to the scheme will be the works to the front entrance, which seek to widen the existing access and provide improved visibility splays through the demolition of the existing historical curved stone boundary wall (approx. 1.8m high). While its loss is regrettable, it is acknowledged that access improvements are required. In this respect, conditions are recommended which require a detailed method statement requiring, effectively, the replacement of the wall on a reconfigured alignment 'like-for-like', including use of cleaned stonework etc. Full details of the entrance gates would also be controlled, while the area between the gates and the highway would be surfaced with setts, of a type and colour to be controlled through condition. These controls would sufficiently ensure that the character of the Conservation Area is at least preserved.

Boundary Between Development Site and Town Hall Car Park

As part of this development, there is a need to address the existing condition of the boundary to the adjacent town hall car park, which the applicants advise is in the ownership of the Council (and have submitted legal Notice accordingly).

This boundary is considered to be important not only for the development site but in the wider context of the Conservation Area, and in this respect, although it is proposed to rebuild and render the wall, a condition is recommended requiring further agreement to the detailing of this boundary, in conjunction with discussion with the Vale of Glamorgan Council as owner and the Conservation Section. It is noted at this stage that pre-application correspondence with the developer emphasised the importance of this boundary.

Amenity Space Requirements

For flatted development, the approved Amenity Standards SPG requires the provision of 20 sq.m. of amenity space per prospective occupant of the development.

For a 16 no. 2-bed flat development such as this (taking average occupancy as 3 persons), this would equate to 960 sq.m, which the plans clearly demonstrate is able to be accommodated, both in terms of useable space around the building and wider areas open for use by residents towards the site frontage.

Highway Safety

Significant amendments have been made to the scheme, including the provision of a wide internal access road with pavement, together with increased manoeuvring space for a ridged service vehicle to turn. The existing front boundary wall will also be re-sited (as discussed above) to the extent that, while the access would still be substandard, there would be nevertheless considerable improvements over and above the existing situation such that, taking account of the existing authorised use at the site, that the proposed intensity of development would not cause demonstrable harm to highway safety in the locality.

Car Parking

The latest scheme incorporates the provision of 24 spaces within the site to serve the 16 flats, equating to 1.5 spaces per unit (excluding visitor spaces).

Given the emphasis within Planning Policy Wales (2002) to reduce the reliance on private transport, and not to enforce minimum parking standards, particularly in sustainable/ accessible locations such as this, this level of parking provision is considered to be adequate to serve the needs of the development. In this respect, the Highways Officer has similarly advised that this level of parking is acceptable in this location, by reason of the location of the site in relation to public transport facilities.

While the significant number of representations throughout the determination of this application have referred to parking issues, including the continued objections to the most recently consulted plans, for the reasons given above it is concluded that objections on parking or highway safety grounds could not be sustained.

In addition although the use of the town hall car park is not to be encouraged, it is also considered appropriate to retain and improve the existing gated access to the car park, not least since this facilitates easy access to the town without using the highway.

Impact Upon Existing Trees Within The Site

When dealing with development on sites where protected trees are located, the Council's approved SPG relating to trees requires accurate tree surveys to be undertaken, along with the submission of a full specification for tree works.

On request, the application has been supported by a tree report by Anstee Landscapes, which covers the health of the trees protected by tree Preservation Order (No.3), 1977 (41c). A site plan illustrating the location of the trees within the site was subsequently obtained, albeit there remain a few trees towards the front of the site near the boundary which are not covered (although these trees are unaffected by the proposals).

The report has been considered by the Tree Officer, who has advised that Tree Preservation Order (No. 3), 1977 (41c) protects trees 2, 3, 4 and 5.

She has raised no objection to the loss of tree 1 (Sycamore to left of drive/entrance) or to tree 2 (Horse Chestnut) due to their condition/ foreshortened life expectancy, subject to their suitable replacement. Similarly there is no objection to selectively thinning and reduction of Tree 3 (Sycamore) subject to this being 25% in combination with the thinning.

Whilst the Tree Officer does not object to the loss of Tree 4, it is not considered that this tree would have any impact on the building itself, or lead to any nuisance sufficient to justify its immediate loss, not least since there remains a need to retain mature trees within the confines of this development site. It is therefore suggested, at this stage, that this tree is retained through a landscaping scheme, with such planting enhanced through an appropriate landscaping scheme, including extra heavy standard replacements for the trees detailed above.

It is noted that a tree adjacent to the existing taxi office would need to be removed, but it is not considered to be of sufficient quality or health to justify its retention, with replacement landscaping sufficient to outweigh its loss.

Conditions will be required to ensure the above, together with the submission of details of protection measures, levels and any drainage routes, in addition to landscaping in general.

Archaeology

The Council's advisors, Glamorgan Gwent Archaeological Trust, initially advised that it was likely that archaeological features, which may be of national importance, could be located inside the application area. Accordingly, they requested that determination of the application be deferred pending a report on the archaeological evaluation in line with advice in Welsh Office Circular 60/96.

Following such work being commissioned and undertaken, they have subsequently advised that there remains a need for the further submission of a Written Scheme of Investigation (WSI) detailing a programme of archaeological work prior to commencement of development. This can appropriately be dealt with by condition.

Section 106 Obligations

Public Open Space:

Under Unitary Development Plan Policy REC3, new residential developments are expected to make provision for public open space. Given the size of the site, it is not practical in this instance for sufficient public open space to be provided. In this respect, the developer has agreed that the land to the south of the access road shall be landscaped in accordance with details to be approved by the Local Planning Authority and shall thereafter be retained and maintained as open space in perpetuity. In addition, they have agreed to a financial contribution of ten thousand pounds (£10,000) to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.

Sustainable Transport:

Local and national planning policies emphasise the need for developments to be accessible by alternative modes of transport than the private car. Whilst, the site is in fairly close proximity to the town centre and associated public transport, the development will place additional pressure on these services. In this respect, it is considered that incremental improvements to sustainable transport facilities are necessary to encourage residents to use these facilities rather than relying on their cars. On a development of this size, it is therefore considered entirely appropriate to seek a contribution to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving the site.

Negotiations with the developer have been ongoing to seek a financial contribution of fifteen thousand pounds (£15,000) to improve Sustainable Transport Facilities serving the site. However, the developer has strongly resisted such an obligation, offering only the provision of “bicycles and all necessary wet weather clothing and safety equipment for all purchasers”, considering this fully meets the Council’s request. This package of measures, however, is not considered to be appropriately tailored or targeted to satisfactorily encourage the future occupiers to use more sustainable modes of transport.

An appropriate alternative would be to require a Travel Plan to be submitted for the development with an equivalent budget, this being a site-specific package of measures which aims to reduce dependence on the private car and encourage more sustainable modes of transport. A Travel Plan for this development could use some or all of the following measures: provision of bicycles for residents with annual maintenance vouchers; annual season tickets for local public transport for residents; sustainable transport information packs; all weather clothing or safety equipment e.g. cycle helmets, reflective clothing, pedometers etc. In light of the applicant’s resistance, it is considered appropriate to impose a condition to require the submission of a Travel Plan, the details for which should only be discharged if they provide a comprehensive package of measures that would realistically encourage the future occupiers to use more sustainable modes of transport.

Public Art:

The Council has a ‘percent for art’ policy which is supported by the Council’s adopted supplementary planning guidance on Public Art. On major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. This provision will be secured through a Section 106 Agreement.

Community Facilities:

UDP Policy HOUS8 permits new residential development within settlements where (inter alia) adequate community and utility services exist or can be readily provided. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision or enhancement of existing community facilities. The applicant has agreed to the payment of an appropriate financial contribution (£10,000) to provide or enhance Community Facilities in the vicinity of the site.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies 2 (Sustainability) , 8 (Transportation), ENV17 (Protection of Built and Historic Environment), ENV18 (Archaeological Field Evaluation), ENV19 (Preservation of Archaeological Remains), ENV20 (Development in Conservation Areas), ENV21 (Demolition in Conservation Areas), ENV27 (Design of New Developments), HOUS8 (Residential Development Criteria), REC3 (Provision of Open Space within New Residential Development), it is concluded that, subject to the appropriate contributions and conditions detailed within this report, the proposed development would at least preserve the character and appearance of the Conservation Area, and would not cause demonstrable harm to highway safety, to residential amenity, or unacceptably affect protected trees within the site.

RECOMMENDATION

Subject to the interested person first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer will provide public art on site to a value of at least 1% of the build costs (£10,000) of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The developer shall pay the sum of ten thousand pounds (£10,000) to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The developer shall pay the sum of ten thousand pounds (£10,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.
- The land to the south of the access road shall be landscaped in accordance with details to be approved by the Local Planning Authority and shall thereafter be retained and maintained as open space in perpetuity.
- The legal agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£1,200.80 in this case).

APPROVE subject to the following condition(s):

Time Limits / Plans

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

Reason:

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

2. This consent shall only relate to the amended / additional plans references: 26217/S/02F (received 18/2/08), S/03D (27/2/08), S/04E (18/2/08), S/05A (18/2/08), S/06 (27/2/08) and 26217/01F 918/2/08), 02E, 03E, 04D,05D, 06A, 07B, (all received 10/1/08) 08, and /08B (27/2/08), and the development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

Materials / Details

3. Prior to their use in the development hereby approved, full details (including samples) of all external finish materials to be used in the development, including materials to be used in the surface finish of the paths, access and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

4. The roofs to the development hereby approved shall be covered in natural slate, samples of which shall first have been submitted to and agreed in writing by the local planning authority. The roofing material shall thereafter be retained in its approved form unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

5. A sample of a proposed timber sliding sash window shall be submitted to the Local Planning Authority for its written approval prior to the installation of any new window into the development hereby permitted.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

6. All rainwater goods for the development hereby permitted shall be metal, in accordance with the details on drawing ref. 07B and no rainwater goods shall be installed until a sample of the rainwater goods has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

7. Notwithstanding the annotated details on the approved drawings, prior to any work commencing on demolition of any existing boundary walls, or replacement of any means of enclosure to any boundary of the site, further details covering each of the following shall be submitted to and approved in writing by the local planning authority:
- (i) A detailed written Method Statement for removal, cleaning, re-siting, reconstruction, pointing, coarsing etc of the existing boundary wall to the front of the site to include elevation details of proposed entrance gate piers, and to include submission of a photographic record of existing wall to ensure like-for-like replacement
 - (ii) Further details of the proposed alterations to/ rebuilding of the boundary between the development site and the Town hall car park (the submitted details not being approved), including materials and elevations
 - (iii) Details of the treatment of all other existing boundaries of the site, including full details of any alterations proposed to these boundaries.

The boundaries shall thereafter be implemented and completed in full accordance with the approved details prior to first beneficial occupation of any dwelling unit hereby approved, and shall thereafter be retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure, other than those expressly authorised by this permission, shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

9. Prior to the installation on site, full details of the proposed entrance gates to the site, including details of the form and position of any equipment required to facilitate automated opening of the gates, shall be submitted to and approved in writing by the local planning authority. The gates shall thereafter be implemented in full accordance with such approved details, and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Landscaping / Tree Protection

10. Prior to their installation on site, full details of any proposed external lighting of the access road, car parking, building or amenity areas, shall be submitted to and approved in writing by the Local Planning Authority. Only lighting approved by this condition may be installed on the site, and such lighting shall be installed in full accordance with the approved details, and thereafter retained as approved.

Reason:

In the interests of visual amenity and in order to preserve and enhance the character of the Llantwit Major Conservation Area, as required by Policies ENV17 and ENV20 of The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

11. Notwithstanding the submitted tree report, consent shall only be granted for the removal of tree no's T1 and T2, and the 'existing dead tree', and not for tree no's 3, 4 or 5, as shown on plan 26217/S/05A. Trees 1 and 2 shall be replaced by one Common Oak and one Field Maple, of extra heavy standard size, within the first planting season following completion of the development hereby approved, the siting of which shall first be submitted to and agreed in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt as to the approved works, and to ensure replacement trees are planted to replace those covered by the existing Tree Preservation Order, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. A scheme providing for the fencing of the trees to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

13. A landscaping scheme for the whole of those parts of the site not to be covered by buildings, and to include the replacement planting required by Condition No. 11 above, shall be submitted to the Local Planning Authority for approval before any dwelling is occupied. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

Access / Parking / Highway Matters

14. Prior to their construction on site, full details of the proposed bin store and bicycle store shall be submitted to and approved in writing by the local planning authority, and the car parking spaces, vehicle manoeuvring area, bin store and cycle parking area shall be provided on site in accordance with the approved plans and details prior to the first beneficial occupation of any of the dwelling units hereby approved and shall thereafter be retained at all times unless the Local Planning Authority gives any written consent to any variation.

Reason:

To ensure satisfactory on-site parking and rubbish storage provision in the interests of the visual amenities of the area and highway safety and to meet the requirements of Policies ENV 27 and HOUS 8 of the Unitary Development Plan.

15. Prior to first beneficial occupation of any of the dwelling units hereby approved, the existing vehicular access to the site shall be improved in accordance with the details on amended plan reference 26217/S/03D, received on 27th February 2008, with visibility splays provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 33 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined.

Reason:

In the interests of highway safety, and to ensure compliance with Policy HOUS 8 of the adopted Unitary Development Plan.

16. Prior to first beneficial occupation of any of the dwelling units hereby approved, the proposed access to the development site shall be constructed from a bound material (of a finish to be approved by Condition No. 5 of this consent) for a distance of 12.0m from the boundary of the adjacent highway

Reason:

To prevent loose material being deposited on the adjacent highway, in the interest of highway safety, and to ensure compliance with Policy HOUS 8 of the adopted Unitary Development Plan.

17. The proposed gates to the development site shall be located at a minimum distance of 12.0m from the boundary of the adjacent highway.

Reason:

To prevent vehicles queuing on the adjacent highway, in the interest of highway safety, and to ensure compliance with Policy HOUS 8 of the adopted Unitary Development Plan.

Other Matters

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

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

19. Foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

20. Prior to the beneficial occupation of the development hereby approved, a Travel Plan shall be prepared, submitted and approved in writing by the Local Planning Authority to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and the site is accessible by a range of modes of transport in accordance with Policies 2, 8, ENV27 and TRAN9 of the Unitary Development Plan.

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which 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) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor 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) on 02920 772400 or the Council's Ecology Section on 01446 704627.**

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.

2007/01178/FUL Received on 13 February 2008

Mr. M. Roach, Bryn Heulog, St. Andrews Road, Wenvoe, Vale of Glamorgan
P.J. Lee Architect, 5-7, Court Road, Bridgend, CF31 1BE

Grounds of Bryn Heulog, St. Andrews Road, Wenvoe

Commercial bird farm & aviary construction business

SITE DESCRIPTION

The application site is located within the grounds of Bryn Heulog, St. Andrews Road, Wenvoe. The site is situated outside a residential settlement boundary, within open countryside and is also situated within a green wedge. The previous use of the site was as a garden nursery, however this use appears to have ceased.

DESCRIPTION OF DEVELOPMENT

The application is retrospective for a change of use to a commercial bird farm and an aviary construction business. The application consists of an aviary workshop shed, a bird compound, storage sheds and a monopitch timber canopy.

The dimensions of the aviary workshop and store are approximately 7.6 metres in width, by 9.7 metres in depth, with a pitched roof 3.5 metres in height over the workshop and a pitched roof 2.5 metres in height over the store. Materials consist of concrete blockwork, timber board cladding and corrugated metal cladding.

Adjoining the workshop and store is a storage shed measuring 4 metres in width, reducing to 1.9 metres, by 7.3 metres in depth, with a pitched roof 6 metres at its apex. Materials are timber board cladding and a translucent corrugated profile roof sheeting.

A 1.8 metre high timber fence encloses the area designated as the bird compound. Inside this area is a storage shed for bird rearing and a canopy containing the bird cages. The storage shed measures 2.4 metres in width, by 4.8 metres in depth with a pitched roof 6.1 metres at its apex. Materials are timber cladding and a mineral felt roof finish. The structure containing the bird cages measures 4.9 metres reducing to 3.3 metres, by 9 metres with a monopitch roof 5 metres in height. Materials are concrete blockwork and a corrugated sheet roof.

PLANNING HISTORY

None, which specifically relate to the site.

CONSULTATIONS

Wenvoe Community Council were consulted on 22 August 2007 and 15 February 2008. Their response received 27 February 2008 states no objection subject to conditions in relation to opening hours.

The Director of Legal, Public Protection and Housing Services (Environmental Health) were consulted on 12 September 2007, 14 November 2007 and 5 March 2008. Their response received 8 November 2007, 11 December 2007 and 12 March 2008 states no objection to the principle of the application and requests a noise assessment is carried out prior to determination. See Appendices A and B.

The Head of Economic Development and Leisure (Ecology) was consulted on 3 September 2007. Their response received 24 September 2007 states no objection.

REPRESENTATIONS

Nos. 2, 10, 11 & 12, St. Andrews Road, Vishwell Farm House and Enfield Cottage were notified on 22 August 2007 and were re-notified on 15 February 2008. Fifteen letters of objection were received to date and the comments are generally summarised as follows:

- Noise disturbance from both birds and aviary construction.
- Proximity to residential properties.
- Number of birds on site.
- Possible affects of birds escaping.
- Cleanliness / unhygienic.

- Impact of proposal considering its location within a rural setting.
- Increase in traffic.
- Odours from waste produced by birds.
- Unsuitable access / impact on highway safety.
- Waste management.
- Precedence.

Two sample letters of objection are reproduced as Appendix C.

REPORT

Planning Policies

THE RELEVANT POLICIES CONTAINED WITHIN THE VALE OF GLAMORGAN ADOPTED UNITARY DEVELOPMENT PLAN 1996 – 2011 ARE AS FOLLOWS:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV3 – GREEN WEDGE

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV11 – PROTECTION OF LANDSCAPE FEATURES

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV28 – ACCESS FOR DISABLED PEOPLE

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

EMP3 – GENERAL INDUSTRY

TRAN 10 – PARKING

SHOP 12 – NEW RETAIL DEVELOPMENT OUTSIDE DISTRICT SHOPPING CENTRES

Issues

The primary issues in assessing this application are the impact of the proposal considering its location within the countryside, a green wedge and in close proximity to existing residential properties.

The two uses to be considered as part of the application are the use as a birdfarm and the use as an aviary construction business. The use of the site as a commercial bird farm, consists of breeding birds, which are then sold to 'trade'. The property is not open to members of the public. The application site is located within close proximity to residential properties at St. Andrews Road and a number of objections have been received from the occupants of these properties. The use as a bird farm produces a high level of continuous noise and considering the close proximity of the residential properties it is likely that the occupants of the properties will be severely affected by the noise. This was evident when undertaking a site visit, the levels of noise experienced at the site are obtrusive and likely to cause a disruption to neighbouring properties. The noise from the birds actually increased when entering the bird enclosure, however there appeared to be a constant sound from the birds. Although the Environmental Health Department stated there was no objection to the proposal, it was suggested that a noise assessment was undertaken to establish the extent of the noise, from both the use as a bird farm and a construction business. The agent has stated that the cost of a noise assessment would be too great to undertake. Therefore it is unclear whether Environmental Health would have raised an objection to the use on the grounds of noise, based on the findings of the noise assessment.

There are however, stated objections from residents and evidence that noise creates a nuisance. In relation to objections received from neighbouring properties regarding odours and cleanliness of the site, the Environmental Health Department stated that during their site visit the site appeared to be in an acceptable state.

The use of the application site as an aviary construction business consists of the construction of the aviaries on site, through the use of machinery. The construction takes place in a workshop and the constructed aviaries are then collected from the application site and transported by a delivery lorry approximately twice a week. The access to the site is currently not considered acceptable under highway safety terms to provide access for such vehicles. This use also produces a high level of noise, which is intrusive and would not normally be expected given its location within a rural setting and adjacent to residential properties. Moreover it is considered that the business could be considered as falling within Class B2 of the Use Classes Order given the general noise and disturbance such a use would create. Accordingly such a use would generate noise and disturbance far in excess of that generated by any previous use as a garden nursery.

The use of the application site as both a birdfarm and an aviary construction business is contrary to policies included within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011. There are major concerns relating to the number, scale, siting and external appearance of the proposed structures in relation to the birdfarm, which prejudice the open nature of the land and thus are contrary to Policy ENV3 'Green Wedges'. A number of the structures on site were remaining from the previous use as a garden nursery and these appear to be in a poor state of repair. Although the erected and existing structures are partly screened by a 1.8 metre high close-boarded fence and are not visible from outside the application site, the structures are considered to be unsightly and the use is considered to be out of character within a countryside location. There are a large number of birds currently on site and contrary to Policy EMP3 'General Industry', the proposal is considered to cause detriment to the amenities of nearby residential areas.

In regard to the aviary construction business, it is recommended that the use would be better located on an existing employment site, which is unlikely to have an unacceptable effect on residential amenity or the landscape.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 'Development in the Countryside', ENV3 'Green Wedges', and EMP3 'General Industry', the proposal by virtue of its scale and siting would represent an unacceptable use within a countryside and Green Wedge location, which is detrimental to the visual amenities of the area and residential amenity of the neighbouring properties at St. Andrews Road.

RECOMMENDATION (W.R.)

In the event of the recommendation to refuse planning permission being accepted, the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The cessation of the use of the land and buildings as a commercial bird farm.
- (ii) The cessation of the use of the land for the construction of aviaries.
- (iii) The removal from the land of all plant and equipment used in association with the aviary construction business and the bird farm.
- (iv) The removal from the land of all buildings, enclosures and cages erected for the aviary construction business and the bird farm.

In the event of non compliance with the notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE – ENFORCEMENT

1. The change of use, by virtue of the nature of the use, its scale and siting results in an unacceptable level of noise and form of development within a countryside and Green Wedge location, which is intrusive, prejudices the open nature of the land, and is detrimental to the visual amenities of the area and the residential amenity of the occupiers of properties at St. Andrews Road. Therefore the development is contrary to Policies ENV1 'Development in the Countryside', ENV3 'Green Wedges' ENV27 'Design of new Developments', ENV29 'Protection of Environmental Quality' and EMP3 'General Industry' of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

2007/01520/FUL Received on 31 October 2007

Newydd Housing Association (1974) Ltd, Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff., CF15 7NE
Asbri Planning, 32 Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff., CF14 5GG,

Vacant Site and Bethel Chapel at the corner of Court Road and Newton Street, Barry

Full planning application for a residential Development (inc. new build and the conversion / extension of the vacant chapel) for 4 no. houses, 8 no. flats, parking and associated works.

SITE DESCRIPTION

The application site comprises of a vacant mainly overgrown site located at the corner of Court Road and Newton Street, Barry. The site is rectangular in shape and measures approximately 42 metres in width by a depth of 30 metres and possesses an area of some 0.12 hectares (03 Acres). The land slopes steeply from north to south

The site is bounded by a three storey block of flats known as Court Mews to the western frontage of Court Road and the south the site is bounded by a lane and the terraced dwellings on Newton Street.

DESCRIPTION OF DEVELOPMENT

This is an application submitted by Newydd Housing Association (1974) Limited for the redevelopment of the site to provide to a detached new build infill block of four townhouses between the Chapel and Court Mews and the conversion and extension of the Chapel building to accommodate 8 No. 2 bedroom apartments.

The proposed town house block on Court Road will measure 23 metres in width by a depth of 6.8 metres set back approximately 1metre back from the rear of the pavement. The building will have an eaves height of 8 metres and ridge height of 11.8 metres. Each town house will provide accommodation over three levels and will include accommodation within the roof space to provide a total of four bedrooms per unit. Each town house will have its own entrance from Court Road and gated access to the side of the units leading to the amenity space to the rear. The level of amenity space serving the townhouse is some 43-45 square metres.

The extension to the Chapel building comprises of two distinct elements. An enclosed stairwell is proposed on the side elevation, 2.7 metres in width by a depth of 7 metres with a parapet roof to a height of 9.3 metres (when viewed from Court Road). The stairwell block will be set back 9 metres from the front building line of the Chapel. The extension to the rear comprises of an extension of the Chapel forming a continuation of the ridge and eaves height 5.6 metres in length by a width of 7 metres with a secondary subordinate element over the undercroft access, 6.5 metres in length with a lower ridge height of 10.2 metres and eaves height of 6.5 metres.

The town houses will be constructed with a combination of red brickwork, grey stone, timber infill planes and man made slate roof. The extension to the chapel comprises of a slate roof, coloured panels and infill brick panels.

Vehicular access is via Newton Street with a gated access set back off the highway by 5.5 metres leading to a parking areas comprising of twelve parking spaces, bin store area and provision of communal area of amenity space 76 square metres in area.

The scheme includes a planting area to the front of the Chapel fronting Court Road and a planting area adjacent to the access on Newton Street. The Court Road frontage will be enclosed by 900mm high galvanised hoop top railings with gated access to the town houses. Within the site the boundaries between town houses comprise of 1.5 metre high close boarded fence and a 1.8 metre high brick wall between the rear gardens of the townhouse and the car park.

The application is supported by a bat and owl survey, planning statements and a design, access and sustainability statement.

PLANNING HISTORY

04/00741/FUL – Construction of 9 No. detached two bedrooms apartments and associated car parking. Approved 11 November 2004 subject to conditions. Scheme is not implemented.

CONSULTATIONS

Barry Town Council were consulted on the original scheme and raised a very strong objection.

“The intention to redevelop this long-term vacant “brownfield” site is welcomed and residential development would appear to be appropriate in principle. However, the submitted scheme is considered to be totally unacceptable for the following reasons:

1. The under provision of both on-site car parking and amenity space even after allowances have been made for an affordable housing scheme would indicate a significant level of overdevelopment.
2. The side extension undermines the integrity of this freestanding, visually attractive former Chapel building which provides an eye catching focal point on Court Road.

The external design of this extension (and that of the terrace of new build town houses) bears little relationship to the characterful Chapel or neighbouring Court Mews. The scale and massing of the buildings and the style of the fenestration are singled out for particular criticism.

3. The design of the overlarge rear extension adversely impacts on the existing Chapel building and has an overbearing and unneighbourly effect on the terrace of small dwellings to the south, exacerbated by the local topography. The style of the fenestration and the use of “Thespa” composite panels to the west sidewall are considered to be particularly unsympathetic.

These proposals are therefore considered to be contrary to Policies HOUS8, HOUS9 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan and should be refused.”

Glamorgan Gwent Archaeological Trust were consulted and have stated that there are no recorded archaeological features shown and have no objections to the granting of planning consent to the current planning application. However as the building is of historic interest importance and is culturally significant within the street scene of Barry and have recommended that a qualified building historian should make a record of the structure by both means of a drawn and photographic record, prior to the commencement of any work on site.

Environment Agency Wales were consulted and have stated that their generic advice note for developers applies.

The Head of Visible Services (Highways Development) was consulted on the original scheme and made the following comments:

“Further to the site visit undertaken in relation to the above, I would comment as follows.

Under the adopted parking guidelines, twenty-seven parking spaces are required to be provided within the boundary of the development site for the use of residents and visitors. However, as the development proposals provide for social housing and based on the location of the site, a relaxation of the parking standard has been applied, which has reduced the required parking provision to sixteen spaces. Notwithstanding the relaxation in parking, only thirteen parking spaces are provided within the boundary of the site, giving a parking deficiency of three vehicle spaces.

Furthermore, the proposed parking layout as shown on the submitted site layout plan is unacceptable due to the location of parking spaces adjacent to the site access, which will increase the risk of vehicle conflicts. Also, the clear unobstructed manoeuvring areas behind these parking bays are below the minimum requirement of 6.0m.

Additionally, the boundary walls either side of the site access obstructs visibility along the adjacent footway. Therefore, visibility is required to be increased by reducing the walls either side of the site access to a maximum height of 900 mm above the adjacent carriageway channel edge for a distance on 1.5m.

Finally. The location of the proposed security gate is unacceptable as vehicles will be required to queue on the adjacent highway while the gates are opened when gaining access to the development site.

Therefore, the applicant is required to address the above issues and resubmit the proposed site layout plan for consideration.”

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted and have stated that their department have no comments to make.

Dwr Cymru/Welsh Water was consulted and have stated that the proposed development would overload the existing public sewerage system. However improvements are planned for completion by 1 April 2009. They have therefore recommended that any consent is conditioned to ensure that no buildings on the application site are brought into beneficial use earlier than 1 April 2009 unless the upgrading of the public sewerage system has been completed.

The Head of Economic Development and Leisure (Ecology) was consulted and have made the following comments:

“Bats

The bat survey submitted in respect to this application highlighted the buildings as having some potential bat roost suitability with potential access points that give opportunity for bats to utilise the building. No evidence of bats was found following an examination of the interior and exterior of the building and an emergence survey. However the presence of foraging bats was noted within the locality. Therefore the Ecology Team can confirm that consultation of the Countryside Council for Wales (CCW) is not required and no development licence need be sought.

However due to the potential for bat access and the suitable foraging conditions surrounding the application site the following recommendations are made:

- Contractors should be made aware that there is a possibility of encountering bat roosts unexpectedly during the development work.
- In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Countryside Council for Wales, (CCW) (tel. 02920 772400).
- Work should ideally be carried out in the winter months when bats are least likely to be present.
- It is further noted that if development of the site is not carried out within 12 months a repeat survey should be undertaken.
- The developer should 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.

Nesting Birds

The building/ vegetation on this application site may potentially be used by 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 that states that any vegetation clearance / works affecting the buildings should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

- It is noted from the bat report that swifts were recorded entering the building and are presumed to be nesting. British Trust for Ornithological data has recorded over a 25% decline in swift numbers throughout Wales between 1994 and 2002. Concern for Swifts, a small organisation based in Scotland, is trying to promote the provision of nesting sites for this species, as so many are being lost through redevelopment. There is increasing international concern about loss of swift nest sites. This is largely due to modern methods of renovating old buildings, modern building styles and new materials used. There are both documented and anecdotal reports of loss or severe decrease of swifts in places due to renovation or demolition of colonial sites. Information is also being gathered on populations of swift to assess whether the species should be listed as one of conservation concern.
- Many modern buildings and renovation schemes offer opportunities for creating in-built nest cavities or nest boxes, which are cheap or cost-free and simple to incorporate. It is recommended that the developer be advised of the presence of swifts, their recent decline and the potential to include swift mitigation as part of the development. It is also recommended that features currently utilised by swift be maintained and incorporated into the development wherever possible.
- It is noted that a starling repeatedly entered the front left corner roof edge and presumed to be nesting and a disused jackdaw nest was present at the rear gable.

Reptiles

The application site includes habitat that could potentially be used by reptiles.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.
- It is recommended that a condition of consent be that a *reptile mitigation strategy OR clearance methodology* be submitted to the local authority for approval prior to the commencement of works."

Further consultation has been undertaken on amendments to the scheme, and any further comments will be reported to Committee.

REPRESENTATIONS

Adjacent and nearby neighbours were consulted on the original and amended scheme. To date a total of 4 letters of representation have been received which raised a number of concerns which are summarised below:

- Additional traffic will cause noise and disturbance.
- The access is located close to the junction of Court Road.
- Parking in Newton Street is very difficult and the proposal will.

- Insufficient provision of on site parking.
- Impact from overlooking of properties on Newton Street.
- Concerns over potential loss of security to the rear lane which is currently gated.
- Concerns relating to access to adjacent property for maintenance (Court Mews).
- Proposed number of flats on site is excessive.

Further consultation has been undertaken on the amended scheme, and any further comments will be reported to Committee.

REPORT

Planning Policies

The following policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are considered relevant.

The relevant Part 1 policies are Policy 2 (Sustainability) and Policy 8 (Transportation).

Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 supports the principle of housing infill, small-scale development and redevelopment within the settlement boundary of Barry, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) The scale, form and character of the proposed development is sympathetic to the environs of the site.
- (ii) 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.
- (iii) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
- (iv) When appropriate and feasible the provisions of Policy REC3 are met.
- (v) The provision of car parking and amenity space is in accordance with the Council's approved guidelines; and

- (vi) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy HOUS11 (Residential Privacy and Space) states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Policy REC3 (Provision Of Open Space Within New Residential Development).

Policy ENV27 (Design of New Developments) states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

TRAN 10 (Parking)

The following Supplementary Planning Guidance is also of relevance:

- Sustainable Development.
- Amenity Standards.
- Public Art.
- Barry Development Guidelines.

Also considered relevant is national planning policy guidance contained in Planning Policy Wales (March 2002). Paragraph 9.3.3 states that “Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.”

Paragraph 9.3.4 “In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity....”

Issues

By way of background it should be noted that planning permission has already been granted under ref. 04/00741/FUL for the construction of 9 No. detached two bedrooms apartments and associated car parking. The approved scheme has not been implemented although it should be noted that the planning permission is still extant. That scheme approved a large three storey apartment block on the Court Road frontage where the building measured 19 metres by 11 metres, with vehicular access from Court Road. It should be noted that the approved scheme only related to the vacant site and not the adjacent Bethel Chapel.

Therefore the principle of flatted residential development has already been approved on the site. The proposal seeks to provide residential accommodation in two distinct elements being a stand alone block of town houses and the conversion and extension of Bethel Chapel.

Court Road Elevation

This is the primary elevation of the site where the vacant parcel of land falls between Bethel Chapel and large three storey building of Court Mews, a 3 storey gable fronted building converted into residential use. The townhouses are shown to be set back from the pavement by 0.8 metre the building line of the town houses is considered acceptable respecting both the line of Court Mews which directly abuts the pavement edge and the Chapel which is set back some 2.5 metres. In light of the comments received from the occupiers of Court Mews in terms of access to the side of elevation of the adjacent building for maintenance, the town house block has been moved further away from the adjacent building. The block is now 1.6 metres away (at a maximum) which is considered to address the concerns raised. In terms of the scale and design of the building, the town house block whilst a relatively large three storey building has a ridge height lower than the adjacent building of Court Mews and comparable to the ridge height of Bethel Chapel. Therefore the scale of the building is considered appropriate reinforcing the robust scale of the buildings on this side of the road.

The original plans proposed a simple but modern elevation detailing to contrast with the traditional materials and Victorian design of both Court Mews and Bethel Chapel. However concerns were nevertheless raised that block need to provide more vertical emphasis and details to mirror the adjacent buildings. The amended plans now propose full height gables which are considered to provide the necessary vertical emphasis in the building and the gable detailing reflects the building forms either side of the building. However there are concerns relating to the detailing and siting of the windows in the front elevation of this block. Accordingly it is appropriate to condition any approval to request revised details and window layout of this elevation.

The materials and finishes of the town house block comprising of a mix of red facing brick and coloured rendered panels with a slate roof which reflect the materials used on the adjacent building and wider street scene and whilst used in a more modern way are considered acceptable.

It is welcomed that the proposal seeks to retain and re-use of Bethel Chapel as part of the residential development on the site, where the principal change to the façade of Bethel Chapel on Court Road relates to the removal and reinstatement of the access and the infilling of the main entrance with horizontal panelling with a single window. The other changes to the Chapel include the provision of the stairwell to the side of the building which is set back 9 metres from the front building line. It should be noted that the original scheme proposed an extension to the side of the Chapel to accommodate two flats, however concerns were raised that such an extension would not have retained the character of the building and as such this element was removed and in place an additional town house was added as previously considered above.

Newton Street Elevation

This is the secondary elevation of the development and comprises mainly of the rear extension of the Chapel. The extension comprises of a continuation of the building form and a stepped extension to provide a reduced roofline and more subordinate form of development with an extension of the roofline with a lower roofline over the access. The extension is considered acceptable and whilst its design and elevations details are distinctly different to the Chapel, such a contrast is nevertheless considered acceptable providing a visual break between the original building and the modern addition.

Highway Considerations

The proposed access is via Newton Street, where the original scheme proposed a total of thirteen car parking spaces accessed by a cantilevered security gate adjacent to the pavement. Following discussion with the highway authority regarding the gated access (which is requirement of Secure by Design). In response the gates have been set back into the site by 5.5 metres in line with the highway engineers comments.

The Highway Engineer acknowledged that as the development proposals provides for social housing and based on the location of the site, that a relaxation of the parking standard has been applied. The internal car parking layout plan has been amended several times in order to balance up the division of space between parking and turning areas and provision of usable areas of amenity space. It is considered that the final amended scheme whilst now only providing off street parking for some twelve cars, is nevertheless considered acceptable, particularly given that there is one less unit on the site with the loss of two apartments being replaced by a single town house. Regard should also be given to Planning Policy Wales (2002), which states in paragraph 8.4.2 that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past. Furthermore, the site is in a sustainable location with access to local shopping facilities, and is well served by public transport facilities.

Local and national planning policies emphasise the need for developments to be accessible by alternative modes of transport than the private car. Therefore, it is considered appropriate to seek a contribution to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving the site. In this case, a scheme has been costed to provide bus shelters and boarders on Court Road in the vicinity of the site.

Privacy and Amenity and Public Open Space

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metre of amenity space per 1 square metre of gross floor area for dwellings, where 70% of the amenity space should be accommodated in the rear gardens, which shall also be private and of a usable shape. For flatted development the size of any communal garden should relate to the number of people who have access to the space and are likely to use it. In flatted developments, developers should aim to provide a minimum of 20 metres square amenity space per person. The amount of space required will be calculated on the basis of the maximum number of people which can be accommodated.

The scheme includes enclosed areas of private amenity space serving the town houses in the rear courtyard with an average of some 45 square metres per dwelling. Whilst there is a significant shortfall in the level of amenity space provided, the rear courtyard includes a large bin store and a communal amenity area.

With regard to the flatted development, the 8 No. 2 bedroom units could accommodate a maximum of 3 persons per unit, where the total number of occupants would be 24. Such occupancy would require 480 square metres of amenity space to serve the flatted element of the scheme. The level of amenity space to serve the flats comprises of a single amenity area of 76 square metres.

Under Unitary Development Plan Policy REC3, new residential developments are expected to make provision for public open space. Given the size of the site, this is not practical in this instance. Therefore, it is considered reasonable to seek a financial contribution to upgrade existing local areas of public open space likely to be used by future occupiers of the site. The Parks and Grounds Maintenance Group has advised enhancements to Glebe Field to the north of the site could be provided by the financial contribution.

In terms of issues of privacy and overlooking, the townhouses fronting Court Road will be no nearer to the dwellings on the opposite side of Court Road than the adjacent flatted development in Court Mews where the distance of 20 metres between habitable windows is considered to be in accordance with the standards set out the Amenity Standards Supplementary Planning Guidance. With regard to potential overlooking from the rear elevation of the town houses, the nearest dwelling at No. 1 Newton Street will be some 25 metres from the rear elevation of the town house block and as such, the development is not considered to have any adverse impact on the occupiers in terms of overlooking of overbearing form of development. In respect of the Newton Street frontage, it is accepted that that extension to the rear of the Chapel will be introduce habitable windows opposite existing housing on the opposite side of Newton Street. Whilst the distance between development and the dwellings is below the Council's standards of 21 metres (between habitable windows), it is nevertheless considered to be acceptable being characteristic as the distance between reflecting the existing building pattern on Newton Street.

Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. On major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. This provision will be secured through a Section 106 Agreement.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 'Design of New Developments'; HOUS2 'Additional Residential Development'; HOUS8 'Residential Development Criteria' Policy HOUS2 'Settlements'; HOUS11 'Residential Privacy and Space', TRAN10 'Parking', the proposed scheme is considered acceptable in respect of density, layout, siting, design, material and finishes, and is considered acceptable having regard to highway considerations and impact on the amenity of existing and future occupiers.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as six thousand five hundred and twenty seven pounds (£6,527).
- The developer shall pay the sum of ten thousand one hundred pounds (£10,100) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.
- The developer shall pay a financial contribution of twenty nine thousand, six hundred and seventy pounds (£29,670) to cover the costs providing enhancements to sustainable transport facilities, such as new bus shelters and bus boarders on Court Road.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£821.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 31 October 2007, other than where amended by plans reference received on 23 May 2008:

- AL 00 001 RevD : Proposed Site Layout Plan (1:100 at A1).
- AL 00 TEMP01 : Court Road Elevation (1:125 scale at A3).
- AL 00 TEMP02 : Newton Street Elevation (1:100 scale at A3).
- AL 00 TEMP03 : Rear Elevation (1:100 scale at A3).
- AL 00 TEMP04 : Side Elevation (1:100 scale at A3).
- AL 00010 Rev B : Chapel : Lower Ground Floor (1:50 scale at A3).
- AL 00 011 Rev B : Chapel : Upper Ground Floor (1:50 scale at A3).
- AL 00 012 Rev A : Chapel : Upper First Floor (1:50 scale at A3).
- AL 00 101 Rev A : General Arrangement Plans : Ground, 1st, 2nd and 3rd Floors : Block A (1:50 scale at A1).

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Notwithstanding the amended plans, details of revised scheme of window placement and layout of the front elevation of the town house block fronting Court Road shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

4. Prior to their use in the construction of the development hereby approved, samples of ridge tiles, roof tiles, brick reconstituted stone and cloured panels shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing Ref: AL 00 001 Rev. D and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN10 of the Unitary Development Plan.

6. No buildings on the application site shall be brought into beneficial use earlier than 1 April 2009, unless the upgrading of the public sewerage system (which the development shall drain into) has been completed and written confirmation has been submitted to the Local Planning Authority.

Reason :

To mitigate the existing hydraulic overloading of the public sewerage system and ensure the local community and environment are not unduly compromised and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No development shall take place until details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual and neighbouring amenity in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the town houses hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for the purpose incidental to the enjoyment of the town houses shall be constructed, erected or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **The developer should 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. In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**

3. 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.

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.

2007/01643/FUL Received on 1 February 2008

Paddle Ltd., 45, Preston New Road, Blackburn, Lancashire., BB2 6AE
Paddle Ltd., 45, Preston New Road, Blackburn, Lancashire., BB2 6AE

Former allotments at Cedar Road, Eglwys Brewis

Residential development (8 units) with associated roads

SITE DESCRIPTION

The application site has an area of approximately 0.29 hectares of undeveloped land and comprises the eastern section of a former allotment ground. The site is located on the western edge of the Eglwys Brewis housing estate. Immediately adjacent to the access is a vacant plot with planning permission for a large detached dwelling, with a number of other residential properties backing onto the site. To the west is former scrub land which is to be used as allotment land by the former owners of this site.

DESCRIPTION OF DEVELOPMENT

The application is submitted in full and, following amendment, now proposes eight detached dwellings accessed off an amorphous turning head. The access road leads from Cedar Road, with the entrance narrowing ('throating') to 3.75m over a distance of 4 metres, this area to be raised to form a natural slowing for vehicles, with the remaining highway 4.8m in width.

The access road is set off the boundary to the adjoining scrub land 9 to be formed as allotments by the former owners of the site), with such boundary to be natural screened by a hedgerow (plus other agreed enclosure) together with an access gate to serve the allotments.

The dwellings would have three different 'types', these being:

- Three no., four-bed detached dwellings with projecting front gable (shown in mock-Tudor cladding but material to be addressed through condition) (type M).
- Three, 3 / 4 bed detached dwellings, gable-on to the road with a projecting front canopy at ground floor (type R1).
- Two small, 3-bed detached dwellings (type D5) to be located at the entrance to the development facing north onto the approach road.

Garaging would be provided for Plots 1 and 2 (adjacent to Plot 3 with access to the rear gardens) and for Plots 4 and 5, with the remaining plots served by sufficient frontage/ side parking for a minimum of two cars.

The application is supported by an Ecological Assessment report (as per previous outline submissions). An archaeological evaluation has also been undertaken and submitted on request of the Council's archaeological advisors.

Appropriate Notice has been served on the owners of 24 Cedar Road and land adjoining No. 24, given that the site boundary incorporates land in their respective ownerships but over which a right of access exists to serve the development.

PLANNING HISTORY

The site has a relatively detailed recent history, as follows:

99/00256/FUL – Two houses on land at the end of Cedar Road, Plots 5A and 5B. Refused 28 May 1999 on the grounds of unacceptable rounding off of the village and loss of turning head detrimental to highway safety. A subsequent appeal was allowed on 24 November 1999.

99/00194/OUT – Former allotments (current application site comprised part of land). Refused 28 May 1999 for the following reason:

- “1. The proposal represents development in the open countryside contrary to Policy H10 of the approved South Glamorgan Structure Plan Proposal for Alteration No. 1 (1989) and Policy HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 which carry a presumption against the erection of dwellings in the open countryside unless such development can be justified in the interests of agriculture or forestry. No such justification exists in this case.”

A subsequent appeal was dismissed on 24 November 1999.

06/00751/OUT - Former allotments, Cedar Road, Eglwys Brewis. Approved 9 February 2007.

07/00881/FUL - Residential development with associated roads. Appeal against non-determination submitted but withdrawn November 2007.

In addition, there have been a number of recent approvals (refs: 00/00848/OUT, 03/01322/FUL, 2005/01545/FUL, 2007/00770/FUL and 2008/00179/FUL) for a detached dwelling on land adjacent No. 24 cedar Road (instead of the two dwellings approved as Plots 5a and 5b above).

CONSULTATIONS

St. Athan Community Council has no objections to the application with regard to the revised design of the houses, however, it is very concerned with regard to the impact this development will have on the already congested road infrastructure of this large housing estate, given that there is only one entrance / exit from the highway.

Environment Agency Wales advises that they are not aware of any flooding problems associated with the site. They advise, amongst other things, that they would object to any development which generates flows greater than the capacity of the downstream structure i.e. 7.4 litres/sec/hectare to be discharged to any watercourse in the vicinity of the proposed development. A copy of their representation is provided at Appendix A.

The Ministry of Defence has no safeguarding objections to the proposal.

Countryside Council for Wales note from the ecological assessment that no evidence of great crested newt was found, although they are known to occur in ponds 400m to the south. They do not advise that a license from Welsh Assembly Government (WAG) would be required for the development. They welcome the recommendations in the ecological assessment and recommend these are translated and implemented into enforceable conditions as part of any grant of planning permission. In addition they recommend that a condition be applied that requires the preparation and implementation of a mitigation scheme to safeguard reptiles on site, to be agreed by the Local Planning Authority and Countryside Council for Wales (CCW).

Dwr Cymru/Welsh Water raises no objections subject to conditions in respect of foul water and surface water discharges and land drainage run-off.

The Head of Economic development (Ecology) advises (in summary) as follows:

“Great crested newt - Previous consultation with CCW (for outline planning application refs: 2006/00751/OUT and 2007/00881/FUL) regarding the need for a WAG great crested newt development license concluded that no license was required. It is assumed that conditions have not changed since that assessment and therefore a license is not required for this development.

Reptiles - The survey report includes recommendations for mitigation for reptiles. These are acceptable to the Vale Ecologist. It is recommended that consent be granted on the condition that any mitigation measures for reptiles approved / required by CCW be fully implemented.

Nesting birds - The vegetation on this application site may be used by 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 any vegetation clearance be done outside the nesting season which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds might still be nesting outside this season; therefore care should be taken to ensure that no nesting birds are affected.

Other issues - It is recommended that consent be granted on the condition that all other recommendations listed in section 6 of the Ecological Assessment be implemented, particularly in relation to the river corridor described below.

River Corridor - The Nant y Stepsau stream, which runs along a small section of the northern boundary of the application site, is part of a candidate site of Importance for Nature Conservation (cSINC): Nant y Creek, consisting of tributary streams to the River Thaw and adjacent riverside habitat. It is recommended that the stream and streamside vegetation, including the woodland corridor, which form part of the northern boundary, be retained, and excluded from development site through condition.”

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution)) offers no comment on the application.

Glamorgan Gwent Archaeological Trust recommended that an evaluation be undertaken prior to granting planning permission. This work has since been undertaken and demonstrated that features of possible Roman or medieval date survive in the southern part of the proposed development area, indicative of enclosure activity. They do not oppose the positive determination of the application but requests a Written Scheme of Investigation is submitted detailing a programme of archaeological investigation prior to the commencement of development.

The Head of Visible Services (Highway Development) have offered extensive responses in respect of the scheme as negotiated over the last few months, together with comments on the required nature and form of connection between the site and the existing unadopted footpath along Cedar Road. Essentially, they do not object provided a continuous pedestrian footway link with the existing footway on Cedar Road is provided.

REPRESENTATIONS

Individual letters of notification were sent to addresses at Nos. 7, 18 – 26 (all), Chestnut Avenue; Nos. 3, 4, 5, 9, 14, 15, 16, and 17 – 26 (evens) , Cedar Road, and Nos. 1 – 10 (all) Pinewood Square, and Nos. 1 – 6 (all) Elm Grove. In addition, a site notice was displayed in December 2007.

In response, a single letter of objection has been received from No. 26 Cedar Road expressing concerns over excessive traffic congestion along Cedar Road.

REPORT

Planning Policies

The development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, with the site lying within the defined residential settlement boundary for Eglwys Brewis following the Inspectors recommendation and subsequent Unitary Development Plan modification made in 2003.

Within this context, the following policies are of relevance:

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

ENV27 - DESIGN OF NEW DEVELOPMENTS

TRAN 10 - PARKING

ENV15 - LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE

ENV16 - PROTECTED SPECIES

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION

ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS

REC 10 - DEVELOPMENT OF ALLOTMENT LAND

Issues

The application site has previously been granted outline planning permission for residential development, given its location within the settlement boundary, albeit with a number of conditions relating to ecology, access to the allotments etc. Accordingly, the principle of developing the site has been accepted in principle, with the main issues thus relating to the density, form and layout of the development, together with its implications for residential amenity, highway safety, ecology/ protected species and archaeology.

Layout of Development

The application, and its predecessor (ref: 2007/00881/FUL - appeal withdrawn), have been the subject of extensive negotiations with the applicants, which started with a development of 16 dwellings and has since been reduced down to eight no. detached dwellings, set off an access drive and amorphous turning head.

The scheme has evolved through negotiation, and now incorporates a stronger sense of enclosure at the entrance through the two, smaller northern-facing dwellings, together with a required brick boundary enclosure and landscaping. It will also provide for a defensible landscaped buffer to the new allotment land to the west.

Accordingly, it is now at a stage where the submitted layout is considered to achieve an acceptable balance between achieving a suitable form of development at this sensitive edge of settlement site and providing the required amenity and parking to serve the development.

In terms of specifics, the proposed house type 'M' as submitted proposes mock-Tudor cladding which is considered to be at odds with the character of dwellings in the area. This, however, can easily be controlled through condition requiring amended details of that elevation / materials to be submitted for approval. Conditions can also appropriately cover finish material for all dwellings and the access drive and parking areas.

Highway Safety

The scheme has been amended and now satisfies the Highway Engineers in respect of the geometry and configuration of the road, pavements and parking provision, subject to the road being completed to adoptable standards at the developers expense and the submission of full engineering details including all retaining structures, embankments, fencing, drainage, lighting, turning areas, footpaths/cycle ways and planting.

The major issue of contention during the determination of the application relates to the requirements, as previously laid out by Condition No. 5 of the outline planning permission, for a continuous pedestrian footway link with the existing footway on Cedar Road.

This land has been included within the application site boundary, and appropriate Legal Notice served on the owner of that land (No. 24 Cedar Road). Nevertheless, that area of land is outside of the control of the applicant, and thus any works on that land would require explicit consent from a person unrelated to the application. Essentially, the highways officer does not object provided a continuous pedestrian footway link with the existing footway on Cedar Road is provided.

Works have been undertaken on site to widen the footpath link (without appropriate consent of the owner), which has not been to the satisfaction of the Council's Highways Officer in terms of its finish (or legal rights to undertake and retain such works to serve the development).

The nature and form of the link has been the subject of the extensive discussion with the developer, given that the required increase in width is outside of their control (owned by No. 24 Cedar Road). The owner of that land has been served notice and has advised that she is agreeable in principle to such improvements and, on that basis, the application is reported with a recommended condition that full details of such a link, to include its width, construction and materials, are to be submitted to and agreed in writing by the Local Planning Authority, and such link be implemented in full accordance with the approved details prior to first beneficial occupation of any dwelling hereby granted.

Accordingly, there are no highway safety objections that cannot be overcome by condition.

Development of Allotment Land

The loss of allotment land was previously considered at outlined application stage, at which time it was concluded that the granting of consent for residential development of the application site would not set a precedent for further development on the remainder of the allotment land as this area is excluded from the settlement boundary. In addition, it is noted that the allotments are not statutory allotments, have not been in use for many years, and that control of the remainder of the allotments was to be transferred to the residents who currently make up a minority of the shareholders of the Management Company, and also to secure a legal access to the land which is not available at present.

In order to provide some certainty as to the future use of the allotments by the residents, the outline application – and the current scheme - indicate a means of access to the land on the submitted road details. In addition, it was – and remains - considered necessary to ensure that a water supply is made available to support the future use of the land. This is to be controlled through condition.

Finally, in order to mitigate any impact on the future occupiers of the proposed houses from the use of the allotment grounds, there is a need for a natural hedgerow screen along the boundary with the proposed development site, to be provided by the developer. This will also clearly demarcate the limit of residential development, thereby mitigating any adverse effects of the development itself on the surrounding countryside and ecology.

Ecology

The proposed road layout follows the approximate line of the previous scheme, which itself was amended at outline stage following the consultation response from the Council's Ecologist.

The Nant y Stepsau stream, which runs along a small section of the northern boundary of the application site is part of a candidate site of Importance for Nature Conservation (cSINC) – Nant y Creek (Policy ENV 15 refers). Concern was expressed that the access road would affect stream side vegetation, along with possible impacts on wildlife, including otters and water vole, that may be in evidence along the stream and its corridor. The proposed new access road is now further away from the stream.

In addition an ecological survey has been undertaken and a report submitted. This shows no evidence of otter or water vole and that it is extremely unlikely that great crested newts would disperse towards the site. It concludes however that the proposed development would entail the loss of most or all of the habitats currently present on the site and would possibly cause adverse impacts to the protected species. Notwithstanding this the redevelopment of the site would be unlikely to entail significant loss of wildlife features. The report states:

“Provided adequate mitigation measures are implemented to avoid or minimise impacts to the identified features of interest and protected species etc., it is considered that the redevelopment of this site would not be unacceptably, constrained by biodiversity and nature conservation issues”.

The Countryside Council for Wales have confirmed that they will not be advising that the applicant seek a licence from the Welsh Assembly Government for this development, and are satisfied that no demonstrable harm would occur subject to conditions as laid out in the ecology report's recommendations. This view is echoed by the Council's Ecologist.

Accordingly, the proposal would comply with Policies ENV15 (Local Sites of Nature Conservation Significance) and Policy ENV16 (Protected Species) of the adopted Unitary Development Plan.

Archaeology

Glamorgan Gwent Archaeological Trust recommended that an evaluation be undertaken prior to granting planning permission. This work has since been undertaken and demonstrated that features of possible Roman or medieval date survive in the southern part of the proposed development area, indicative of enclosure activity. They do not oppose the positive determination of the application but requests a Written Scheme of Investigation is submitted detailing a programme of archaeological investigation prior to the commencement of development.

They envisage the work to comprise an intensive watching brief during the topsoil stripping/ landscaping of the site with sufficient contingency arrangements in place to allow sufficient time and resources to excavate and record archaeological features and deposits exposed.

Accordingly, the proposal would comply with Policies ENV18 (Archaeological field evaluation) and Policy ENV16 (Preservation of archaeological remains) of the adopted Unitary Development Plan.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2, HOUS8, ENV15, ENV16, ENV18, ENV19, ENV27 and REC10 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, along with Supplementary Planning Guidance on Amenity Standards, it is considered that the proposed new residential development would complement the character of the immediate locality, and would not cause demonstrable harm to highway safety, the amenities of nearby properties and archaeology, and with appropriate mitigation measures can ensure that the impact on biodiversity and nature conservation is minimised.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans: - CR 100 rev. N received on 18th April 2008; House type 'M' rev. C, , Type R1 rev A, Detail sheet 5, Single and twin garages (un-numbered) , all received on 26th November 2007, and house type D5 received on 1st February 2008, and the development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to their use in the construction of the dwellings hereby approved, full details of the materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

4. No development shall take place until full details of both hard and soft landscape works, to include full details and specifications of planting, together with car parking layouts and hard surfacing materials, for all parts of the site not covered by buildings have been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies HOUS8 and ENV27 of the Unitary Development Plan.

5. All hard surfacing, and planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

6. Notwithstanding the elevation details for Plot 'M', further details of the front elevation, to exclude the proposed mock-Tudor panelling, shall be submitted to and agreed in writing by the Local Planning Authority. The 'type M' dwellings shall only be constructed in accordance with the revised elevations / materials agreed by this condition.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies HOUS8 and ENV27 of the Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no windows shall be inserted in the east-facing elevation of plot 1 hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policies HOUS 8 and ENV27 of the Unitary Development Plan.

8. Work shall not commence on the construction of the access roads or footways until such time as full engineering details of the road layout, including cross sections, street lighting and surface water drainage, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details before the first beneficial occupation of any one of the residential units approved under this consent.

Reason:

In the interests of highway safety in accordance with Policies ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Unitary Development Plan.

9. Notwithstanding the submitted plans, further details of a continuous pedestrian footway link with the existing footway on Cedar Road, to include details of its width, construction and materials, shall be submitted to and agreed in writing by the Local Planning Authority, and such link shall be implemented in full accordance with the approved details prior to first beneficial occupation of any dwelling hereby granted.

Reason:

In the interests of highway and pedestrian safety, and to accord with Policies HOUS8 and ENV27 of the adopted Unitary Development Plan.

10. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on drawing ref. CR100 rev N and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to their construction on site, full details of all means of enclosure associated with the development, to include all external boundaries of the site, the boundaries to the front gardens of the dwellings hereby approved, and the new brick boundary wall to Plot 2, shall be submitted to and agreed in writing by the Local Planning Authority. All boundaries shall be completed in full accordance with the approved details prior to the first beneficial occupation of any dwelling hereby approved.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies HOUS8 and ENV27 of the Unitary Development Plan.

12. None of the residential units approved under this consent shall be occupied until a means of vehicular/pedestrian access to the remainder of the allotment land, located to the west of the site, has been completed in accordance with full details which shall first have been submitted to and agreed in writing with the Local Planning Authority; said access to be retained at all times thereafter to ensure the future continued beneficial use of the land.

Reason:

To ensure the continued beneficial use of the remainder of the allotment land following development of that part of the land hereby approved for residential use in accordance with REC10 - Development of Allotment Land of the Unitary Development Plan.

13. None of the residential units approved under this consent shall be occupied until a water supply has been provided to serve the remainder of the allotment land located to the west of the application site. Details of the proposed water supply shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure the beneficial use of the remainder of the allotment land following development of that part of the land hereby approved for residential use in accordance with REC10 - Development of Allotment Land of the Unitary Development Plan.

14. Prior to the commencement of development full details of a scheme for foul, surface water and land drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details before the first beneficial occupation of any one of the residential units approved under this outline consent and thereafter so maintained at all times.

Reason:

To ensure adequate drainage of the site in accordance with Policy ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Unitary Development Plan.

15. The drainage details referred to above shall pay particular regard to the disposal of surface water and the need to restrict flows to no greater than 7.4 litres/sec/hectare being discharged to the nearby watercourse.

Reason:

To safeguard against flooding in accordance with Policies ENV7 - Water Resources and ENV27 - Design of New Developments of the Unitary Development Plan.

16. No development shall take place until a methodology statement, specifying the means by which the recommendations contained in the submitted Ecological Assessment (September 2006) received by the Council on 26 November 2007, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details unless any variations are agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate mitigation measures are in place to minimise any impact on wildlife or nature conservation interests in accordance with Policies ENV15 - Local Sites of Nature Conservation and ENV16 - Protected Species of the Unitary Development Plan.

17. None of the residential units approved under this consent shall be occupied until full details of a native hedgerow, to be planted along the western boundary of the site with the remainder of the allotment land, have been submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented in the first planting season following the first occupation of the development or the completion of the development, whichever is the sooner; and any failures shall be replaced by specimens of a similar age and species for a period of five years.

Reason:

In the interests of visual and residential amenities in accordance with Policies ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Unitary Development Plan.

18. No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

To ensure that archaeological interest is protected and recorded and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

19. Before the commencement of development, details of wheel-cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority and thereafter the facilities shall be provided and maintained as agreed.

Reason:

In the interests of highway safety in accordance with Policy ENV27 - Design of New Developments of the Vale of Glamorgan Unitary Development Plan 1996-2011.

NOTE:

1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
2. You will note that a condition has been attached to this consent and refers to a need for submission of a programme of archaeological investigation prior to commencement of development. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) to discuss the requirements to comply with the above condition.
3. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
4. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
5. The developer should be aware that the importation of soils or similar material or reuse in situ must be assessed for chemical or other potential contaminants with only material approved by the Local Planning Authority to be imported onto the site in accordance with the relevant Code of Practice and Guidance Notes. The developer is therefore advised to contact the Council's Legal and Regulatory Services, Environmental Health Pollution Section in the first instance for further advice Tel: 01446 709105.
6. The Ministry of Defence have advised that any construction equipment should not infringe aerodrome height safeguarding criteria. The developer is therefore advised to notify the MOD of any cranes that any be erected on the site and the date on which construction will commence, Defence Estates Safeguarding Team Tel: 0121 311 2274.

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.

2008/00015/FUL Received on 6 May 2008

R.W.E. N. Power, Louise Tang, Electron, Windmill Business Park, Whitehill Way, Swindon., Wiltshire., SN5 6PB

Loyn & Co. Architects, 21, Victoria Road, Penarth, Vale of Glamorgan., CF64 3EG

RWE N. Power, Aberthaw Power Station, The Leys, near Barry

Erection of education/visitor centre: Aberthaw centre for energy & environment (Ace2)

SITE DESCRIPTION

The application site is RWE N. Power, Aberthaw Power Station, Vale of Glamorgan.

The application relates specifically to the southern tip of the Power Station complex (approximately 350m south of the main power station building), adjacent to the sea wall and comprises a 2.3 ha part of the site (approximately 170m wide x 140m deep).

The existing site is in the form of a large concrete hardstanding, which at present contains a large earth bund and provides an element of informal car parking associated with the Flue Gas De-Sulphurisation infrastructure works that are ongoing within the site.

The site is accessed by an existing internal access road that runs along the western perimeter of the site, parallel to the coastal wall.

DESCRIPTION OF DEVELOPMENT

The application is for the “Erection of an Education/Visitor Centre: Aberthaw Centre for Energy & Environment (Ace²). It is a building to serve two principal functions:

- An education/visitor centre (primarily for use by educational bodies as opposed to general public access).
- Staff training.

The Building

The building is located at the southern tip of the power station site, approximately 25m from the sea wall. It has a linear quadrilateral footprint, orientated east to west across the site, with the south east and south western sides running broadly parallel with the line of the seawall.

The building is primarily single storey in height with a footprint of 80m wide x between 13 and 19m deep. The single storey elements are flat roofed, 3.2m in height, and serve as large roof terraces that are accessed from a central tower.

It is of a sharply modern design, the most distinctive feature of which being a tall central ‘fin’, orientated north to south alongside the central three-storey stairwell/tower. The triangular fin is to be constructed in concrete and has maximum height of 18.5m, a maximum depth of 32m and a width of approximately 3m. The fin sits perpendicular to the linear width of the building and is aligned to point towards the main power station stack to the north of the building.

The central three-storey section is to provide access to the first floor terraces and second floor viewing platforms. It is wholly glazed on the both north and south elevations, with a large concrete wall forming the east elevation. This part of the building measures 8.5m wide x 18m deep x 10m in height to the top of the second floor parapet wall.

A raised, 8m wide walkway projects from the north elevation of the building at first floor height, extending 75m in distance towards the power station. The walkway terminates at this point and links to the ground via a set of steps created within the landscaped dunes (see below).

Accommodation

The accommodation within the ground floor is in two distinct sections, either side of the central tower. The west section contains three classrooms/training rooms, a computer room, WC’s and limited areas of storage. The east section contains the reception, two formal training rooms, WC’s, a staff kitchen and further storage cupboards.

The first and second floors of the central section contain viewing platforms adjacent to the stairwell, leading to a further viewing platform on the roof.

Landscaping

The building is to be landscaped and surrounded by extensive Pulverised Fuel Ash (PFA) dunes, which extend up to 65m north of the building and provide a 20m deep landscaped belt around the south edge of the building. The dunes are to contain a network of steps and footpaths, which lead to a number of informal seating areas and 'outdoor classrooms'.

A further band of the landscaped dunes is to be constructed directly to the north of the entrance road into the site, creating a shallow valley with the dunes to the south of the access road.

The flat roof terrace above the ground floor section of the building is to be landscaped with PFA manufactured soils and seeded with native planting to create a green 'roof garden'.

Access and Parking

As stated above, access to the site is via an existing internal access road that runs along the western edge of the whole power station site. The access road turns south east to enter the ACE site, and terminates at a turning area and disembarkation point adjacent to the main entrance on the north elevation.

Two parking areas are detailed alongside the access road, each providing 3 spaces, with further parking provision for coaches available within the large area at the end of the access road.

PLANNING HISTORY

None in respect of this part of the Power Station site.

CONSULTATIONS

St. Athan Community Council has no objection.

Environment Agency Wales initially requested the application be deferred in order for the applicant to submit a Flood Consequences Assessment and a desktop study to address potential contamination of soil and groundwater.

Subsequently, following the submission of both reports to the Agency, they have advised that there is no objection to the development on flood risk grounds, given that the consequences of flooding could be acceptably managed. Furthermore, there is no objection in respect of groundwater contamination, subject to conditions.

Civil Aviation Authority has no objection.

The Head of Visible Services (Highway Development) has commented as follows:

“The proposal is for the erection of an education/visitor centre within the existing power station complex for use by local community/school and training of power station staff. Access is proposed from the existing Eastern perimeter site road via the access onto the public highway on the B4265. The maximum staffing level is 7 with 6 car spaces provided. Provision for visiting coaches is available within the site.

The location and access is adequate for the usage indicated as it is anticipated that all visitors will arrive by prior appointment in vehicles rather than on foot. There is no footpath from the public highway to the site, although a public right of way runs outside the power station's site perimeter but it does not connect to it.

The proposal will cater for 15-30 visitors (children) per classroom. The centre provides for 90 visitors in classrooms and multi-purpose training area whilst training programmes are also running concurrently.

Power station staff undergoing training, 20 people approximately per session, will already be on site and therefore this does not present any highway issues.

There would only be a few additional movements into the power station site as a result of this proposal but the majority would not be during the times of peak traffic flow. Therefore no highway objections would be raised to this application for the Aberthaw Centre for energy and environment subject to the normal planning restrictions being applied to construction traffic entering and leaving the site during the construction phase.”

The Director of Legal, Public Protection and Housing Services (Environmental Health) has no objection.

Dwr Cymru/ Welsh Water have raised no objection to the development, subject to standard conditions relating to the foul and surface water drainage of the site.

Glamorgan Gwent Archaeological Trust have raised no objection, given that there is no indication that any archaeological features would be present within the site.

REPRESENTATIONS

Councillor J.W. James and the nearby properties of the Limpert and Mon Repose were consulted, and site notices were erected at The Limpert (entrance to the sea wall), the car park opposite the Blue Anchor, East Aberthaw and at the entrance to the power Station of the B4265.

One email has been received from Councillor James, supporting the proposal due to the link it would enable between the site and schools and members of the public. However, Councillor James has advised that some local residents have concerns about the potential increase in traffic to the site and has requested this be considered before arriving at a decision.

REPORT

Planning Policies

The application has been assessed against the following Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP):

STRATEGIC POLICY 2- SUSTAINABILITY

STRATEGIC POLICY 8- TRANSPORTATION

EMP2- NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

ENV5- GLAMORGAN HERITAGE COAST

ENV6- EAST VALE COAST

ENV7- WATER RESOURCES

ENV26- CONTAMINATED LAND AND UNSTABLE LAND.

ENV27- DESIGN OF NEW DEVELOPMENTS

ENV29- PROTECTION OF ENVIRONMENTAL QUALITY

TRAN9- CYCLING DEVELOPMENT

REC 12- PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

Strategic POLICY 2 states:

Proposals which encourage sustainable practices will be favoured including:

- (i) Proposals which contribute towards energy conservation or efficiency, waste reduction or recycling, pollution control, biodiversity and the conservation of natural resources.
- (ii) Proposals which are located to minimise the need for travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.
- (iii) The reclamation of derelict or degraded land for appropriate beneficial use; and
- (iv) Proposals which improve the quality of the environment through the utilisation of high standards of design.

Strategic POLICY 8 states:

Developments will be favoured in locations which:

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

Policy EMP2 of the Unitary Development Plan relates to all new forms of business and industrial development, and states that development will be permitted where it meets the following criteria:

- The proposal does not lie within the countryside.

- The proposal minimises the loss of agricultural land.
- The size and relationship of any new building/extension is not disproportionate to the setting.
- Access and parking arrangements are in accordance with the Council's standards.
- Adequate landscaping is provided.
- The proposal does not have an unacceptable effect on residential amenity.

Policy ENV5 relates to the Glamorgan Heritage Coast and states that the special environmental qualities of this area will be preserved and enhanced. The application lies directly adjoining the boundary of the heritage Coast.

Policy ENV6 states that outside the Glamorgan Heritage Coast, development will be permitted within the undeveloped coastal zone if a coastal location is necessary for the development and provided there are no adverse environmental impacts by way of visual or noise intrusion, impacts on areas of landscape importance, air, land or water pollution, exacerbation of flooding risk, hazardous operations or impacts on ecology.

Policy ENV7 states that development will not be permitted where it would potentially be at risk from flooding or increase the risk of flooding locally or elsewhere to an unacceptable level.

Policy ENV26 states that the redevelopment of contaminated land will be permitted where the contamination will be removed or reduced to a level where there is no unacceptable risk to, amongst other things, the quality of air and water around the site.

Policy ENV27 requires (amongst other criteria) new forms of development to have full regard to the context of the local natural and built environment and complement the character of existing buildings and open spaces. The Policy also requires proposals to minimise their detrimental impact on adjacent areas.

Policy ENV29 states that development will not be permitted if it would be liable to have an unacceptable effect on either people's health or the safety of the environment. This includes the release of pollutants into water, soil or air or from smoke, fumes, gases, dust, smell, noise, vibration or light.

Issues

It is considered that the primary issues in the assessment of the application are the design, scale and form of the building, its visual impact on the wider landscape, impact on neighbours and issues relating to flooding, highways and sustainability matters.

The Design, Scale and Form of the Building

As described above, the proposed building is of a sharply modern design, the most distinctive feature of which being a tall central 'fin', orientated north to south alongside the central three-storey stairwell/tower. Either side of the fin and stairwell tower, the accommodation within the building is provided in the form of two low lying, flat roofed and predominantly glazed wings, together forming a clearly defined geometric footprint.

The design and orientation of the building have been influenced by the relationship of the site to the main power station buildings and the wider landscape and coastline. Notably, the central fin is aligned with the visually dominant power station stack and the water cooling hub in the sea with the viewing platforms positioned to provide views along this axis.

Whilst modern in its design, the focal central tower and fin have an imposing industrial form, constructed in concrete (also required for longevity due to the salt air environment). Similarly, the architect has designed the internal corridor spaces to reflect the site's industrial context.

The application site is located at the tip of the Glamorgan Heritage Coast, in an exposed and prominent location. Accordingly, it is considered that a development at this point, which will be visible from wide ranging views, should be of a landmark design and form.

The proposed building is of a high quality and contemporary form of design that, whilst modern and contrasting with the form of the power station, successfully draws its concept and design from the existing environment.

To summarise, it is considered that a modern design is entirely appropriate in this location, and that the proposed building, in design terms, has full regard to the local natural and built environment, as required by Policy ENV27.

Impact on the Character of the Wider Area

As noted above, the application site holds an exposed and prominent position at the tip of the Heritage Coast. As such, it would be visible from long range views along the B4265 between East Aberthaw and Llantwit Major, from the public highway to the east of the site, from the network of public rights of way throughout the Heritage Coast and weather depending, across the channel.

The Power Station site does not lie within the Heritage Coast, but directly adjoining it and accordingly, the development has been assessed in terms of its impact on its rural character and landscape value.

Whilst the northern section of power station site adjoins the agricultural part of the Heritage Coast, the application site itself lies adjacent to the pebble beach, some 650m south. When viewed from the north and west, therefore, the building would be seen against a backdrop of the sea. Similarly, when viewed from the east the building would not be viewed against the open countryside of the Heritage Coast beyond.

The character of the power station site contrasts markedly with that of the adjacent rural landscape and, notwithstanding the distance between the main power station building and this development, it is considered that the development would appear from surrounding views as forming part of the power station complex, as opposed to an incongruous development within the Heritage Coast. Whilst the central fin would appear as most prominent from surrounding views, the building itself is relatively low lying and does not have a substantial massing. In addition, the building would be surrounded by a series of landscaped dunes that would screen it from a number of views.

Therefore, in light of the building's scale, form and siting, it is considered that the development would not have an adverse impact on the rural character or landscape value of the Heritage Coast.

Flood Risk

Given the location of the proposed building within flood zone C2, the applicant has submitted a Flood Consequences Assessment, which seeks to demonstrate that the development does not stand an unacceptable risk of being flooded and would not increase the risk of flooding elsewhere.

The assessment conforms that the finished floor level of the building is 11.05m AOD and as such, the development is predicted to remain flood free during the 0.5% and 0.1% flood events (including an allowance for climate change up to the year 2075). The finished floor level of the building is predicted to be 2.04m above the 0.1% flood event.

The Environment Agency have assessed the report and concluded that the risks and consequences of flooding can be acceptably managed and that there is no objection to the development on these grounds.

Contamination

Initially, the Environment Agency requested the application be deferred on the grounds that inadequate information was submitted with the application to establish whether the redevelopment of the site will adequately protect controlled waters from potential contamination of soil or groundwater.

In response, the applicant has carried out a Geo-Environmental Desk Top Study and provided a report that assesses the environment of the site, any potential contaminative sources and the need or otherwise for further intrusive ground investigation.

The report concludes that the proposed location of the building is not within the footprint of the old power station and its basement, which are considered to be the main geotechnical risk for the site.

The report recommends that a further intrusive ground investigation is undertaken to characterise the ground conditions at the site. This will enable the developer to investigate whether any contamination exists and establish the most appropriate form of foundation design.

Whilst the further ground investigation is recommended, the report does state that the existing cooling culverts, anticipated to be beneath the site, are unlikely to pose a significant risk to the development and that a reinforced raft foundation is likely to be sufficient to overcome any geotechnical risks for the site.

Following the submission of the report, the Environment Agency have raised no objection to the development on contamination grounds, subject to any planning permission being conditioned to require the submission of a further desk top study and site investigation scheme, including proposed remediation should contamination be found.

It is considered that the initial report sufficiently appraises the site and likely risks and that the further reports and investigations can be adequately required by conditions. To this end, the development satisfies the requirements of Policies ENV6, ENV26, ENV27 and ENV29 of the Unitary Development Plan, in that the environmental quality of the surrounding area should be protected.

Sustainability Issues

As listed above, Strategic POLICY 2 of the UDP states that proposals which encourage sustainable practices will be favoured including:

- (i) Proposals which contribute towards energy conservation or efficiency, waste reduction or recycling, pollution control, biodiversity and the conservation of natural resources.
- (ii) Proposals which are located to minimise the need for travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.
- (iii) The reclamation of derelict or degraded land for appropriate beneficial use; and
- (iv) Proposals which improve the quality of the environment through the utilisation of high standards of design.

Sustainability objectives are evidently integral to the development proposal, through design and its operation.

The use of concrete is proposed for its high thermal mass, which it is envisaged will reduce the amount of energy required to heat the building. The applicant also cites local sourcing that reduces the need for transportation.

The applicant proposes the use of recycled materials where possible, for example a recently excavated water storage tank has been made available for use in the development for constructing the gabion seating and walling. The landscaped dunes surrounding the building are to be made from recycled Pulverised Fuel Ash (PFA).

The sustainability appraisal also states that the building is to be naturally ventilated and heated with air source heat pumps. Photovoltaic panels are also proposed to generate additional energy.

In terms of transport, the nature of the proposed use for the building will primarily necessitate journeys by bus/coach for outside visitors and on foot for employees within the power station.

The perimeter of the site is bounded by a public footpath that runs adjacent to the sea wall and a potential cycle route has been identified by the Council along this route, joining up at the main road between East Aberthaw and Rhooose. The applicant has expressed a willingness to make a financial contribution to enhance the pedestrian/cycleway that runs along the sea wall and the boundary of the site, which can be secured by a Section 106 legal Agreement. In this respect, it is considered that the proposal aids the objectives of Policies TRAN 9 and REC 12 of the UDP.

Having regard to the above, it is considered that the proposed development satisfies the criteria of Strategic Policy 2 of the UDP and seeks to make a positive contribution to sustainability objectives.

Highways

Public access is proposed from the existing Eastern perimeter site road via the access onto the public highway on the B4265. Vehicles will then travel along the existing access road that runs adjacent to the west edge of the site, terminating at the turning area at the entrance to the building. The maximum staffing level is 7 with 6 car spaces provided and provision for visiting coaches is available within the site.

The Highways Engineer has advised that the location and access is adequate for the usage indicated as it is anticipated that all visitors will arrive by prior appointment in vehicles rather than on foot.

It is also considered that there would only be a few additional movements into the power station site as a result of this proposal and the majority would not be during the times of peak traffic flow. Accordingly, no highways objections are raised.

Impact on Residential Amenity

The nearest residential property is The Limpert, which lies approximately 600m to the north east of the proposed building. It is, therefore, considered that the development will have no adverse impact on residential amenity.

Section 106

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. On major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. This provision will be secured through a Section 106 Agreement.

Local and national planning policies emphasise the need for developments to be accessible by alternative modes of transport than the private car. UDP Policy TRAN 9 seeks to promote cycle routes throughout the Vale of Glamorgan. In addition, UDP Policy REC 12 seeks to improve existing recreational routes and promote the creation of new access opportunities as part of development proposals. Therefore, it is considered appropriate to seek a contribution to enhance the pedestrian / cycleway running adjacent to the site along the coast. The developer has expressed a willingness to enter into a Section 106 legal agreement to this effect.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Strategic Policies 2 'Sustainability' and 8 'Transportation'; and Policies EMP2 'New Business and Industrial Development', ENV5 'Glamorgan Heritage Coast', ENV6 'East vale Coast', ENV7 'Water Resources', ENV26 'Contaminated Land and Unstable Land', ENV27 'Design of New Developments', ENV29 'Protection of Environmental Quality', TRAN 9 'Cycling Development'; and REC 12 'Public Rights of Way and Recreational Routes', it is considered that the proposed development is acceptable in that it is of an appropriate scale, form and design that would not adversely affect the character of the wider area, can be appropriately managed in terms of flood and contamination risk, addresses sustainability objectives and is acceptably accessed from the existing highway network.

RECOMMENDATION

Subject to the interested person first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The developer shall submit a scheme to upgrade and enhance the pedestrian / cycleway adjacent to the application site running along the coast, for a distance of approximately 400m in total.
- The legal agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£1,137.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on the 2 January 2008 and the additional plans ref: S11C, S17 and S18, received on the 28 January 2008.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to their use in the construction of the development hereby approved, a full schedule of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

4. Prior to the first beneficial use of the building, a Flood Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the use of the building shall thereafter be in accordance with the approved management plan.

Reason:

To ensure that any flood risk is effectively managed and to ensure compliance with the requirements of Policy ENV7 of the Unitary Development Plan and Technical Advice Note 15 - Flood Risk.

5. Prior to the commencement of development, a scheme to deal with the risks associated with the contamination of the site, which shall include the following elements, shall be submitted to and approved in writing by the Local Planning Authority:

- (i) A desk top study identifying all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and an assessment of potentially unacceptable risks arising from contamination at the site.

- (ii) Details of a site investigation scheme, based on the desk top study above, to provide information for an assessment of the risk to all receptors that may be affected.
- (iii) The results of the site investigation and a method statement based on those results, giving full details of all required remediation measures and how they will be undertaken.
- (iv) A verification report on completion of the works set out in (iii) above, confirming that the remediation measures have been undertaken in accordance with the method statement and setting out measures for maintenance, future monitoring and reporting.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

- 6. Prior to the commencement of works to construct the building, details of the finished levels of the site and building in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenities and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

- 7. Full details of a scheme for the drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To ensure the satisfactory drainage of the site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

- 8. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include further details and sections of the proposed landscaped dunes

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

10. Prior to the first beneficial use of the building hereby approved, the parking and turning areas shall be laid out in accordance with the layout shown on Drawing No. LL307/01, Rev A, received by the Local Planning Authority on the 2 January 2008.

Reason:

To ensure a satisfactory level of parking and a manoeuvring area are available within the site and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

11. The development hereby approved shall be carried out in accordance with the details contained within the applicant's sustainability appraisal, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to ensure that the scheme supports sustainability objectives and to ensure compliance with Strategic Policy 2 of the Unitary Development Plan.

NOTE:

1. **In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
2. **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.**

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.

2008/00195/FUL Received on 14 February 2008

Mr and Mrs C. Davies, Old Paddock Cottage, St. Brides Major, Vale of Glamorgan., CF32 0SB

Mr and Mrs C. Davies, Old Paddock Cottage, St. Brides Major, Vale of Glamorgan., CF32 0SB

Briars Bank Garage, Penylan Road, St. Brides Major

Demolition of existing garage and construction of single storey 1 bedroom studio dwelling

SITE DESCRIPTION

The application site relates to a large single storey detached garage/store located on the eastern side of Penylan Road, which is in an elevated position and runs parallel to the main Ewenny Road, located in the south eastern corner of St. Brides Major. The garage is located in a widened section of Penylan Road adjacent to a stone embankment with hedging and trees surrounding. The garage is constructed with green painted profiled sheeting to the roof and timber boarding to the elevations. The application site falls within the St. Brides Major Conservation Area.

DESCRIPTION OF DEVELOPMENT

This is a full application for the demolition of the existing detached garage and the construction of a single storey one bedroom studio dwelling.

The proposed new dwelling will be on the same site as the former garage, but with an extended length, being 7.8 metres and a width of 4.2 metres, with an eaves height of 2.1 metres and ridge height of 4.2 metres. The dwelling will have an entrance on the north facing gable elevation comprising of a doorway and window serving the lounge/bedroom with a single window and narrow vent on the opposing south facing gable. The front elevation fronting the lane is not shown to contain any windows. The dwelling is shown to be constructed with painted roughcast rendered walls with limestone quoins and window heads/ surrounds. The roof will be finished with blue/black slate roof and red terracotta ridge tiles and a single roof light on the rear facing roof plane.

The dwelling is to be served by a single off street parking space and the remaining part of the site is shown to be used as a garden enclosed by a 1 metre high limestone wall with pedestrian gates.

PLANNING HISTORY

07/00639/FUL - Demolition of an existing single storey detached garage and the re-construction of a new detached pitch roof garage on the site of the existing garage. Approved 20 June 2007, subject to conditions.

CONSULTATIONS

St. Brides Major Community Council were consulted and no comments have been received to date.

The Head of Visible Services (Highway Development) was consulted and has stated that the site fronts onto a narrow adopted highway subject to a 30 m.p.h. speed limit with a nominal road width of 3m with no segregated footway, no on-street parking facilities for residents or visitors to the site and neighbouring residential properties and no vehicular passing bays within the limits of the adopted highway within 80 + metres of the application site in both a Northerly / Southerly direction.

"In this instance the Highway Authority would raise an objection to the proposed application based on the following:

1. In the absence of adequate off street parking facilities for both residents and visitors, the proposed development would generate additional on-street parking on a narrow adopted highway to the detriment of highway / public safety and the free flow of traffic along the adopted highway.
2. The proposed development would result in the loss of at least two number off road parking facilities resulting in additional on-street parking on a narrow adopted highway to the detriment of highway / public safety and the free flow of traffic along the adopted highway.

3. The narrow adopted highway is un-suitable to serve further development at this location.
4. The existing historic access lacks adequate visibility to serve the proposed development and would create traffic hazards to the detriment of highway safety.
5. The proposed vehicular access detailed on drawing number PL / 03 / HJM FEB 08 appears to narrow following the turning manoeuvre required to exit the site onto this narrow adopted highway during the site inspection.
6. In the absence of a vehicular turning area within the confines of the site, would generate reversing manoeuvres onto this narrow adopted highway with a vehicular access with sub-standard vision splays, creating traffic hazards to the detriment of highway safety.”

Environment Agency Wales were consulted and have stated that they do not accept the promotion or proliferations of cesspools as a viable long term sewerage option in view of the potential environmental, amenity or public health problems arising from inadequate operation and maintenance. The applicant must complete a full foul drainage assessment, which proves to the planning authority’s satisfaction that the use of cesspools is unavoidable. If the Local Planning Authority considers a cesspool the only viable option then they request that a condition is included in any planning permission granted.

Dwr Cymru/ Welsh Water were consulted and have stated that as the applicant intend to utilize private drainage facilities they have no comment to make.

Vale of Glamorgan Conservation Advisory Group at their meeting on 20 March 2008 recommended Refusal; the Group considered that the scale, form design and materials of the proposed new dwelling, did not preserve or enhance the character of the Conservation Area.

REPRESENTATIONS

Adjacent occupiers were notified and a site notice was also posted. To date no letters of representation have been received.

REPORT

Planning Policies

The application site whilst located on Penlan Road opposite existing housing is nevertheless classified as falling outside of the residential settlement boundary of St. Brides Major as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011. As such the proposal must be judged against national guidance and local planning policies concerning the erection of new dwellings in the countryside. Consideration as to whether the application site should be classified as “rounding off” of the settlement of St. Brides Major is detailed below under Policy HOUS2.

Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011:

Policy ENV1 relates to development within the countryside and states:

Within the delineated countryside permission will only be granted for:

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.
- (ii) Appropriate recreational use.
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
- (iv) Development which is approved under other policies of the plan.

Policy HOUS2 - Additional Residential Development states that housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS8 will be permitted within the rural settlement boundary of St Brides Major. This policy adds that favourable consideration will be given, other than within areas identified as green wedges, to small-scale development which constitutes the “rounding off” of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS8 and particularly Criterion (i).

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.

Also relevant are the following Policies:

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

ENV21 - DEMOLITION IN CONSERVATION AREAS

ENV27 - DESIGN OF NEW DEVELOPMENTS

TRAN10 - PARKING

Also relevant is the adopted Amenity Standards Supplementary Planning Guidance and Conservation Areas in the Rural Vale Supplementary Planning Guidance.

The relevant guidance contained with Planning Policy Wales (March 2002) is as follows:

(para. 2.5.7) Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, but new building in the open countryside away from existing settlements or areas allocated for development in UDPs must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

(para. 9.2.18) In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside away from existing settlements recognised in UDPs, or from other areas allocated for development, must be strictly controlled...“Many parts of the countryside have isolated groups of dwellings. Sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.”

(para. 9.3.1) New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern.

(para. 9.3.6) New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

Issues

In terms of the acceptability of the principle of residential redevelopment of the site as stated above the site falls outside of the residential settlement boundary where the eastern limit of the settlement of St. Brides Major is defined along the boundaries of the dwellings located along the western side of Penylan Road. In this regard the proposal would be considered contrary to both Policies HOUS3 and ENV1. However Policy HOUS2 does give favourable consideration to the “rounding off” of the edge of settlement boundaries. In this regard whilst the supporting text to the policy does state that any site for rounding off should lie immediately adjacent to the settlement boundary, the site itself relates to a single building with a commercial/agricultural appearance where the land surrounding the application site comprises of agricultural fields. Therefore Penylan Road is considered to form a clear and distinct physical edge to this part of the settlement of St. Brides and as such the site is not considered as a logical or appropriate form of rounding off. Furthermore the development comprises a site which is effectively no more than a lay by/pull in area adjacent to a highway and is considered inappropriate for residential development as the site fails to reflect the pattern of built development found with the immediate locality and the wider Conservation Area as a whole.

Moreover Planning Policy Wales (March 2002) states in paragraph 9.2.18 that “....Sensitive filling in of small gaps, or minor extensions to such groups, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.” However for the reasons given above it is not considered that the proposal would result in a sensitive form of development in line with this national guidance.

In relation to visual impact, the existing store building has recently been repaired although it still takes the form of an agricultural building located in a lay-by and as such has a minimal impact on the character of the eastern side of Penylan Road. Planning permission has recently been granted under ref: 07/00639/FUL for the re-construction of a new detached pitch roof garage, for a more domesticated building shown to be constructed in roughcast render with stone quoins and, slate roof and timber garage doors.

However the current proposal seeks to provide a longer building than previously approved and the increased size of the building in addition to the additional openings and domestication of the building further increase its prominence. Moreover unlike the previous application which only approved a replacement building, this application includes use of the land to the north and south as residential curtilage. This is shown to comprise of landscaped and grassed areas enclosed by a low level stone boundary wall. The domestication of the site would include an off road parking space, path, landscaping, with the likelihood of other residential trappings being located on the land. Whilst the stone wall itself is not unattractive, the enclosure of some 36 metres of the road frontage would unduly domesticate this side of Penylan Road which would adversely impact on the rural character of the area. In this regard the residential use of the whole site is considered to have a significantly greater visual impact than the previously approved scheme. The introduction of a residential dwelling on the eastern side of Penylan Road and the scale of the associated residential curtilage is also considered to be detrimental to the rural character of this part of the Conservation Area.

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. The amenity space comprises of land on either side of the proposed dwelling which totals an area of some 100 square metres. The proposed gross floor space of the dwelling, based on the submitted layout plans is some 33 square. Whilst the level of amenity space more than satisfies the Councils standards, the amenity space itself due to the low height of the boundary wall would not provide private space for the occupiers in line with the above guidance, given that the dwelling and garden area is located adjacent to a public highway. Whilst there are residential dwellings located on the opposite side of Penylan Road the proposal will not result in any overlooking or loss of privacy nearby occupiers.

In relation to highway considerations an objection has been raised in respect of the loss of existing off street parking, inadequate visibility splay and manoeuvring / turning rear and that the narrow adopted highway is unsuitable to serve further development.

In summary both national and local planning policy seeks to presume against the construction of new dwellings in the countryside unless they can be justified on grounds relating to uses including agriculture and forestry. It is clear that no such justification exists. The proposed new dwelling would both breach and undermine policies which seek to guard against unacceptable development in the countryside and the proposal would also fail to preserve or enhance the character of the Conservation Area.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 'Development in the Countryside', HOUS3 'Dwellings in the Countryside', ENV20 'Development in Conservation Areas', ENV21 'Demolition in Conservation Areas', ENV27 'Design of New Developments' and TRAN10 'Parking', the proposal is considered to represent an unjustified form of residential development in the countryside which is not considered to constitute the rounding off of the settlement of St. Brides Major. The proposal is also considered to cause demonstrable harm to the character and appearance of the countryside, would fail to preserve or enhance the character of the Conservation Area and compromise highway safety.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an unjustified form of residential development in the countryside which is not considered to constitute the rounding off of the settlement of St. Brides Major. The proposal is considered to cause demonstrable harm to the character and appearance of the countryside, would fail to preserve or enhance the character of the Conservation Area and compromise highway safety . The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, HOUS3 - Dwellings in the Countryside, ENV20 - Development in Conservation Areas, ENV21 'Demolition in Conservation Areas', ENV27 'Design of New Developments', and TRAN10 'Parking' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the guidance contained within the adopted Amenity Standards and Conservation Areas in the Rural Vale Supplementary Planning Guidance and Planning Policy Wales 2002.

2008/00207/FUL Received on 14 February 2008

Mr. P. Martin, 7, Stacey Road, Dinas Powys, Vale of Glamorgan., CF64 4AE
GAP Architects, The Studio, White Holm, South Road, Sully, Vale of Glamorgan,
CF64 5SP

Land adjacent to 7, Stacey Road, Dinas Powys

Erection of a new dwelling

SITE DESCRIPTION

The application site comprises the side garden of No. 7 Stacey Road, Dinas Powys, part of which is occupied by a flat roofed single storey former stable building, currently used for storage, and positioned approximately 3m from the road frontage. The site measures approximately 6.6m x 31m, and is bound to the east by No. 9 Stacey Road and to the rear by No. 18 Greenfield Avenue.

DESCRIPTION OF DEVELOPMENT

The proposal entails the demolition of an existing single storey storage building and its replacement with a new detached, two storey, hipped roof dwellinghouse. The dwelling will be sited around 2.5m from the highway and measure approximately 5.5m in width with a maximum depth of 9.5m and an overall ridge height of approximately 6.8m. The dwelling will accommodate a living-dining room, kitchen and w.c. at ground floor and two bedrooms and a bathroom at first floor.

The design of the proposed dwelling is traditional in form with contemporary elements, including a "flying" first floor projection on the front elevation with two narrow, vertical full height windows. The external finishes will be white painted render finish, artificial slate roof and hardwood windows.

The proposal does not provide for any vehicular access or on-site car parking for the new dwelling.

The application is supported by a Design Statement, a Sustainability Appraisal and an Access Statement.

PLANNING HISTORY

04/00028/FUL – Alteration and extension of existing stable into a dwelling.
Refused 27 February 2004, for the following reason:

1. The proposal by reason of its scale, design, form and inadequate parking and access arrangements would represent an overdevelopment of the site, causing unreasonable loss of amenity to the occupiers of adjoining properties, out of keeping with the character of built development in the area and therefore detracting from the appearance of the streetscene in general, contrary to Policies H3 of the East Vale Local Plan (1987), EV19 of the South Glamorgan Structure Plan (1989) and HOUS9 and ENV25 of the Vale of Glamorgan Unitary Development Plan Draft Deposit 1998 (as amended 2003) and the adopted 'Amenity Standards' Supplementary Planning Guidance Note.

06/00767/FUL – Erection of new dwelling. Refused 5 September 2006 for the following reason:

1. The proposal by reason of its scale, design, and form would result in an incongruous form of development out of keeping with the scale and character of the adjacent dwellings and detracting from the street scene in general, contrary to Policies HOUS8 (Residential Development Criteria) - Policy HOUS2 (Settlements), Policy ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011, the adopted Amenity Standards Supplementary Planning Guidance and Planning Policy Wales March 2002.

A subsequent appeal was dismissed on 23 July 2007. A copy of the Inspector's decision letter is reproduced at Appendix A.

CONSULTATIONS

Dinas Powys Community Council - Objection. "We reiterate our previous objections that this is a garden development and an overdevelopment of the site."

Environment Agency Wales has no objection and has submitted their "Standard Advice" Guidance Note for Developers.

Dwr Cymru/Welsh Water have stated that the proposed development would overload the existing public sewerage system. However improvements are planned for completion by 1 April 2009 and have suggested a condition that no buildings shall be brought into beneficial use earlier than 1 April 2009, unless the upgrading of the public sewerage system has been completed and written confirmation issued by the Local Planning Authority. In addition they note that the site is crossed by a public sewer where no part of the building will be permitted within 3m either side.

The Head of Visible Services (Highway Development) and comments:

"Further to a recent site inspection carried out in relation to the submitted planning application to construct a 2 bedroom detached dwelling within the confines of the garden of No. 7 Stacey Road, the Highway Authority would inform the Local Planning Authority that there is an objection to the submitted proposal for the following reasons:

1. In the absence of adequate off street parking facilities for both the existing and proposed dwelling would generate additional on-street parking to the detriment of highway safety.
2. The proposed revised vehicular access/driveway to serve the existing dwelling (No. 7 Stacey Road) fails to meet the minimum dimensions set out within Note 5 of the Parking Guidelines."

REPRESENTATIONS

The occupiers of neighbouring properties were notified 20 February 2008. In addition a site notice was posted on 27 February 2008.

A letter in support of the proposal has been submitted by the occupiers of No. 5 Stacey Road.

Letters of objection have been received from the occupiers of Nos. 6, 8, 9, 11 and 12 Stacey Road, with the main points of concern relating to impact on highway safety and parking; design not in keeping with the street; loss of light and privacy; and problems of maintenance.

In addition a petition has been submitted that disagrees with the Welsh Assembly Inspector's appeal decision statement relating to the issue of on-street car parking being an inconvenience rather than a sustainable objection. The petition has been signed by a total of 27 residents of Stacey Road.

Whilst all the representations are available on file for Committee Members inspection copies of those submitted by the occupiers of Nos. 5, 6 and 9 Stacey Road are reproduced at Appendix B as being generally indicative of the points raised.

REPORT

Members may recall that this application was deferred at the 17 April 2008 meeting of Planning Committee to allow a site visit to be undertaken by Members of the Committee.

The proposal entails the demolition of an existing outbuilding and the construction of a new detached dwelling. The site is located within the residential settlement boundary for Dinas Powys as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).

It will be noted from the planning history that this is the third application for the development of a new house on the site, with the two previous applications being refused. The first, ref: 04/00028/FUL, on the grounds of inadequate parking and access representing overdevelopment that would be out of keeping with the character of the area and causing unreasonable loss of amenity. The second, revised application, ref: 06/00846/FUL, was refused on the grounds of an incongruous form of development out of keeping with the existing character. A subsequent appeal was dismissed by the Planning Inspectorate, however, the Inspector's decision letter indicates that his only concern was the discordant feature created by the proposed large opening provided to accommodate car parking on-site.

Thus the application should be assessed against the following policy background and other material considerations, which, in this instance, must include the Planning Inspector's appeal decision.

Planning Policy

Policy HOUS2 of the Unitary Development Plan identifies Dinas Powys as an area where housing infill, small-scale development and redevelopment may be acceptable. This is subject to the criteria outlined in Policy HOUS8 - Residential Development Criteria which states:

- i. THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- ii. 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;
- iii. THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- iv. WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET;
- v. THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- vi. ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy HOUS11 of the UDP relates to Residential Privacy and Space and states that existing residential areas is characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Policy ENV27 of the UDP refers to the Design of New Developments and is also a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

Policy TRAN10 relates to Parking and requires the provision of parking in accordance with Council's guidelines subject to type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

The Council also has Supplementary Planning Guidance (SPG) including an SPG on Amenity Standards which, in addition to requirements in relation to levels and quality of amenity space, contains policies relating to privacy, overshadowing and visual amenity.

National guidance is contained in 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. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas."

Issues

In assessing the proposal against the above policies and guidance, and bearing in mind the appeal Inspector's decision, which has significant weight in the determination of the application, the following points are noted.

The Council has previously resisted the construction of a new dwelling on this site on a number of grounds including inadequate parking and access, overdevelopment and design. It is noted however that the last application was refused on scale, design and form alone as the proposal envisaged an on-site parking space for the proposed dwelling with parking retained for the existing house.

On the issue of design it is noted that the Planning Inspector, in considering the appeal against the Council's refusal, agreed with the appellant's overall approach to the design which he noted "seeks to respect the existing visual cohesiveness of the street without creating a pastiche of either of the adjacent architectural styles." His main concern and reason for dismissing the appeal was the proposed ground floor opening provided to accommodate an on-site car parking space, which, he considered, would create a discordant feature "resulting in a dwelling that would fail to adequately reflect the features that provide a pleasing architectural cohesiveness to the street scene."

The current application in contrast to that refusal has omitted the large opening and instead provides for a domestically scaled, horizontally emphasised window in its place. In all other respects, including scale, form and external finishes the proposal is almost identical. Other changes include the positioning of the dwelling 0.1m closer to the boundary with No. 9 Stacey Road; a reduction in the remaining space to the side of the existing dwelling by 0.1m; the introduction of a ground floor bathroom window in the east side elevation; reduction in the size of one of the first floor rear windows; almost full width patio doors in the ground floor rear elevation; and internal re-arrangement of accommodation with a more traditional layout of ground floor living room, kitchen, etc., and first floor bedrooms.

The main change from the previously refused application is the omission of the large opening and thus this has removed provision for on-site car parking for the proposed dwelling. It is noted that the Council's Highway Engineer has objected to the application based on the lack of adequate off street parking for both the existing and proposed dwellings, which would be detrimental to highway safety. He has also noted that the revised driveway to No. 7 Stacey Road fails to meet the minimum dimensions set out in the Council's Parking Guidelines. The issue of parking and highway safety is one of the principal concerns of the neighbouring objectors. The submitted petition also highlights the fact that a majority of the residents on Stacey Road do not agree with the Inspectors conclusions in respect of on-street parking. Despite these objections the Planning Authority cannot ignore the Inspectors conclusions on this matter. It is clear that the Inspector fully considered the likely impact of constructing a new dwelling without on-site parking, and undertook daytime and evening visits. He concluded that there was ample on-street provision and that notwithstanding this "the envisaged on-site provision would be effectively off-set by the loss of an on-street parking space outside the site."

The Inspector also referred to the government's aim of reducing car dependency and the fact that the site is accessible to a range of local facilities and good public transport. Indeed the Council's own policies can support this sustainable approach, including Strategic Policy 8, which favours development in locations that are accessible by means of travel other than the private car, and Policy TRAN10 - Parking, which embraces a flexible approach to parking requirements and aims to provide scope for reduced parking facilities in locations well served by public transport.

As regards off-street parking for the existing dwelling, it is noted that the Council's Highway Engineer indicates that this would not meet the minimum standards in the Parking Guidelines, referring to Note 5 which states that garages must have a minimum driveway length of 5.5m and width of 3.2m. Whilst this is true of the current application it is equally applicable to the previous refusal. The current plans show differing driveway widths with Drawing No. M/DP/207.01, indicating that there will be a driveway width of approximately 2.8m for much of its length, and additional Drawing No. M/DP/207.03 showing 3.07m, according a condition is proposed to clarify this detail. Both will allow for some on-site parking to continue, albeit to a substandard provision. Once more it is noted that the Inspector did not raise this as a reason for withholding permission.

Other concerns raised by the objectors relate to loss of light, privacy and issues of maintenance, but again the Inspector considered these matters and concluded that none would justify the rejection of the proposal. As already noted the current application is very similar to that refusal in terms of siting, size and position of windows. There is an additional window in the side elevation facing No. 9 Stacey Road, but this is to a non-habitable bathroom. There are also full width patio doors proposed at ground floor on the rear elevation but these will not result in direct overlook of any neighbouring habitable room windows. Indeed the more traditional arrangement of the accommodation in this revised application, i.e. living room and kitchen at ground floor instead of first floor, should serve to improve privacy.

Finally it is noted that in line with their previous observations on the 2006 application, Dwr Cymru/Welsh Water have indicated that the proposed development would overload the existing public sewerage system. However, in contrast to those comments they have now revised their timescales for possible occupation of any dwelling from 1 April 2007 to 1 April 2009, and have requested that an appropriate condition be imposed on any consent.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2 and HOUS8 - Residential Development Criteria, HOUS11 - Residential Privacy and Spaciousness, ENV27 - Design of New Developments and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, along with the Supplementary Planning Guidance on Amenity Standards, it is considered that this revised scheme meets the concerns of the Planning Inspector in respect of application reference 06/00846/FUL, and as such the proposed dwelling would not be out of keeping with the existing street scene and should have little, if any, additional adverse impact on either residential amenities or highway safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. No beneficial occupation of the dwelling hereby permitted shall take place before the 1 April 2009, unless the upgrading of the public sewerage system, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.

Reason:

In the interests of public health and the environment in accordance with Policies ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Unitary Development Plan.

3. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted plans, further details of the proposals for the provision of on-site car parking for the existing dwelling, which shall include any alterations to the vehicular access, shall be submitted to and approved in writing with the Local Planning Authority. The approved works shall be fully implemented before the first beneficial occupation of the new dwelling hereby permitted, and the approved parking shall be retained and maintained at all times within the curtilage of No. 7 Stacey Road for the exclusive use of that property.

Reason:

To ensure the provision and maintenance of car parking for the existing dwelling in accordance with Policies ENV27 - Design of New Development and TRAN10 - Parking of the Unitary Development Plan.

NOTE:

1. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**

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.

2008/00208/CAC Received on 15 February 2008

Mr. & Mrs. R. Williams, Caradoc Cottage, Llancarfan, Vale of Glamorgan., CF62 3AG
S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea., SA1 5TN

Caradoc Cottage, Llancarfan

Demolition of existing dwelling and detached garage and replacement with two detached dwellings and detached garages

SITE DESCRIPTION

An existing detached dwelling, which appears to date from around the early 19th Century, located within a large sloping site, with the dwelling set at a higher level than the adjoining narrow highway. The site is located within the Llancarfan Conservation Area, hence the need for Conservation Area Consent for its demolition.

DESCRIPTION OF DEVELOPMENT

This is an application for Conservation Area Consent for the demolition of the existing dwelling. It relates to a proposal for its replacement by two new detached dwellings on the site, considered concurrently by application ref: 2008/00209/FUL.

PLANNING HISTORY

A previous application (ref: 2007/00408/FUL) for the demolition of the dwelling and construction of two new dwellings was 'finally disposed of' on 23 August 2007 following the applicants / agents failure to submit all required information despite protracted requests.

CONSULTATIONS

Llancarfan Community Council (joint comment on full and CAC applications) has no objections to the demolition of Caradoc Cottage, however concern has been expressed that two dwellings of this size and design might be detrimental overdevelopment of the site. They request that the highway authority be fully consulted regarding this development as it is envisaged traffic problems might arise both during and after this development. The authority must be satisfied that there is sufficient room for large agricultural vehicles to pass without widening of the land to encourage increased traffic speeds.

REPRESENTATIONS

No specific consultations on the Conservation Area Consent have been undertaken.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

ENV21 - DEMOLITION IN CONSERVATION AREAS

Issues

The main issues concern whether sufficient justification has been submitted for the demolition of the dwelling, and, if so, whether an acceptable scheme for redevelopment has been approved.

As detailed within the report on application ref: 2008/00209/FUL for redevelopment of the site, the objections to demolition relate not only to the absence of sufficient justification to warrant demolition, but also due to the lack of an acceptable replacement scheme.

These objections are supported by Policy ENV21 of the Adopted Unitary Development Plan, which relates to demolition in Conservation Areas, and states at criterion (ii) that the demolition of an unlisted building or structure within a Conservation Area will be permitted where full planning permission has been granted for the proposed new use or development. This Policy is in complete accordance with national guidance contained within Welsh Office Circular 61/96 "Planning and the Historic Environment : Historic Buildings and Conservation Areas", which states that Conservation Area Consent should only be granted where a satisfactory re-use of the site has been approved.

In light of the objections detailed in the report on application ref: 2008/00209/FUL, the redevelopment proposals for the site are considered to be wholly unacceptable. In this respect, Conservation Area Consent cannot be granted on the basis that demolition without an acceptable scheme for redevelopment - and with a phasing scheme requiring its redevelopment as part of a concurrent operation with demolition - would cause material harm to the character and appearance of the Conservation Area.

CONCLUSION

The decision to recommend refusal of Conservation Area Consent has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV17 'Protection of Built and Historic Environment', ENV20 (Development in Conservation Areas) and ENV21 'Demolition in Conservation Areas' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales March 2002 and Welsh Office Circular 61/96, it is considered that the proposed development would result in the loss of a building that currently makes a positive contribution to the character of this part of the Llanccarfan Conservation Area, with inadequate justification submitted in support of the need for demolition nor has any proposed redevelopment scheme been approved for the site. Accordingly, the demolition of the building would fail to preserve or enhance the character and appearance of the Conservation Area.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposed development would result in the loss of a building that currently makes a positive contribution to the character of this part of the Llanccarfan Conservation Area. Furthermore, inadequate justification has been submitted in support of the need for demolition nor has any proposed redevelopment scheme been approved for the site. Accordingly, the demolition of the building would fail to preserve or enhance the character and appearance of the conservation area, contrary to Policies ENV17 'Protection of Built and Historic Environment', ENV20 (Development in Conservation Areas) and ENV21 'Demolition in Conservation Areas' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales March 2002 and Welsh Office Circular 61/96.

2008/00209/FUL Received on 15 February 2008

Mr. & Mrs. R. Williams, Caradoc Cottage, Llanccarfan, Vale of Glamorgan, CF62 3AG

S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea., SA1 5TN

Caradoc Cottage, Llanccarfan

Proposed demolition of existing property and construction of 2 no. new dwellings with detached garages

SITE DESCRIPTION

An existing detached dwelling, dating from around the late 18th/ early 19th Century, located within a large sloping site, with the dwelling set at a higher level than the adjoining narrow highway. The site is located within the Llanccarfan Conservation Area, within the Nant Llanccarfan special Landscape Area.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing dwelling and its replacement by two new detached dwellings, cut into the site.

Plot 1 would have a 9m span, width of 14 metres, with Plot 2, an 8 metre span and width of 13.5 metres. Each would be 7.8m height to the ridge, with a projecting 1 ½ storey front wing, and be finished in natural stone, natural slate and smooth finish render.

Parking areas would be created by excavation to the frontage of each plot, with a double garage for each plot to the north and south corners.

A Conservation Area Consent application for the demolition of the property has also been submitted.

PLANNING HISTORY

A previous application (ref: 2007/00408/FUL) for the demolition of the dwelling and construction of two new dwellings was 'finally disposed of' on 23 August 2007 following the applicants/ agents failure to submit all required information despite protracted requests.

It is also pertinent that the land to the immediate south was subject of an application and appeal (ref: 74/0041/FUL) for "one or two detached houses with garage", this application being refused and the subsequent appeal dismissed in December 1975.

CONSULTATIONS

Llancarfan Community Council has no objections to the demolition of Caradoc Cottage, however concern has been expressed that two dwellings of this size and design might be detrimental overdevelopment of the site. They request that the Highway Authority be fully consulted regarding this development as it is envisaged traffic problems might arise both during and after this development. The authority must be satisfied that there is sufficient room for large agricultural vehicles to pass without widening of the land to encourage increased traffic speeds.

Environment Agency Wales offer their generic advice notes.

The Head of Visible Services (Highway Development) : "Further to a recent site inspection carried out in relation to the submitted planning application to demolish the existing bungalow and construct two number 4 bedroom detached dormer bungalows within the village of Llancarfan, the Highway Authority would inform the Local Planning Authority that an objection would be raised to the proposed development should the applicant fail to submit revised details to satisfy the following conditions:

1. Each individual plot shall be served via an individual vehicular / pedestrian accesses set out at right angles to the adopted highway.

2. The proposed means of vehicular access to serve each individual plot shall incorporate and maintain thereafter a minimum vision splay of 33m x 2m in both directions along the adopted highway together with a 2m x 2m vision splay to the rear of the adopted highway on either side of the proposed vehicular access in the interest of highway / public safety.
3. The proposed vehicular accesses / driveways to serve the individual plots (1 and 2) shall have a minimum width of 3.2 metres and be completed in materials approved by the Local Planning Authority.
4. Unless as otherwise agreed with the Local Planning Authority the proposed vehicular access / driveway shall be at a gradient not steeper than 5% (1 in 20) for the first 6 metres and thereafter not steeper than 12.5% (1 in 8).
5. There shall be no structures e.g. walls inclusive of piers, fencing, gates etc or planting when mature exceeding 600mm in height within the required vision splays.
6. Provide and maintain within the confines of each individual plot (1 and 2) a minimum of four number parking bays for both residents and visitors as per the requirements of the Parking Guidelines based on a four bedroom dwelling with a gross floor area exceeding 120m² prior to the development being brought into beneficial use.

The Highway Authority would inform the Local Planning Authority that the minimum internal dimensions of a single garage to be considered as a parking bay shall be 5m x 2.8m at narrowest point, usually at piers.

However, the Highway Authority would recommend that the applicant follows the recommendations set out in Section 8.3.41 of Manual for Streets which recommends garages have a minimum internal width of 3m and an internal length of 5.5m – 6.0m to allow for storage / work benches.

7. Provide and maintain a vehicular turning facility within the curtilage of the site, to be approved by the Local Planning Authority, to enable vehicles to enter and egress the site in a forward gear.
8. All areas required for onsite parking or associated vehicular turning areas shall be surfaced in a bound material to be agreed and approved by the Local Planning Authority before the proposed dwelling is brought into beneficial occupation.
9. No gates whatsoever shall be located and fitted to open out over the un-adopted lane in the interest of public safety and the free flow of traffic along this single track lane. (All gates shall open inwards).
10. The applicant is to be advised that any works immediately adjacent to or within the limits of the adopted highway will require authorisation from the Local Highway Authority.

The applicant is to be advised that prior to commencing works adjacent to or within the confines of the adopted highway they will be required to contact Mr. Peter Coughlan of the Highways Traffic Section on 02920 – 673051 to agree construction details and for permission to work within the limits of the adopted highway.

The applicant is required to submit to the Local Planning Authority for approval all necessary details to satisfy the aforementioned conditions.”

Countryside Council for Wales OBJECT to the development due to the absence of sufficient information to allow them to assess possible effects of the scheme on bats. They state that, if the authority is minded to grant permission, then more information is required to ascertain the status of bats on site (details of the required surveys have been provided).

Dwr Cymru/Welsh Water. To date no representations have been received.

Building Control Section. No comments to date have been received to date.

The Head of Economic development (Ecology) has responded as follows (summary):

“Bats

The bat survey submitted in respect to this application found the building proposed for demolition to contain evidence of bat use. Over 250 common pipistrelle bat droppings were found on the attic floor to the south gable end. The presence of droppings confirms the site as a bat roost. Since the survey detected presence of/usage by bats it will be necessary for the developer to apply for a development licence 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 Planning 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 application details, bat survey report, statement accompanying the application, and figure illustrating the bat mitigation measures, be sent to CCW specifically to seek their written advice on whether test (ii) will be met if the mitigation proposed and recommendations are adhered to.
- If advice from CCW is received which confirms that mitigation proposed will be sufficient to meet test (ii), consent should be granted 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.

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 13 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".

Nesting Birds

The building/ vegetation on this application site may potentially be used by 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 that states that any vegetation clearance / works affecting the buildings should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected."

Cadw confirm there are no scheduled ancient monuments, historic parks and gardens or historic landscapes affected by this proposal.

Vale of Glamorgan Conservation Advisory Group at their meeting on 20 March 2008 recommended REFUSAL - the Group opposed the demolition of the existing cottage, recognising its positive contribution to the semi-rural landscape, in a prominent part of the Conservation Area. The proposal by introducing two dwellings with an urban character, would by their very nature not preserve or enhance the character of the Conservation Area.

Glamorgan Gwent Archaeological Trust has provided representations as follows:

“Thank you for sending the details of these applications that will have a significant impact on the historic landscape of Llancarfan.

Caradog Cottage was built between 1770 and 1840 as it is depicted on the Llancarfan tithe map but not on the manorial estate plan. On the tithe map it is shown with the same footprint as currently, although it is noted that alterations to the original structure, including the addition of dormer windows to the roof, have occurred. Thus the present building is an important surviving structure in the historic settlement.

The importance of the building in the historic environment has been emphasised in recent works that have been undertaken to characterise the historic landscape of the Llancarfan Valley. As you will be aware the Llancarfan Valley is included in the Register of Landscapes of Outstanding Historical Importance in Wales. The application area is located in an area of established nucleated settlement comprising the main village of Llancarfan. The village has two distinct nuclei, one centred on the church and the other on Cross Green where Caradoc Cottage is located. Historically Cross Green was separated from the village, and was probably named after the junction of several lanes and tracks. On the tithe map it appears as an open area with the old corn mill, and a cluster of cottages within a matrix of irregular enclosures. The cottages include Crossgreen and Green Cottage, and to the west, across the Nant Llancarfan Brook linked by a ford (with adjacent foot bridge), Caradoc Cottage and the slightly larger Ty-to-maen.

As noted above, Caradoc Cottage and its surrounding garden was an important feature in the settlement at Cross Green in the early 19th Century. Its demolition and replacement with two houses will alter the settlement pattern and remove this element from the historic environment of the Conservation Area. In our opinion these proposals constitute an unacceptable impact on the registered historic landscape and the Conservation Area and therefore the current applications should be refused.”

REPRESENTATIONS

Oakfield House, Delta Cottage, Waterford House, Wild Rose House, The Green, The Old Mill, and The Willows, were consulted on 20 February 2008, with the application also advertised on site and in the press as affecting the conservation area on 27 February 2008. To date one letter of representation has been received, objecting to the development on grounds of the proposed visual impact and the effect on wildlife habitat. Concerns are also expressed in regard of parking provision, lack of amenity space and possible flood implications.

REPORT

Planning Policies

The site is located in a prominent roadside location within the Llancarfan Conservation Area, where it is proposed to demolish the existing dwelling and replace it by two detached dwellings. Relevant Policies include:

ENV4 - SPECIAL LANDSCAPE AREAS

ENV16 - PROTECTED SPECIES

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

ENV21 - DEMOLITION IN CONSERVATION AREAS

ENV27 - DESIGN OF NEW DEVELOPMENT

Supplementary Planning Guidance - Conservation Areas in the Rural Vale – is also of relevance.

Advice in Welsh Office Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas', is also pertinent, stating that in assessing schemes where demolition is involved, "the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area (para. 33).

Issues

Within this policy context, it is considered that the principal issues concern whether the proposals would preserve or enhance the character and appearance of this part of the Llancarfan Conservation Area, with particular emphasis on the contribution of this dwelling to the Conservation Area; to the justification for the loss of the existing dwelling; the impact of the proposal in terms of the loss of the existing spacious curtilage within which the dwelling is viewed; and the impact of the detailed design of the dwellings, their garages and parking proposals. The impact on highway safety is also of importance.

Principle of Demolition

National Policy advice on the Historic Environment is contained in Planning Policy Wales March 2002) and Welsh Office Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas', which emphasise the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, with paragraph 6.5.15 of PPW stating that "if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a Conservation Area, or its setting, there will be a strong presumption against the grant of planning permission".

In assessing the impact of the scheme, it is first considered essential to consider whether there exists sufficient justification for the demolition of this property. In assessing schemes where demolition is involved paragraph 33 of Circular 61/96 indicates that “the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish Listed Buildings...Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment”. This should be read in conjunction with Policy ENV19 of the adopted UDP.

The Council consistently applies such guidance and emphasises that development proposals affecting such sites should first start with the premise of recycling and reusing old buildings in a sensitive manner. In support of the application, a report was submitted by a Structural Engineer, which provides an evaluation of the condition of the building and the works required to bring it up to standard.

While the structural report identifies that the building is not in a good condition, it does not conclude that there are any insurmountable issues which would lead to a conclusion that demolition is the only realistic alternative for this building. Indeed all the issues raised are considered to be capable of resolution by conventional levels of building repair.

As identified by paragraph 92 of Circular 61/96, the criteria for demolition considerations include:

- The condition of the building.
- The cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
- The adequacy of efforts made to retain the building in use; and
- The merits of the alternative proposal.

In this respect, although the applicants have provided supporting evidence which seeks to address the matters raised in Circular 61/96, it is considered that the submissions have placed insufficient weight on these matters, for example the merits of retaining the traditional building, or addressing the balance between restoration and redevelopment, notably in relation to the impact of any such alternatives to the character and appearance of the Conservation Area.

For example, the applicants statement advises (at 2.18) that “it is for others to decide on the financial viability of the extent of work required to bring the property up to a reasonable modern standard but it would appear that the associated costs of such work on such a small property would not appear viable”. This statement, however, is clearly not sufficient when considering the tests, having given little true regard to the economic costs involved. This is evidenced by the report when it continues to consider the idea of some form of extension, but concludes that due to the restrictions on site, such extensions would ultimately change the existing visual appearance of the property and lose any character that the property may have.

Not only is this view not accepted, since any extension to such a property has the potential to be sensitively designed, and certainly less harmful than the development currently proposed, but also it fails to consider such potentials in weighing up the balance between demolition and retention of the existing dwelling in respect of the impact on character and appearance.

In any respect, it fails to consider how any such extension, if acceptable, would (or could) shift the economic balance in favour of refurbishment, nor balancing refurbishment with or without extension against the impact of wholesale demolition and redevelopment with two large properties over the whole site, with the clear impact on the character and setting of the Conservation Area.

The applicants consider the building to be “largely unremarkable, of plain appearance without any architectural features worthy of note (2.2.5)” however this view is also refuted, and instead it is considered that the building, albeit in need of works, contributes positively to the character, appearance and setting of the conservation area. For example, they have failed to consider the historical context within which this dwelling fits, and the impact of its size, form and appearance as part of the special character of the conservation area. This is evidenced by consideration of the comments from the Glamorgan Gwent Archaeological Trust (GGAT) who have advised that the present building is an important surviving structure in the historic settlement, having been built between 1770 and 1840, albeit with subsequent alterations to the original structure including the addition of dormer windows to the roof.

GGAT further advise that Caradoc Cottage and its surrounding garden were an important feature in the settlement at Cross Green in the early 19th Century. They consider that its demolition and replacement with two houses will alter the settlement pattern and remove this element from the historic environment of the Conservation Area, thus constituting an unacceptable impact on the historic landscape and the Conservation Area.

Therefore the general presumption, as stated in Circular 61/96, lies in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Since proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish Listed Buildings, it is further concluded that there remains insufficient justification on all of the ground above, and as emphasised in the arguments below, for allowing the demolition of this building.

This view has been supported in three previous appeals in Church Road, Penarth, Bridgeman Road, Penarth and Elm Grove House, Dinas Powys, with each Inspector placing great weight on the need to retain such buildings.

In this respect, whilst it is acknowledged that the building needs work, nevertheless it does not appear incapable of refurbishment or repair. In any event, insufficient evidence has been submitted to justify or prove conclusively that the demolition of the property is the only viable alternative, with insufficient examination having been given to the presumption in favour of retaining such buildings, and the need to address those tests in the Circular identified above, including its importance in the Conservation Area.

Impact of Proposals on Conservation Area

Notwithstanding all of the above arguments in respect of the need to justify such demolition, when considering such development proposals it is necessary to give considerable weight to the character and appearance of the Conservation Area, and to the contribution of the site and property to such character.

By reason of the site's size, the open character of the site, and its prominence in the streetscene, accentuated by the levels within the site, the site and property is considered to be both highly prominent in the streetscene, and to contribute significantly to the character and appearance of the Conservation Area in this location. Although the dwelling has been altered in the past, for example with the provision of dormers, it has nevertheless retained its original rectangular plan form and scale and, being on a sloping site, at a higher level than the adjoining highway, and being contained within stone walling to the frontage, the dwelling sits comfortably within the levels of the site.

The surrounding land to the rear and side further defines its character and relationship with the wider landscape setting of the Conservation Area beyond, thus ensuring it discretely fits into the historic fabric of this part of the conservation area. Although it is acknowledged that the existing building is not of outstanding architectural merit, it nevertheless contributes positively to the Conservation Area, and has historical value in the growth of the village, befitting a building which has formed part of the development of the village for in the region of 200 years, as evidenced by the convincing advice from the Glamorgan Gwent Archaeological Trust.

Although clearly in need of refurbishment and repair, given sensitive treatment it is considered that the property and site could continue to play a key role in defining the character of the area, and thus enhancing the setting of the Conservation Area.

Although there are objections to the general principle of the demolition of this property in a prominent location in the Conservation Area; rebuilding a property is, in any event, generally discouraged since it can devalue the importance of the original properties within an area. In addition having regard to the specifics of the proposed redevelopment there are a number of serious objections to the redevelopment scheme, which would fail to meet the statutory objectives of preserving or enhancing the character of the Conservation Area.

In particular, the proposed new units are considered to exhibit the worst characteristics of ubiquitous 'Vale vernacular' with a strong urban ambience and with obvious levels of over-design. The heavy use of stone (the source of which could be questionable in any event) would further amplify the unsatisfactory impact of these designs. The two new dwellings would also be set on platforms in distinction to lying 'within the section' as existing, with the use of retaining walls and steps to the frontage further impacting heavily on the setting, and further emphasising the scale of the new dwellings.

The construction of two units would also occupy much of the current 'mature' frontage and would have a strong negative impact as a result. This would be exacerbated by the two new garages to either end of the site, which would add to the strong urban impression of the scheme, while the need for new access and visibility requirements – see extent of highway requirements under consultation section – would involve significant loss of frontage and historic boundary walling, opening up the frontage and losing the existing low-key relationship of dwelling to narrow highway. The form of the garages with their square form and substantial up and over doors would also further add to the profound damage that this scheme would have on the Conservation Area.

Accordingly, it is considered that the replacement of the existing historic dwelling with two new, unduly suburban and modern dwellings, cut into the site, of larger size and scale, and occupying the majority of the width of the overall plot, would unacceptably intrude into the existing open character of the site, and appear discordant and at variance with the established character of the site and wider conservation area, thus failing in all respects to preserve or enhance the character, appearance or setting of the Llancarfan Conservation Area.

Impact on Special Landscape Area And Historic Garden

Although sited within the Nant Llancarfan Special Landscape Area, there is considered to be no specific impact on the qualities of the SLA over and above those already identified in respect of the overall impact on the character and appearance of the Conservation Area.

Highway Safety

Although the highway authority have requested a significant number of conditions, these have not been pursued due to the existing deficiencies in the scheme while it is emphasised that complying with such requirements would in themselves cause demonstrable harm to the Conservation Area.

With respect to the Community Council's and local resident's concerns about traffic and disruption caused by the proposal and at the time of its development, these are not matters that have been raised by the highway authority. The width of the land would not alter as part of this development in any respect, even if it had been acceptable.

Ecology

The submitted reports identify that bats occupy the building, and in this respect there is a need for the development to satisfy the three tests of derogation. The matter has been considered by the Countryside Council for Wales, who have objected to the development due to the absence of sufficient information to allow them to assess possible effects of the scheme on bats. They state that, if the authority is minded to grant permission, then more information is required to ascertain the status of bats on site (details of the required surveys have been provided).

The applicant's agent has been informed of the objections and of the need for additional surveys. Given the serious objections to the demolition of the existing dwelling, and to the quality of the redevelopment scheme, however, it is concluded that the impact on the protected species serves only to reinforce the strong objections to this insensitive proposal, with there being no essential need to await the results of any such additional surveys prior to making a decision.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV4 'Special Landscape Areas', ENV16 'Protected Species', ENV17 'Protection of Built and Historic Environment', ENV20 'Development In Conservation Areas', ENV21 'Demolition in Conservation Areas' and ENV27 'Design of New Development' of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011, and the Supplementary Planning Guidance - Conservation Areas in the Rural Vale, it is considered that the proposal would result in the loss of a building that currently makes a positive contribution to the character of this part of the Llancarfan Conservation Area, while the proposed replacement dwellings, by reason of their size, scale, form and design, plus the loss of the open area of land within which the existing dwelling is viewed and alterations to the site frontage, would appear as an insensitive new development, at variance with the established character of the locality. Thus the proposal will neither preserve nor enhance the character of the Llancarfan Conservation Area.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposed development would result in the loss of a building that currently makes a positive contribution to the character of this part of the Llancarfan Conservation Area and would consequently fail to preserve or enhance the character of the Conservation Area. Inadequate justification has been submitted in support of the need for demolition and the development is considered to be contrary to Policies ENV17 'Protection of Built and Historic Environment', ENV20 'Development in Conservation Areas' and ENV21 'Demolition in Conservation Areas' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales March 2002 and Welsh Office Circular 61/96.

2. In the opinion of the Local Planning Authority the proposed replacement dwellings, due to their size, scale, form and design, plus the loss of the open area of land within which the existing dwelling is viewed and the alterations to the site frontage, would appear as an insensitive new development, at variance with the established character of the locality. Thus the proposal will neither preserve nor enhance the character of the Llancarfan Conservation Area contrary to Policies ENV4 'Special Landscape Areas', ENV20 'Development in Conservation Areas', ENV27 'Design of New Developments' and HOUS8 'Residential Development Criteria - Policy HOUS2 Settlements' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and Conservation Areas in the Rural Vale; and national guidance contained in Planning Policy Wales March 2002 and Policy TAN12 - Design.
3. Insufficient information has been provided in respect of the status of protected species within the site / building to assess the possible effects on bats. In the absence of such information, the proposal is considered to be contrary to the objectives of Policy ENV16 'Protected Species' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2008/00269/FUL Received on 22 April 2008

Mr. & Mrs. D. J. Reeves, Longford Park, Highlight Lane, Barry, Vale of Glamorgan., CF62 8AA
Mr. S. Pellow, 22, Marshfield Road, Castleton, Cardiff., CF3 2UW

Longford Park, Highlight Lane, Barry

Proposed 2 bed bungalow in rear of garden

SITE DESCRIPTION

The application site relates to the rear garden of a detached bungalow known as Longford Park located near the entrance of Highlight Lane, Highlight Park, Barry.

The site is roughly 20 metres in width by a depth of 16 metres with an existing vehicular access to the rear garden from Hellas Drive.

DESCRIPTION OF DEVELOPMENT

This is a full application and as amended relates to the construction of a pitched roof detached dormer bungalow. The accommodation will provide a lounge, dining room, kitchen utility room and WC at ground floor and at first floor two bedrooms and a bathroom.

The dwelling will have a footprint 9.4 metres in width by a depth of 9.7 metres with an eaves height of 2.3 metres and ridge height of 6.5 metres. The front roof and rear roof plane of the dwelling will be served by two pitched roof dormers and roof lights. The dwelling is shown to be constructed in facing brickwork with Redland Cambrian roof slate or similar.

The dwelling is shown to be sited 4 metres from the rear elevation of the existing dwelling with a distance of 5 metres from the front and rear of the proposed bungalow. Vehicular access as shown to utilise the existing access onto Hellas Drive with 2 No car parking spaces.

PLANNING HISTORY

90/00596/OUT – Erection of one dwelling house. Refused 24 July 1990, for the following reasons:

- “1. The proposal represents overdevelopment of a restricted site and would lead to a cramped form of development out of character with the locality.
2. The proposal would represent an unneighbourly form of development which would detract from the privacy and amenities reasonably expected to be enjoyed by occupiers of adjoining residential properties.”

CONSULTATIONS

Barry Town Council were consulted and raised an objection as set out below:

“Despite the large size of the plot on which “Longford Park” is built this proposal raises a number of serious concerns:

1. The impact of the new bungalow on the residential amenities of the occupiers of “Shelton” due to its proximity to the shared boundary, overlooking and loss of privacy.
2. The proximity of the new bungalow to the rear elevation of “Longford Park” again with the potential for overlooking and lack of privacy and the loss of most of “Longford Parks” private rear amenity space.

This application is therefore considered to be contrary to Policies HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan.”

Environment Agency Wales were consulted and have stated that their standard advice guidance note applies.

The Head of Visible Services (Highway Development) was consulted on the original scheme and made the following comments:

“Further to a recent site inspection carried out in relation to the submitted Planning application to construct a 2 bedroom detached bungalow and garage in rear garden of the property known as “ Longford Park “.

The Highway Authority would inform the Local Planning Authority they would raise an objection to the proposals on the grounds of highway safety and the free flow of traffic along the adopted highway should the applicant fail to submit additional documentation to satisfy the following conditions:

1. There shall be no means of access to the site other the existing secondary vehicular / pedestrian access.

The Highway Authority would inform the Local Planning Authority that the area of grassed verge fronting the proposed new vehicular access does not form part of the adopted highway.

2. The existing secondary vehicular access located within the junction of Liscum Way and Hellas Drive shall be improved to provide and maintain a minimum vision splay of 90m x 2m in both directions along Hellas Drive together with a 2m x 2m vision splay to the rear of the adopted highway on either side of the existing vehicular access in the interest of highway / public safety and the free flow of the road junction between Liscum Way and Hellas Drive.

3. There shall be no structures e.g. walls inclusive of piers, fencing, gates etc. or planting when mature exceeding 900mm in height above the edge of carriageway channel within the areas required to provide and maintain the required vision splays.

Any existing structures exceeding this limit must be reduced in height in the interest of highway / public safety.

4. Provide and maintain within the confines site a minimum of three number parking bays for both residents and visitors as per the requirements of the Parking Guidelines based on a two bedroom dwelling with a gross floor area exceeding 120m² prior to the development being brought into beneficial use.

The Highway Authority would advise that:

- (i) Inform the Local Planning Authority that the minimum internal dimensions of a single garage to be considered as a parking bays shall be 5m x 2.8m at narrowest point, usually at piers. However, the Highway Authority would recommend that the applicant follows the recommendations set out in Section 8.3.41 of Manual for Streets which recommends garages have a minimum internal width of 3m and an internal length of 5.5m – 6.0m to allow for storage / work benches.
- (ii) All proposed garages **must** provide and maintain a driveway of minimum length of 5.5m (for use when the vehicle is not garaged) and a width of not less than 3.2m.

- (iii) The Local Planning Authority is advised that the resident parking requirement has been asked for in this instance due to the location of the access fronting a busy road junction between Liscum Way and Hellas Drive.
- 5. Provide and maintain a vehicular turning facility within the curtilage of the site, to be approved by the Local Planning Authority, to enable vehicles to enter and egress the site in a forward gear in the interest of highway / public safety and the free from of the road junction between Liscum Way and Hellas Drive.
- 6. All areas required for on-site parking or associated vehicular turning areas shall be surfaced in a bound material to be agreed and approved by the Local Planning Authority before the proposed dwelling is brought into beneficial occupation.
- 7. No gates whatsoever shall be located and fitted to open out over the un-adopted highway (inclusive of footway) in the interest of highway / public safety and the free flow of traffic along the adopted highway. (All gates shall open inwards).

In relation to the amended site layout plan, the Highway Authority would advise that the submitted drawing fails to satisfy all of the previous highway requirements contained within the aforementioned comments and therefore, the Highway Authority would inform the Local Planning Authority that an objection would be raised to the submitted proposal for the following reasons:

- 1. The proposed additional use of the sub-standard access in close proximity to a nearby road junction would create hazards to the detriment of highway safety and the free flow of traffic within the vicinity of the junction with Liscum Way and Hellas Drive.
- 2. The proposed development will generate additional vehicular reversing movements to and from the highway in the proximity of a nearby road junction creating further traffic hazards to the detriment of highway safety.
- 3. The proposed access lacks the required visibility splays to the rear of the adopted highway which will create hazards to the detriment of public safety.
- 4. The proposed development would generate additional on-street parking in an area where on-street parking within the proximity of a nearby road junction creating further traffic hazards to the detriment of highway."

Dwr Cymru/ Welsh Water were consulted and have raised no objections subject to conditions.

REPRESENTATIONS

Adjacent and nearby occupiers were consulted and a site notice was also posted. To date two letters of objection have been received from the occupiers of the adjacent dwelling at Shelton in respect of the original and amended scheme.

On the original scheme the following objections were raised and summarised below:

1. Development is too close to the existing boundary between Longford Park and Shelton.
2. Proposal would overlook garden.
3. Concerns over increased drainage problems as result of the proposed development.
4. Entrance is at a busy T junction.
5. No provision for sale on road parking.
6. Development unsympathetic to the existing single storey bungalows.

A further letter in respect of the amended scheme states that the objections of the previous letter remain and that the proposal would still result in an invasion of privacy to the occupiers rear garden.

REPORT

Planning Policies

In assessing this application consideration must be given to both national and local planning policies and the following are considered relevant in assessing this application.

Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 supports the principle of housing infill, small-scale development and redevelopment within the settlement boundary of Barry, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) the scale, form and character of the proposed development is sympathetic to the environs of the site;
- (ii) 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;
- (iii) the proposal does not have an unacceptable impact on good quality agricultural land (grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (iv) when appropriate and feasible the provisions of Policy REC 3 are met;

- (v) the provision of car parking and amenity space is in accordance with the Council's approved guidelines;
- (vi) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy HOUS11 (Residential Privacy and Space) states that existing residential area characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Policy ENV27 (Design of New Developments) states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

TRAN 10 (Parking)

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

Also considered relevant is national planning policy guidance contained in Planning Policy Wales (March 2002). Paragraph 9.3.3 states that "Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."

Paragraph 9.3.4 "In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity...."

Issues

In terms of the appropriateness of the residential development, the site comprises of the rear garden of a detached bungalow set is a relatively spacious plot, which currently has a principal access from Highlight Lane and a secondary access onto Hellas Drive being one of the main distributor roads through Highlight Park.

The existing bungalow is set well back into the site, some 17 metres from the road frontage of Highlight Lane, where the front garden is larger than the rear garden area. The application site comprises the whole of the rear garden except for a 2 metres wide strip to the rear of the existing bungalow. The proposal therefore would result in the loss of the entire rear garden of the existing bungalow. Whilst the proposed dwelling will have a principal access onto Hellas Drive to the front of the dwelling, the relationship of the proposed dwelling to the existing bungalow is considered as an inappropriate form of 'Tandem' development. In this regard the principle of the development for a dwelling on the application is considered unacceptable and at variance with character of the area.

In terms of siting, the amended scheme has set the dwelling off the boundary with Shelton where it is now sited in the middle of the site. However, notwithstanding this the proposed dormer bungalow would nevertheless be sited only 4 metres from the rear of the existing bungalow of Longford Park and 5 metres from the boundaries of the adjacent bungalows at Shelton and Northcliff. The siting shown would therefore result in a dwelling which would be highly visible from Hellas Drive. The dwelling whilst a dormer bungalow, would nevertheless have a ridge height which would exceed the height of the bungalows adjacent to the application site and would further increase the prominence of the dwelling when viewed from the public highway.

In relation to its impact on the privacy and amenities of adjacent occupiers all elevations contain habitable windows at first floor level which serve bedrooms. As such the proposal would result in a loss of privacy to the existing and future occupiers of Longford Park (currently owned by the applicant) by way over overlooking of habitable windows on the rear elevation. The proposal would also result in overlooking of the rear gardens of the adjacent properties of Shelton and Northcliff from the two dormers in both the front and rear roof planes and as such would result in a significant loss of privacy to the adjacent private rear gardens.

Moreover it should be noted that there has been a planning application on the site for the construction of a new dwelling under ref: 90/00596/OUT, which was refused for the reasons set out above. The proposal is still considered to represent overdevelopment of a restricted site resulting in a cramped form of development and would also result in an un-neighbourly form of development impacting on the amenities reasonably expected to be enjoyed by occupiers of adjoining residential properties.

In terms of the design and materials the design is not considered unacceptable, although the introduction of dormers into the roof plane does not wholly reflect the building style of the immediate area. The finishes used comprising of facing brick relate more to the materials used in the dwellings located opposite in Liscum Way as opposed to those used on the adjacent dwellings in Highlight Lane.

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. The area of amenity space is limited to an area to the rear of the dwelling of 70 square metres and an area of some 50 square metres to the side. The proposed gross floor space of the dwelling, based on the submitted layout plans is some 145 square. Whilst there is a shortfall of only some 25 square metres of amenity space to satisfy the Council's standards, it is nevertheless considered that the site is restricted in nature and unsuitable for additional residential development. Moreover as previously stated that proposal would result in the loss of the rear garden of the existing dwelling and the remaining front garden which whilst relatively large would not provide the level of privacy for existing and future occupiers of the dwelling.

In relation to highway considerations the highway authority have raised an objection to the application based on the additional use of the sub-standard access in close proximity to a nearby road junction with additional vehicular reversing movements to and from the highway in the proximity of a nearby road. Furthermore an objection has been raised as the proposed access lacks the required visibility splays.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS8 'Residential Development Criteria', HOUS2 'Settlements', HOUS11 'Residential Privacy' and Space', ENV27 'Design of New Developments', and TRAN10 'Parking', the proposed new dwelling would, by virtue of its siting within the rear garden and proximity to the boundaries of adjacent dwellings result in overdevelopment of a restricted site and an incongruous form of development which would adversely impact on the privacy and amenities of adjacent residential occupiers. Moreover the proposal would also compromise highway safety.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed new dwelling would, by virtue of its siting within the rear garden and proximity to the boundaries of adjacent dwellings result in overdevelopment of a restricted site and an incongruous form of development which would adversely impact on the privacy and amenities of adjacent residential occupiers. The proposal is therefore considered contrary to Policies HOUS8 'Residential Development Criteria', HOUS2 'Settlements', HOUS11 'Residential Privacy and Space', ENV27 'Design of New Developments', and TRAN10 'Parking', of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the policies and guidance contained within the adopted Supplementary Planning Guidance 'Amenity Standards' and Planning Policy Wales (March 2002).

2008/00272/FUL Received on 28 February 2008

Mr. N. Jenkins, Talyfan Farm, Ystradowen, Vale of Glamorgan., CF71 7SX
Quorum Associates, 89, Eastgate, Cowbridge, Vale of Glamorgan., CF71 7AA

Talyfan Farm, Ystradowen

Conversion of derelict farm barns to 3 domestic properties

SITE DESCRIPTION

The site comprises a horseshoe shaped complex of linked redundant agricultural buildings, but within a working farm, located in the countryside to the south east of Ystradowen.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of the existing stone barns to provide three dwelling houses. The proposal entails the following:

- The demolition of an existing lean-to.
- The existing openings are to be reused with one new window opening.
- Ten roof lights will be inserted into various roof slopes.
- New slate roofs will be provided.
- The existing cattle shed and hay barn are to be relocated.
- The surrounding area is to be subdivided into three residential curtilages by 1.2 metre high close-boarded fences.

Vehicular access will be via the existing track onto the adopted highway approximately 375 metres to the east.

The application is accompanied by a Structural Appraisal, a Wildlife Survey and Design, Access, Sustainability and Agriculture Operation Statements.

PLANNING HISTORY

There is no relevant planning history for this application.

CONSULTATIONS

Welsh St. Donats Community Council were consulted on 7 March 2008 and have no objections.

Glamorgan-Gwent Archaeological Trust were consulted on 13 March 2008 and comment as follows:

“The application area is some fifty metres away from Talyfan Castle: a statutorily designated scheduled ancient monument. Talyfan Castle has a turbulent history. It was probably originally constructed in the early 12th Century AD in a strategic position guarding the road north from Cowbridge. It may have been held by the Welsh for a period in the late 11th Century but by 1205 AD it was in the hands of Richard Siward. Siward was evicted from the castle and its lands by the de Clares in 1245 AD and the castle appears to have been rebuilt in stone by them. However, in 1312 AD the castle was destroyed during the Despenser War. The castle appears to have been repaired and remained as in use during the 15th Century but by 1530 AD was described as “being in ruins”.

Medieval castles were not isolated features as they were the administrative centres of land holdings. In Talyfan’s case it is known that there was a hunting park, probably located to the north, and it is interesting to note that the farm to the north of the castle (now the main agricultural complex of Talyfan Farm) is called Parc on the 1st Edition of the Ordnance Survey Plan. It is also likely that a settlement existed in the proximity of the castle, although such a settlement probably declined in size and status after the foundation of Cowbridge in 1245 AD. The location of such a settlement is not known but it could have been located in the current application area; therefore it is possible that archaeological features could be located there.

It is assumed that the conversion of the barns will require new floors to modern residential standards to be constructed internally as well as the provision of services including sewerage treatment. As it is likely that archaeological features of some significance may be revealed during the construction of these features, we recommend that a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource prior to the development commencing should be attached to any consent granted by your Members. We envisage that the archaeological investigation would take the form of an intensive watching brief, with contingency arrangements in the event that archaeological features are discovered.

We also note that the application is within fifty metres of Talyfan Castle, which is a scheduled ancient monument. The impact of the proposed development on the setting of this monument is therefore a material consideration in the determination of this application. We note that there will not be a significant change to the structure of the buildings although the change of use to residential will cause some alterations to the curtilage of the barns. However, in our opinion, as the archaeological advisors to your Members, these alterations will not have a significant impact on the setting of the monument. However, Cadw is the Directorate of the Welsh Assembly Government charged with the protection of the monument and we therefore recommend that they are consulted on this aspect of the determination of this application.”

Environment Agency Wales were consulted on 7 March 2008 and has no objection - generic information note for developers applies.

Dwr Cymru/Welsh Water were consulted on 7 March 2008 and has no comments to make as the applicant intends utilising private drainage facilities.

The Head of Economic Development and Leisure (Public Footpaths Officer) was consulted on 7 March 2008. No comments have been received to date.

The Head of Visible Services (Highways Development) was consulted on 7 March 2008 and comments:

“Further to the recent site inspection undertaken in relation to the above, the Highway Authority would advise that in order to make a formal assessment of the development proposals a plan edged in blue showing adjacent land that is under the control of the applicant (but outside the boundary of the application site) is required to be submitted.

Additionally, a plan of the proposed means of access showing visibility splays of 3.0 metres by 45 metres in both directions along the adopted highway and the width of the proposed access provided at 4.5 metres for the first 10 metres into the development site is also required to be submitted.

Finally, three parking spaces per dwelling are required to be provided within the boundary of the development site and an area set aside to enable a refuse vehicle to manoeuvre and enter/exit the site in a forward gear are required to be provided.”

The Head of Economic Development and Leisure (Ecology) was consulted on 7 March 2008 and comments:

“Due to the on-site environmental conditions, the surveyor concluded that the likelihood of bats using the buildings is low. Given the assessment the requirement of a full (summer) survey would not be considered reasonable.

It is noted that the incorporation of conservation features (bat and barn owl nest boxes) is suggested by the applicant. It is therefore recommended that the inclusion in the design of more than one bat box and more than one barn owl box be implemented as a condition of any consent.

The assessment concluded that no evidence of current or past use by barn owls was found.”

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 7 March 2008: Concern is expressed about the impact of the existing farm on the residential amenity of future residents. Additional information has been passed to Environmental Health and any additional comments received will be communicated as late representations.

Cadw was consulted on 22 May 2008. Any comments received will be communicated as late representations.

REPRESENTATIONS

Site notices were displayed on 6 March and 26 March 2008. To date, no representations have been received.

REPORT

The proposal entails the conversion of existing farm buildings to provide three dwellings. The site is located in the open countryside to the south east of Ystradowen. As such, the following policy background applies.

Planning Policies

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 (UDP) relates to Development in the Countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

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

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING.
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS.
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALLS, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE.
- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING.
- (v) WHERE RESIDENTIAL USE IS CONSIDERED ACCEPTABLE, AMENITY SPACE CAN BE PROVIDED WITHIN THE CURTILAGE OF THE SITE WITHOUT UNDUE INCURSION INTO THE RURAL LANDSCAPE.
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE.
- (vii) SATISFACTORY PARKING PROVISION CAN BE MADE WITHIN THE CURTILAGE OF THE SITE.

- (viii) IN THE CASE OF CONVERSION FOR SMALL SCALE COMMERCIAL, INDUSTRIAL, RECREATIONAL OR TOURISM USE THE PROPOSAL SHOULD NOT CREATE UNACCEPTABLE TRAFFIC OR OTHER ENVIRONMENTAL PROBLEMS.
- (ix) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL OR INDUSTRIAL USES, ANY RETAIL SALE OF PRODUCTS SHOULD BE ANCILLARY TO THE MAIN USE.
- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND, APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP.
- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT.
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA.
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

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

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

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

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

Whilst Strategic Policy 8 states:

“Development will be favoured in locations which:

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

The Council also has a recently approved SPG on Sustainable Development, which supports the above strategic policies.

Other policies of relevance include Policy ENV10 - Conservation of the Countryside and ENV11 – Protection of Landscape Features. These favour measures to maintain and improve the countryside, its features and resources, and only permits development if it does not unacceptably affect features of importance to landscape or nature conservation including trees, woodland, hedgerows river corridor, ponds, stone walls and species rich grasslands.

Policy ENV16 of the UDP relates to Protected Species with permission only given for development that would harm or threaten the continued viability of a protected species if it can be demonstrated that there are exceptional circumstances that justify the proposal; there is no satisfactory alternative; and effective mitigation measures are provided.

Policy ENV18 refers to Archaeological Field Evaluation and requires that where development is likely to affect a known or suspected site of archaeological significance an evaluation should be carried out at the earliest opportunity.

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

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

TRAN10 refers to Parking and requires that parking facilities are in accordance with the Council's guidelines and related to the type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

In addition to the previously mentioned Supplementary Planning Guidance the Council also has an SPG on Amenity Standards. This contains policies not only in relation to the level and quality of amenity space but also covers issues of privacy, overshadowing and visual amenity.

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

“If the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply.”

In addition paragraph 9.3.6 states:

“New house building and other new development in the open countryside, away from established settlements, should be strictly controlled.”

Issues

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

The buildings the subject of this application are attractive stone barns constructed circa 1880. It is evident from a site visit and the submitted structural appraisal that the existing buildings are structurally sound and will not require substantial reconstruction of the external walls. No extensions are proposed and an existing lean-to is to be removed. Only one new opening is proposed throughout the range, along with a total of ten small roof lights throughout the new slate roof. It is therefore considered that the conversion works can be undertaken without unacceptably altering the appearance and rural character of the building. As such, no objections are raised to criteria (i), (iii) or (iv) of Policy ENV8.

Criterion (v) of Policy ENV8 requires that amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape. Three dwelling houses are being applied for and the proposal entails a significant area of residential curtilage for each dwelling. This will represent a considerable change in the appearance of the area and have a harmful affect on the rural character of the surrounding countryside. This harm is exacerbated by the use of 1.2 metre high close boarded fencing along all boundary lines. The provision of domestic curtilages and associated paraphernalia will be visible from the public right of way that runs to the north of the buildings.

Whilst the farm does cover a large area and two existing buildings (a cattle shed and a hay barn) within the immediate vicinity of the barns are to be relocated, there does appear to be a sizeable area of agricultural land that could be prejudiced by the introduction of a new dwelling in this location. The main farm buildings are located approximately 100 metres from the barns. Indeed the Council's Environmental Health Section has expressed concern about the residential amenity of future occupants. Criterion (x) of Policy ENV8 requires that the proposal is not incompatible with activities carried out on adjoining land. It would appear that agricultural uses would be carried out within close proximity to the barns and concern is therefore expressed in terms of a substandard level of amenity for future occupants or an adverse effect on the functioning of the agricultural unit from the proximity of the residential units.

The issue of access and location of the site in relation to sustainability is considered to be one of the primary concerns relating to the proposed development. At a distance of approximately one mile by country lane or 700 metres over public footpaths through fields, the site is fairly remote from the village of Ystradowen and is not considered to be within easy walking distance of this village. There is no alternative public transport option. Any occupiers of the proposed dwellings would have to rely on gaining access to community and other facilities by means of private car along a country lane. Therefore, it is considered that the provision of dwellings in this location will represent the unacceptable form of unsustainable development. It appears that the requisite visibility splays are attainable. However, only the initial 150 metres of the access road are currently hardsurfaced with the remaining access road comprising mud over a concrete sub-base. The existing hardsurfaced access road will require upgrading and an increase in width to 4.5 metres for the first ten metres. In addition, the remainder of the access road will require hardsurfacing, most likely with the provision of passing bays at regular intervals. The amount of additional hardsurfacing that will be required to provide an acceptable access road in addition to the hardsurfacing required for parking and manoeuvring will all serve to further urbanise the area to the detriment of the rural landscape setting.

On the issue of wildlife protection, the Council's Ecologist is satisfied that the existing buildings do not provide a home for bats or barn owls. As such no license will be required.

With respect to archaeology, Glamorgan-Gwent Archaeological Trust has indicated that there is an archaeological interest in the site and has requested a condition be imposed on any planning permission granted requiring an intensive watching brief. No objections have been raised regarding the potential impact of the proposal on the setting of the scheduled monument.

Finally, in terms of the infrastructure it is noted that both Welsh Water and the Environment Agency have raised no objections.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal, due to its isolated location and associated new works, represents the introduction of unsustainable new dwellings in the countryside, unjustified for agricultural or forestry purposes. The proposal will serve to urbanise the site and prejudice the use of adjoining agricultural land all to the detriment of the character and appearance of the surrounding countryside contrary to Policies ENV1 'Development in the Countryside', ENV8 'Small Scale Rural Conversions', ENV10 'Conservation of the Countryside', ENV11 'Protection of Landscape Features', ENV27 'Design of New Developments', HOUS3 'Dwellings in the Countryside', and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings and Sustainable Development; and national guidance contained in Planning Policy Wales March 2002.

2008/00318/FUL Received on 11 March 2008

Mr. T. Clemo, C/o Agent
Lewis Webb Associates, 24, Mill Road, Llanishen, Cardiff., CF14 0XB

Hillandale Lodge, Pen-y-Turnpike Road, Dinas Powys

Upgrade and extend the existing single storey residential lodge within existing garden area to provide independent dwelling

SITE DESCRIPTION

The application site comprises a dilapidated residential building, a lawned area and a wooded area within the curtilage of an existing dwelling house at Hillandale, Pen-y-Turnpike Road, Dinas Powys, which lies between Springside and Ty Gwyn.

The site lies in the open countryside and is adjacent to but outside the Cwrt yr Ala Basin Special Landscape Area and the Green Wedge to the south and west of Llandough.

DESCRIPTION OF DEVELOPMENT

The application proposes the upgrade and extension of the existing single storey residential lodge within the existing garden area to provide an independent dwelling house. The existing building measures 4.5 metres by 8.5 metres. The extended building will be L-shaped and will have maximum dimensions 12.8 metres by 12.3 metres. The existing building will have its roof removed and replaced with a higher roof with a ridge height of 5.6 metres. The existing building will be extended on three sides with only the south side remaining. The building is to be finished in Cambrian slates, render and brick plinths.

The dwelling is to be served by a new access off the existing shared access of Hillandale and Ty Gwyn, which has already been constructed on site. Likewise, the subdivision of the plot through retaining walls and fencing has already taken place. A car parking and turning area is proposed to the side of the building.

PLANNING HISTORY

07/00394/FUL - Demolition of an existing single storey building and erection on the same site of a two storey detached four bedroomed house. Withdrawn 22 May 2007.

CONSULTATIONS

Dinas Powys Community Council were consulted on 14 March 2008. No comments have been received to date.

Michaelston Community Council were consulted on 14 March 2008 and have no objections.

The Head of Visible Services (Highway Development) was consulted on 14 March 2008: Objection to the development proposals because:

- The visibility splays that are achievable from the site access are grossly substandard and do not meet the Highway Authority's requirements of 2.4 by 120 metres in both direction along the adjacent highway.
- The access to the development site is not wide enough to enable two vehicles to pass side by side, which will lead to queuing along the adjacent classified highway close to a bend with limited visibility.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 14 March 2008. No comments have been received to date.

The Head of Economic Development and Leisure (Ecology) was consulted on 14 March 2008. Summary:

- A bat survey is recommended.
- A habitat assessment to identify areas of potential great crested newt land habitat is recommended.
- Conditions relating to nesting birds and reptiles are recommended.

Dwr Cymru/Welsh Water were consulted on 14 March 2008. No comments have been received to date.

Environment Agency Wales was consulted on 14 March 2008 and has no objection. Standard guidance applies.

REPRESENTATIONS

Neighbour notification letters were sent to Ty Gwyn, Spring Cottage, Springside and Upalong on 14 March 2008. To date, no responses have been received.

REPORT

Planning Policies

The site lies outside the Identified Residential Settlement boundary of Dinas Powys and is directly adjacent to a Special Landscape Area.

The scheme should therefore be considered against Policies ENV1 'Development in the Countryside', ENV4 'Special Landscape Areas', ENV10 'Conservation of the Countryside', ENV11 'Protection of Landscape Features', ENV27 'Design of New Developments', HOUS2 'Additional Residential Development', HOUS3 'Dwellings in the Countryside', HOUS7 'Replacement and Extension of Dwellings in the Countryside' and TRAN10 'Parking' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained within Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance Notes on 'Amenity Standards'.

Policy ENV1 states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy HOUS3 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

Policy HOUS7 states:

THE REPLACEMENT OR EXTENSION OF DWELLINGS IN THE COUNTRYSIDE WILL BE STRICTLY CONTROLLED. PROPOSALS WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE EXTENDED DWELLING IS NOT DISPROPORTIONATE IN SIZE TO THE ORIGINAL DWELLING.
- (ii) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE READILY AVAILABLE OR CAN BE ECONOMICALLY PROVIDED.
- (iii) THE REPLACEMENT DWELLING OR DWELLING AS EXTENDED DOES NOT REQUIRE AN UNACCEPTABLE EXTENSION OF THE EXISTING RESIDENTIAL CURTILAGE.
- (iv) IN RESPECT OF REPLACEMENT DWELLINGS, PARKING AND AMENITY SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- (v) THE SCALE, SITING, DESIGN, MATERIALS, LANDSCAPING AND EXTERNAL APPEARANCE OF THE REPLACEMENT DWELLING OR EXTENSION IS COMPATIBLE WITH ANY EXISTING RELATED STRUCTURES AND THE SURROUNDING LANDSCAPE; AND
- (vi) IN THE CASE OF REPLACEMENT DWELLINGS FOR DERELICT BUILDINGS, THE RESIDENTIAL USE OF THE BUILDING HAS NOT BEEN ABANDONED.

Paragraph 9.3.1 of Planning Policy Wales states:

“New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with

existing or new industrial, commercial and retail development and with community facilities.

Paragraph 9.3.3 of Planning Policy Wales advises that “Insensitive infilling or the cumulative effects of development or redevelopment... should not be allowed to damage an area’s character and amenity.”

Issues

The main issues relate to the planning status of the existing building, the siting of a new dwelling within the open countryside, the potential impact on the character and appearance of the area, the potential impact on the privacy and amenities of neighbouring occupiers and the provision of safe and usable outdoor amenity space and parking.

It is unclear whether the building in question has been an independent dwelling in the past. However, very little of the building will remain following the proposed extension and it has clearly been uninhabited for a considerable period of time. In light of the lack of evidence to suggest that this is not the case or that the dereliction is the result of recent accidental damage to an inhabited property, it can be argued that any independent residential use of this property has been abandoned. Consequently it is considered that the application is contrary to Policy HOUS7 (vi).

Therefore, the development represents the construction of a new dwelling in the countryside. The site is approximately 100 metres away from the designated residential settlement boundary of Dinas Powys. The detached dwelling of ‘Springfield’ to the south of the site also separates the application site from Dinas Powys and the proposal cannot be deemed to be “rounding off” the settlement boundary.

There is a presumption against the erection of dwellings in the countryside, unless such development can be fully justified in the interests of agriculture or forestry. There is no justification in this instance as the application proposes a private dwelling on land belonging to Hillandale. Consequently, the proposal is contrary to Policies ENV1 and HOUS3 of the Unitary Development Plan. Additionally, the proposed development constitutes ribbon development, which is strongly discouraged in paragraph 9.3.1 of Planning Policy Wales.

By virtue of the provision of an enlarged building on this site and the impact of the unauthorised access and means of subdivision (for clarity, these are considered to be unauthorised and do not fall within Permitted Development rights because of the extensive engineering operations required during their construction), it is considered that the proposal will affect the landscape character, landscape features and visual amenities of the SLA and surrounding countryside, contrary to Policies ENV4 and ENV27 of the Unitary Development Plan. The proposal would encroach upon the established building line of the large detached properties along Pen-y-Turnpike Road. In addition the enlarged building will be more prominent when viewed from the road, to the detriment of the visual amenities of this rural part of Dinas Powys.

There is sufficient private outdoor amenity space to comply with the aims and objectives of Policy ENV27 of the Unitary Development Plan and the Amenity Standards Supplementary Planning Guidance. There is also sufficient space within the site to provide on-site parking provision for both the existing and proposed dwellings.

By virtue of the distance of the proposed dwelling to neighbouring properties, it is not considered that the proposal would be detrimental to the amenities of neighbouring occupants.

It should be noted that the Highways Officer has raised objections to the proposal on the grounds of the substandard visibility splays that are achievable from the site access and the inadequate width of the access. To achieve the safe visibility standard would require significant alterations over land outside the applicants' ownership and control. It would also result in significant harm to the character of this rural road by the removal of hedgerows and trees. Therefore objections are raised in this regard.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal, by reason of its siting within the countryside adjacent to the Cwrt-yr-Ala Basin Special Landscape Area, lying outside the Dinas Powys designated residential settlement boundary, represents an unacceptable form of development, which also fails to respect the landscape character of the area and the spaciousness of the site. It therefore represents an insensitive and unjustified new development in the countryside, contrary to Policies ENV1 'Development in the Countryside', ENV4 'Special Landscape Areas', ENV10 'Conservation of the Countryside', ENV11 'Protection of Landscape Features', ENV27 'Design of New Developments', HOUS2 'Additional Residential Development', HOUS3 'Dwellings in the Countryside' and HOUS7 'Replacement and Extension of Dwellings in the Countryside' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Planning Policy Wales 2002.
2. The proposal is unable to provide a safe vehicular access to serve the dwelling and would result in the intensification of the use of the existing access, which has grossly substandard visibility splays and does not allow two vehicles to pass side by side. As such, the proposal would result in unacceptable danger to highway users in general, to the detriment of highway safety contrary to Policy ENV27 'Design of New Developments' of the Unitary Development Plan.

2008/00365/FUL Received on 13 May 2008

HLN Architects, Mr. Andrew Bradbury, 21/22, Neptune Court, Vanguard Way, Cardiff., CF24 5PJ

HLN Architects, Mr. Andrew Bradbury, 21/22, Neptune Court, Vanguard Way, Cardiff., CF24 5PJ

57, Holton Road, Barry

Erection of new retail store

SITE DESCRIPTION

The application site is No. 57 Holton Road, which is presently vacant following the demolition of the former occupying Victoria Hotel, and is currently used as a temporary car park for shoppers in the town centre. The site lies at the corner of Holton Road and Evans Street, and measures 21m wide across the Holton Road frontage and approximately 26m deep. The large Wilkinsons store lies at the opposite corner of Evans Street. To the rear, the site is adjoined by half of the newly surfaced hammerhead, which provides turning and servicing for vehicles associated with Wilkinsons (the other half directly to the rear of the Wilkinsons building). The site slopes from north to south and east to west, with a change in level over the diagonal of approximately 2 metres.

In terms of the context of the application site, the section of Holton Road between King Square and Thompson Street is a late-Victorian linear development characterised by three storey red brick buildings with limestone dressings (often painted) or by regular coursed stone buildings with brick detailing. Gable frontages predominate and most buildings have the date of construction clearly marked. Roofs are mostly of natural Welsh slate with terracotta ridges and hips.

DESCRIPTION OF DEVELOPMENT

The application proposes the “erection of a new retail store”. Amendments were sought to the original design and the following is a description of the amended scheme.

The Building

The proposed building is a brick built, single storey full height space, but has the external appearance of a conventional two-storey building with windows at first floor. The building has an overall width of 21m and an overall depth of 23m, with two smaller stepped back elevations at the front corner entrance. The building has a hipped pitch roof with a central lower flat roof. The eaves height on the Holton Road elevation will be an average of 8.2 metres with a ridge height average of 10.5m. The building would adjoin the existing neighbouring building at No. 55 Holton Road.

The Holton Road shop frontage is subdivided into 3 distinct elements, each defined by vertical pilasters and a continuous horizontal band course across the whole frontage. At first floor, groups of smaller windows are proposed with dressings and lintels to match the main shop front surrounds. A single gable feature is proposed centrally within the front elevation at roof level.

The Evans Street and rear elevations contain similar detailing with matching gable features, string and band courses. The Evans Street elevation contains a single shopfront element, with the remainder being constructed in brick. First floor windows are detailed along the length of this elevation. The rear elevation contains a single gable, a group of four windows at first floor and a small roller shutter door on the ground floor.

The proposed external materials have been selected to reflect the surrounding street scene. These are comprised of:

- Melbourn Grey slates.
- Blue brick plinth.
- Red brick elevations.
- Buff banding, window and shop front surround detail.
- Powder coated aluminium windows.

Whilst a limited degree of detail has been provided in respect of the proposed materials, these matters can be controlled in conditions, should the development be held acceptable in all other respects.

Proposed Use

The application proposes a single A1 retail unit, consisting of some 430 square metres of retail floorspace. As noted above, whilst the external design is two storeys in height, there is no first floor proposed within the building. The entrance to the retail unit will be on the eastern corner at the junction of Evans Street and Holton Road.

The loading area will be at the rear of the store with access from Evans Street and will be separated from the adjoining lane running along the northern edge of the site by a 1 metre high barrier.

PLANNING HISTORY

03/00777/FUL - Two-storey retail buildings at Nos. 57 and 59-71 Holton Road. Approved 2 November 2004.

04/01962/FUL - Retention and formation of a pavement cross-over onto Holton Road to facilitate access to temporary car park on residual site. Approved 4 February 2005.

CONSULTATIONS

Barry Town Council have raised concerns in respect of the proposals for servicing, the type of retail store envisaged, the bland design of the building, the quality of finish and the relationship with the adjacent Wilkinsons store.

Environment Agency Wales have raised no objection to the development.

The Head of Visible Services (Highways Development) requested further information in respect of the proposed servicing and delivery areas and advised that the corner portion of the application site, where it overlaps the existing public footpath, is required to be offered to the Highway Authority for adoption.

The Head of Economic Development has stated the following in respect of the principle of the development and the original set of plans:

“This is a small but significant step on the road to improving the town centre offer. As you will know the Council disposed of this land in March 2007 as part of a transaction which saw the Council acquire land at the junction of Thompson Street/Greenwood Street (C3068 refers). The proposed use for No. 57 Holton Road is in accordance with the agreed terms of the disposal.

Our own market testing as part of the Town Centre Living Study shows that there is a shortage of larger units (such as the one proposed) to attract some multiples who might consider locating in the Major District Shopping Centre. Furthermore, there is below average convenience floor space in the centre.

There are common themes shared between the proposed building and the existing Wilkinson's store in terms of:

- The position of the entrance for shoppers.
- The use of building materials.
- The vertical emphasis in elevational treatment.

However, the same cannot be said in respect of the transition (especially at roof level) from the proposed building to No. 55 Holton Road.”

The Director of Legal, Public Protection and Housing Services (Environmental Health) has requested further information in respect of the construction company that will be carrying out the work, the plant or machinery to be used, the intended hours of operation, measures to minimise noise and dust emitted past the boundary of the site and the duration of works.

Dwr Cymru/ Welsh Water have raised no objection to the development, subject to conditions requiring foul and surface water to be drained separately from the site, restricting surface water from entering the public sewerage system and restricting land drainage run-off into the public sewerage system.

REPRESENTATIONS

The neighbouring properties of Nos. 1 Evans Street, 52 Regent Street and Wilkinsons, 53 and 55 Holton Road were consulted and a site notice was posted outside the site. No representations have been received to date.

REPORT

Planning Policies

The application site is located within the Primary Shopping area of Holton Road and accordingly, the application has been assessed against the following Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011:

ENV27- DESIGN OF NEW DEVELOPMENTS

SHOP 2- NEW AND IMPROVED SHOPPING FACILITIES

Policy ENV27 requires new forms of development to have full regard to the context of the local built environment and complement the character of existing buildings. The policy also requires proposals to minimise their detrimental impact on adjacent areas.

Policy SHOP 2 states that new and improved retailing facilities within and adjoining established town/district shopping centres will be permitted if the proposal:

- (i) Has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (ii) Ensures the highway network is capable of accommodating the traffic generated by the proposal without an unacceptable effect on traffic flows and road safety.
- (iii) Provides a high standard of design and materials.
- (iv) Provides car parking and servicing facilities in accordance with the Council's approved standards.
- (v) Ensures that adequate utility services exist or can be readily and economically provided; and
- (vi) Provides for access by disabled persons.

Consideration should also be given to the 'Barry Development Guidelines' which has been adopted as Supplementary Planning Guidance to the Unitary Development Plan. These guidelines followed the preparation of a report for Barry Action in November 1996 entitled 'Barry : A Vision for a Sense of Place'. This study sought to identify how the built and natural environment contributes towards perceptions of the town. The Development Guidelines set out principles for evaluating the built environment in Barry and contain specific guidance for particular areas, including the town centre.

Furthermore, a consultant's study was commissioned by the Council to consider the town centre in more detail and the 'Barry Town Centre Retail Areas Enhancement Study' was completed in 1999. The application site and the adjacent Wilkinsons site were identified in this study with the following specific proposals:

'These two sites form a major block on the north side at the western end of Holton Road. Inactivity on these two sites over a prolonged period of time has contributed to the decline in trading activity in this area of the town.

There is an opportunity to use these sites to accommodate new retailers to anchor this end of the retail pitch, and to also provide a new car park to help serve both this section of Holton Road and the section west of Thompson Street, leading towards the Civic Offices.

The implementation of a scheme on both sites should be vigorously promoted.'

In assessing matter of form, scale and design, consideration should be given to guidance set out in the Barry Development Guidelines, which sets out the principles for the design of the new development on Holton Road:

- (i) Building Line: The historic street wall and building line of Holton Road should be respected.
- (ii) Scale: The new development would be expected to reflect the scale of neighbouring buildings.
- (iii) Elevational Treatment: The elevations should reflect the predominant verticality of building facades on Holton Road. Shop fronts should respect the proportions and divisions of period frontages, reducing the fascia band and signage to suit.
- (iv) Materials: Construction materials should respect though not necessarily copy existing buildings. It is important that the appearance of the original slate roofs is maintained though the use of cheaper alternatives to natural Welsh slate will be acceptable.

Issues

In view of the fact that the application site lies within the Primary Shopping Centre, the proposed use is considered acceptable in principle, subject to the development satisfying the criteria identified in the above policies.

Design, Scale and Form of the Building

The application has been amended from the initial proposal, which represented a weak replication of the design principles of the adjacent Wilkinsons store. In particular, concerns were expressed regarding the shopfront detailing and bland Evans street elevation, which failed to have regard to the context of the site and the Council's aspirations for a high quality frontage. Accordingly, the application was amended to take account of these concerns.

The general scale, form and character of the building seeks to replicate that of Wilkinsons, in order to provide a continuity of design across both sides of Evans Street. The functional requirement of the tenant is a single storey building, however, having regard to the scale and form of the surrounding buildings, a two storey structure is essential to maintain the rhythm of the street.

The adjoining building at no. 55 is three storeys in height and the remainder of the terrace is a mixture of two and three storeys. The proposed eaves level of the building is comparable with No. 55 and the building is of a comparable scale with Wilkinsons. It is, therefore, considered that the height, scale and massing of the building is compatible with the existing street scene and the building line appropriately continues the frontage of the terrace with the footway.

The elevational detail of the Holton Road and Evans Street frontages has been designed to reflect the design of Wilkinsons in terms of the proportions of the shopfront and the design of the pilasters, horizontal course banding and gable features. The detailing has as far as possible matched those of the adjacent retail units by the subdivision of the Holton Road frontage into distributive vertical elements. This has been achieved by the division of the shop front into three distinct sections, the use of gables and grouping of windows at first floor to echo the existing building facades along Holton Road.

Similarly the proposed materials, with window detailing, lintels, sills string and band brick courses are considered to be in keeping with the wider street scene. Further details and samples of materials can be controlled by conditions.

Therefore, whilst the original proposal poorly reflected the design and character of the adjacent building, it is considered that the amended scheme is an effective replication of the adjacent building, which would provide a successful degree of continuity across Evans Street.

It is, therefore, considered that the scale, form and design of the building satisfy the requirements of Policies ENV27 and SHOP 2 of the Unitary Development Plan.

It should also be noted that whilst the proposal is for a single unit, such is the design of the shop front, it is considered that it could be effectively adapted and divided in the future to provide a series of individual units, should this be required. Moreover, control over the new internal alterations/floors can be controlled by condition.

Impact on Neighbouring Properties

The nearest neighbouring properties are the adjoining No. 55 Holton Road and No. 1 Evans Street, to the rear. Whilst the building would project approximately 5m past the rear elevation of No. 55 Holton Road, the rear portion of this neighbouring site is comprised of a small ancillary yard to the ground floor retail unit. It is not considered that the building would adversely affect the users of this property.

No. 1 Evans Street lies approximately 10m to the rear of the proposed building and it is, therefore, considered that the structure is sited sufficiently away from the boundary to ensure that it would not be overbearing or unneighbourly, or likely to overshadow the rear garden and side windows.

The windows on the rear elevation at first floor are located approximately 10m away from the boundary, furthermore, these windows are purely design details and do not serve a first floor behind them. Accordingly, there are no issues of overlooking towards neighbouring properties.

In terms of noise and disturbance, the Council's Environmental Health Section have requested further information in respect of the construction company that will be carrying out the work, the plant or machinery to be used, the intended hours of operation, measures to minimise noise and dust emitted past the boundary of the site and the duration of works.

However, it is considered that such short term noise and disturbance is inevitable in any development and it is not considered that it would be expedient to limit construction times given that the site is in a commercial area. However, it is considered that limitations should be placed on delivery times especially given the close proximity of the vehicle turning areas and loading bays to the existing residential dwellings on Evans Street. In this regard it is considered necessary to limit deliveries between the hours of 07.00 to 23.00 on Mondays to Saturdays and not at all on Sundays or Bank Holidays, by way of planning condition. These times are in line with the restrictions on the Wilkinsons Store, which do not appear to have caused problems to the neighbouring properties or the store since its construction.

Highways Issues

The application site does not have any provision for visitor or staff parking. However, given the location of the proposal in the town centre, the historic layout and use of the site and its proximity to the public transport network, the lack of car parking is considered acceptable in the case of this application.

The Highways Engineer has queried the proposed delivery and servicing arrangements, which are reliant on the existing hammerhead to the rear of the site. The applicant has submitted legal documents to the effect that the leaseholder or freeholder of the land (and any successors in title) and owners and occupiers have the right to pass and re-pass over the land, with or without vehicles for all purposes in connection with the land.

Therefore, the tenants of the building will have legal rights to use the hammerhead, which will appropriately provide capacity for servicing and deliveries, without affecting the free flow of traffic on Holton Road. Given the size of the hammerhead, it is not considered that this will present conflicts with potential deliveries and servicing to Wilkinsons.

The Highways Authority have also advised that the front corner of the application site at the junction of Evans Street and Holton Road, is required to be passed to the Highways Authority for adoption. This is to ensure the provision and maintenance of an adopted footway around this corner of the site. The applicant has advised that this is acceptable to him.

To conclude, it is considered that the proposed redevelopment of the vacant site for the retail development proposed is in accordance with the above adopted Policies and Supplementary Planning Guidance and will support the vitality and viability for Holton Road as a town centre.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 'Design of New Developments' and SHOP 2 'New and Improved Shopping Facilities', of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Supplementary Design Guidance-Barry Development Guidelines, it is considered that the proposed retail use is acceptable in principle and that the building is of a scale, form and design that is compatible with the existing street scene. The development is also considered to be acceptable in terms of its impact on neighbours and highways issues.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference (20)200 Revision C received on the 13 May 2008 and the development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Samples of slate, ridge tiles, finials, rainwater goods, brickwork and bathstone dressings, shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development and the development shall be carried out in accordance with the agreed samples and so maintained at all times thereafter.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and SHOP 2 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, further details of the proposed shopfront and first floor windows, pilasters and window surrounds, to a scale of 1:10 (including cross-sections) shall be submitted to and approved in writing by the Local Planning Authority prior to their construction in the development and the development shall be constructed in full accordance with the details as agreed and thereafter maintained at all times.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and SHOP 2 of the Unitary Development Plan.

5. Prior to the commencement of the development hereby approved, a scheme showing the means by which foul sewerage and surface water run off are to be catered for, (where foul sewerage discharge should not exceed the historic discharge levels of the site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory drainage of the site and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

6. Any deliveries, loading, unloading or servicing associated with the building hereby approved shall not take place between the hours of 23:00 and 07:00 on Mondays and Saturdays and not at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to protect the amenity of nearby residential occupiers and to ensure compliance with Policies ENV27 and SHOP 2 of the Unitary Development Plan.

7. Prior to the commencement of works to construct the building, details of the finished levels of the site and building in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenities and to ensure the development accords with Policies ENV27 and SHOP 2 of the Unitary Development Plan.

8. Prior to the first beneficial use of the building hereby approved, the area of land edged in green on the plan attached to this decision notice shall be constructed to an adoptable standard as a public footway and linked into the existing public footway adjoining the site. The land shall at all times thereafter be retained free of obstruction as a dedicated pedestrian footway.

Reason:

To ensure that an adequate public footway is provided and retained to provide safe pedestrian access to the site, and to ensure compliance with Policies ENV27 and SHOP 2 of the Unitary Development Plan.

9. Prior to their construction, further details shall be submitted of the proposed entrance onto Holton Road/Evans Street, which shall include details of any roller shutters or other means of security. The entrance shall be constructed in accordance with the approved details and so maintained at all times thereafter.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and SHOP 2 of the Unitary Development Plan.

10. Notwithstanding the submitted plans, this consent shall not permit the use of a film or vinyl graphics sheet as a form of shop window treatment on any shop windows and a window display shall at all times be provided behind every shopfront window facing Holton Road and Evans Street, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and SHOP 2 of the Unitary Development Plan.

11. The building hereby proposed shall be a single floor building, and no first floor, mezzanine level or additional accommodation shall be constructed and the building shall not be sub-divided into smaller units, without the prior written consent of the Local Planning Authority.

Reason:

In order to control the scale of the development, to ensure that the building is constructed in accordance with the approved plans and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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.

2008/00368/FUL Received on 20 March 2008

Mr and Mrs V. Mc Nabb, Fairacre, Cardiff Road, Llandaff, Cardiff., CF5 2DS
Barry Mayled, Architect and Garden Design, Augusta Studio, The Court, 16a, Augusta Road, Penarth., CF64 5RH

Wisteria Lodge, No. 7, The Mount, Dinas Powys

Demolish and rebuild in accordance with design approved under application
2007/01271/FUL

SITE DESCRIPTION

The application site relates to an existing residential property in the settlement of Dinas Powys. The dwelling is one of 18 contemporary bungalows within the development known as The Mount accessed off Mount Road, and located within the walled gardens of the original Georgian Manor House, overlooking the Dinas Powys Common.

The property is located within the Dinas Powys Conservation Area, and forms part of The Mount, which is recognised as a county treasure for its integrated, well designed layout of modern housing units and group value within the Conservation Area.

DESCRIPTION OF DEVELOPMENT

The redevelopment of the site consists of two elements:

- The demolition of the existing property.
- Replacement dwelling identical to the currently existing property, but including extensions approved under application ref: 07/01271/FUL (without demolition). The extension includes:
 - Extension of the northern wing projecting east by approximately 10.3m x 5.25m.
 - Demolition of the existing entrance porch and car port on the central wing and construction of a new “U” shaped extension, projecting east and running south along the neighbouring boundary before turning in west again, measuring roughly 19m x 5.2m, with wings of 2.05m x 4.95m and 1.15m x 4.65m respectively.
 - Extension on the front elevation measuring approximately 2.15m x 4.95m, with a linking carport of approximately 9.25m x 4.95m.
 - Increase in the height of the central section by approximately 0.2m with general refurbishment, new window openings, etc., throughout.
 - The external finishes will match the existing including painted brickwork.
 - The vehicular access will be relocated to the west, centrally on the plot.
- The application is accompanied by a Conservation Area Consent application (ref: 08/00369/CAC) for the demolition and replacement dwelling.

PLANNING HISTORY

07/01271/FUL – Extensions and refurbishment to include additional living rooms, bedrooms and bathrooms. Approved 5 November 2007.

06/01572/TCA – Fell one ash and crown and raise to 4.5m two sycamores. Approved 1 January 2006.

01/00956/TCA – Tree work. Approved 3 September 2001.

96/00021/TPO – Crown thin sycamore tree. Approved 1 February 1996.

95/01046/TCA – Crown lift and crown thin ash tree. Approved: 30 November 1995.

95/00899/TCA – Fell sycamore. Refused 30 November 1995.

94/01156/TCA – Fell Chameacyparis lawsoniana. Approved 12 January 1995.

94/01103/TCA – Crown thin sycamore, fell sycamore. Approved 8 December 1994.

91/00753/FUL – Single storey rear extension comprising bathroom, kitchen, hall and living room all as ancillary accommodation to main dwelling. Approved: 30 August 1991.

CONSULTATIONS

Dinas Powys Community Council was consulted on 27 March 2008. Their response stated no objection.

The Council's Tree Officer was consulted on 27 March 2008, and has commented that a condition be attached to provide for the protection of trees on-site (see Condition No. 6).

The Head of Economic Development and Leisure (Ecology) was consulted (at their request) on 9 April 2008. Their response stated, no ecological comments for this application.

Glamorgan Gwent Archaeological Trust were consulted on 2 April 2008. Their response stated:

"Dinas Powys common is the site of intensive Romano-British occupation, centred on the remains of a farmstead : we would suggest a condition : the developer shall ensure that a suitably qualified archaeologist is present during the undertaking of ground disturbing works in the development area, so that a watching brief may be conducted." (See Condition No. 7).

At their meeting on 16 April 2008 the Conservation Area Advisory Group recommended refusal. The Group opposed the proposal to demolish the building within its unique setting.

REPRESENTATIONS

Nos. 1 to 6 and 8 The Mount; Mount Lodge; The Coach House and The Mount, were consulted on the 27 March 2008. A site notice was erected on-site on 1 April 2008 and the application was advertised in the press on the 3 April 2008.

To date 5 letters objecting to the demolition and the rebuild of the property (and its scale) have been submitted (Appendix 'A').

Their comments are summarised as follows:

- The award winning houses were designed with proximity to each other in mind.
- The development represents overdevelopment of the plot.

- Lack of parking on the site will result in on –road parking.
- Objections to the loss of trees.
- Concern over the effect on number 6, which is attached to the application dwelling.
- The woodwork should be black.

REPORT

This application relates to the redevelopment of the site after demolition of the existing property, and therefore the following policies are relevant to the proposal.

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV18 - ARCHAEOLOGICAL FIELD EVALUATION

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

ENV21 - DEMOLITION IN CONSERVATION AREAS

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS2 & HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS11 – RESIDENTIAL PRIVACY AND SPACE

TRAN10 – PARKING

Supplementary Planning Guidance:

- Amenity Standards
- Sustainable Development
- Trees and Development

Draft Supplementary Planning Guidance:

- County Treasures
- Planning Policy Wales (March 2002)
- TAN12 – Design
- Welsh Office Circular 61/96 – Historic Buildings and Conservation Areas

Issues

Members may recall that a previous application for the extension and alteration of the existing dwelling, (ref: 07/01271/FUL) was considered an acceptable development in terms of the neighbouring privacy and amenities, visual impact, overall scale and layout and the parking provision on-site. The development was considered under the previous application as ‘...a development that addresses the concept of the original 1972 scheme and contributes to the enhancement of the existing building...’ Therefore the design details and constraints have already been considered acceptable and there has been no material change in circumstances since the previous approval, to warrant the refusal on any of these grounds in respect of the current application.

Therefore, the primary issue to consider is whether the proposed demolition of the existing property to replace it with a like for like re-development will harm or detract from the character and appearance of the property, as a county treasure the group of properties known as The Mount, and the overall quality of the Conservation Area.

Planning Policy Wales contains guidance on demolition within conservation areas, which follows on from the earlier advice in the Welsh Office Circular 61/96 which states at paragraph 33, "...general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be granted for the demolition of an unlisted building in a Conservation Area..."

TAN 12 – Design emphasises the importance of design in the quality of our environments, and paragraph 4.12 states that '...detailed planning permission should be granted only when the fundamental principles of an application are clear and when adequate evidence of the design quality has been provided...'

The property is one of a group of modern bungalows with an integrated well-designed layout, and is recognised in conjunction with the existing dwellings on the site as adding 'group value' to character and make-up of the Conservation Area, and are documented as County Treasures. Although the dwelling contributes to the designation of the site as a Conservation Area and its recognition as a County Treasure, the property is not documented for its unique value alone, but rather, its group value with the neighbouring properties.

Given that the scheme involves demolition in a Conservation Area it is important to consider whether the principle of its loss is unacceptable bearing in mind the proposed replacement. In this case, the dwelling was built in the early 1970's and as such, does not contain historic fabric, which is typically present in listed buildings.

The agent has submitted supporting evidence for the need for demolition on behalf of his clients, based on the financial implications of demolition and replacement rather than extension and alteration. In addition, the agent notes that a substantial amount of the original construction would need to be removed to fulfil the design approved under the previous application ref; 07/01271/FUL, as listed below:

To Be Completely Removed:

- Roof
- Windows
- Doors
- Electrical / Plumbing
- Internal Walls
- External Works
- Internal Finishes
- External walls : 70% remove and replace
- Floor Slabs : 35% remove and replace

The agent has confirmed that the estimated value to extend or to rebuild would amount to approximately £500,000 for each option, however the new build would not incur the VAT charge, which has been estimated at approximately £70,000.

Given the fact that the existing dwelling is a modern building, it is considered that the design details and finishes are capable of replication in a replacement dwelling. Therefore, it is considered that it would be unreasonable to apply the same level of caution to the loss of this building as would be the case in respect of a historic Victorian or older building where the building styles and detailing would be almost impossible to replicate. Furthermore, regard must be had to the previously approved scheme, which would involve substantial demolition of the existing property.

On the basis that the proposed replacement dwelling, would upon completion look largely the same as the dwelling as extended (under the previous approval), it is considered that the development is acceptable. However, careful consideration must be given to the construction methods and finishes to ensure that the replacement dwelling is a true replica of the original. Therefore, conditions requiring samples and detailed plans of windows and doors are attached to the consent.

As a result, having taken into account the architectural value of the existing property, the history of the site and the proposed redevelopment for the site, it is considered that the overall development will be an acceptable proposal, as the resulting development is not considered to detract from the character and appearance of the Conservation Area, particularly as the new build is considered to incorporate high quality design that is sympathetic and will serve to enhance the existing surrounding area and add to the 'group value' as when originally built.

Furthermore, with regard to the neighbouring impact as a result of the demolition and replacement dwelling, the agent has confirmed that in order to protect the party wall between Nos. 6 and 7, a second wall will be constructed alongside the party wall to increase the sound and thermal insulation between the properties, and will be in accordance with the current building regulations and Party Wall Act.

CONCLUSION

Having regard to Policies ENV17 'Protection of Built and Historic Environment'; ENV18 'Archaeological Field Evaluation'; ENV20 'Development in Conservation Areas'; ENV21 'Demolition in Conservation Areas'; ENV27 'Design of New Developments'; HOUS2 & HOUS8 'Residential Development Criteria'; HOUS11 'Residential Privacy and Space'; TRAN10 'Parking'; Planning Policy Wales (March 2002); TAN12 'Design' and Welsh Office Circular 61/96 – Historic Buildings and Conservation Areas, it is considered that the proposal represents an acceptable development for the site, in terms of its scale, design and is therefore not considered to detrimentally harm the privacy and amenities of the adjacent and surrounding properties, or detract from the character of the overall quality and make-up of the Conservation Area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. A full schedule and samples of all external materials of the existing property and the proposed new build property shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site. The development shall be implemented thereafter in accordance with the agreed details.

Reason: In the interests of visual amenity, the character of the County Treasure and the wider character and appearance of the Dinas Powys Conservation area and in accordance with policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

3. Before their use on-site, full details of the proposed new windows and doors, to a scale of 1:20, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason: In the interests of visual amenity, the character of the County Treasure and the wider character and appearance of the Dinas Powys Conservation area and in accordance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, 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.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Before the commencement of development an Arboricultural Scheme Industry for the protection of the trees to be retained, and how construction will proceed with due regard for the trees, along with the material to be used in the construction of the new driveway and car port, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

To safeguard the trees on site, in particular the Sycamore subject to Tree Preservation Order (No. 21) 2007, in the interests of visual amenity and the character of the Dinas Powys Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Development of the Unitary Development Plan.

7. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area so that an archaeological watching can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the field work being completed by the archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

NOTE:

1. **Where the proposal requires both Planning Permission and 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 archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. 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 this site lies within a Conservation Area. Under the Town and Country Planning Act 1990 a person who wishes to carry out work to trees must give the Local Planning Authority six weeks notice in writing of their intentions. Work to the trees must not be carried out during this period without permission, if you do you could be liable to prosecution. You may also be required to plant a replacement tree. There are exceptions to this rule and it would be advisable to check with the Local Planning Authority before undertaking works to trees within the Conservation Area.
4. 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.
5. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

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

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

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

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

2008/00369/CAC Received on 20 March 2008

Mr and Mrs V. McNabb, Fairacre, Cardiff Road, Llandaff, Cardiff., CF5 2DS
Barry Mayled, Architect and Garden Design, Augusta Studio, The Court, 16a,
Augusta Road, Penarth., CF64 5RH

Wisteria Lodge, No. 7 The Mount, Dinas Powys

Demolition of No 7, The Mount and reconstruction of dwelling in accordance with design approved under application 2007/01271/FUL

SITE DESCRIPTION

The application site relates to an existing flat roofed single storey dwelling with carport. The property is one of the 18 contemporary bungalows located within the walled gardens of the original Georgian Manor House overlooking the Dinas Powys Common built in the early 1970's.

Although set within the enclosed garden walls, the property backs onto Britway Road and its relationship within the neighbouring existing properties adds group value to the Dinas Powys Conservation Area, and is recognised as being of significance by their County Treasure status.

DESCRIPTION OF DEVELOPMENT

The application seeks Conservation Area Consent to demolish the existing single storey dwelling in its entirety and erect a new build single storey property. A separate application has been submitted for the proposed new dwelling, ref: 08/00368/FUL.

PLANNING HISTORY

07/01271/FUL – Extensions and refurbishment to include additional living rooms, bedrooms and bathrooms. Approved 5 November 2007.

06/01572/TCA – Fell one ash and crown and raise to 4.5m two sycamores. Approved 1 January 2006.

01/00956/TCA – Tree work. Approved 3 September 2001.

96/00021/TPO – Crown thin sycamore tree. Approved 1 February 1996.

95/01046/TCA – Crown lift and crown thin ash tree. Approved: 30 November 1995.

95/00899/TCA – Fell sycamore. Refused 30 November 1995.

94/01156/TCA – Fell Chameacyparis lawsoniana. Approved 12 January 1995.

94/01103/TCA – Crown thin sycamore, fell sycamore. Approved 8 December 1994.

91/00753/FUL – Single storey rear extension comprising bathroom, kitchen, hall and living room all as ancillary accommodation to main dwelling. Approved: 30 August 1991.

CONSULTATIONS

Dinas Powys Community Council were consulted on 27 March 2008. Their response stated, no objection.

The Glamorgan Gwent Archaeological Trust were consulted on the 4 April 2008. Their response stated:

“Application area is located within the area of Dinas Powys where Bronze Age Romano-British settlement occurred. The re-building of an existing dwelling like for like and therefore, we have no objection to the positive determination of this application.”

At their meeting on 16 April 2008 the Vale of Glamorgan Conservation Area Advisory Group recommended refusal. The Group opposed the proposal to demolish the building within its unique setting.

REPRESENTATIONS

The proposed demolition of the property was advertised in the press on the 16 April and a site notice was erected on-site on the 16 April 2008.

To date, 5 letters of objection to the demolition and the rebuild of the property have been received to date (see Appendix 'A' on accompanying report 08/00368/FUL).

Their comments are summarised as follows:

- The award winning houses were designed with proximity to each other in mind.
- The development represents overdevelopment of the plot.
- Lack of parking on the site will result in on –road parking.
- Objections to the loss of trees.

- Concern over the effect on number 6, which is attached to the application dwelling.
- The woodwork should be black.

REPORT

The site is located within Dinas Powys Conservation Area. The existing dwelling is one of a group of modern houses in the Mount that are recognised as a County Treasure.

As such the following policies are relevant to the assessment of the applications. Policies ENV17 'Protection of Built and Historic Environment', ENV18 'Archaeological Field Evaluation', ENV20 'Development in Conservation Areas', ENV21 'Demolition in Conservation Areas', ENV27 'Design of New Developments', HOUS2 & HOUS8 'Residential Development Criteria' of the Vale of Glamorgan, HOUS11 'Residential Privacy and Space'; TRAN10 'Parking', Adopted Unitary Development Plan 1996-2011; and national guidance contained in Planning Policy Wales March 2002; TAN12 – Design and Welsh Office Circular 61/96 – Historic Buildings and Conservation Areas.

However, given that this application alone relates to the demolition of the existing property in a conservation area, the main policy consideration is set by Policy ENV21 'Demolition in Conservation Areas'.

Issues

The main issues to consider under the Conservation Area Consent application is the architectural merit (or otherwise) of the building, whether sufficient justification has been submitted for the demolition of the dwelling, and if so, whether an acceptable scheme for redevelopment has been approved or is under consideration.

The property is one of a group of modern bungalows with an integrated well-designed layout, and is recognised in conjunction with the existing dwellings at The Mount as adding 'group value' to the character and make-up of the Conservation Area, and are as county treasures.

The proposed demolition of the property is therefore assessed in line with the relevant policies and any other material considerations such as history of the site and what is proposed to replace the property on the site in question.

The concurrent application ref: 08/00368/FUL proposes the entire rebuild of the property, like for like (same scale, design, finishes, etc.) to that approved under application ref: 2007/01271/FUL.

This most recent proposal to demolish the property has been justified in financial terms, given that a substantial amount of the original construction would nevertheless need to be removed to fulfil the design approved under the previous application ref: 07/01271/FUL, as listed below.

To be completely removed:

- Roof
- Windows
- Doors
- Electrical / Plumbing
- Internal Walls
- External Works
- Internal Finishes

- External Walls : 70% remove and replace
- Floor Slabs : 35% remove and replace

The agent has confirmed that the estimated value to extend or to rebuild would amount to approximately £500,000 for each option, however the new build would not incur the VAT charge, which has been estimated at approximately £70,000.

Having considered the financial justification, it is essential to consider the architectural and historic value of the existing property for the site and whether or not the proposed redevelopment for the site will harm the character of the Conservation Area.

Generally buildings in a conservation area that are thought to positively contribute to its character and appearance should be retained, however it is also evident that although the dwelling contributes to the designation of the site as a conservation area and is recognised as a county treasure, the property is not documented for its unique value alone, but rather, its group value with the neighbouring properties.

It is important to consider whether the principle of its loss is unacceptable bearing in mind the proposed almost identical replacement. In this case, the dwelling was built in the early 1970's and as such, does not contain historic detailing, which is typically present in older and most listed buildings.

The property as existing has undergone several extensions and alterations, which have not all complemented the existing character of the property or its siting. Additionally, the plans submitted as part of the current CAC and FUL applications are identical to the proposal approved under application ref: 07/01271/FUL. Furthermore, and as noted in the design statement submitted with the latter (which reflects on the concept of the original 1972 scheme), this particular plot differed from the others in terms of layout and due to the amount of trees felled. The proposed redevelopment of the site is therefore considered to address this issue, and the reinstatement of original details in the new build property will result in a redevelopment that will contribute to the character of the site in line with the concept of the originally built development.

Given the fact that the existing dwelling is a modern building, it is considered that the design details and finishes are capable of replication in a replacement dwelling. Therefore, it is considered that it would be unreasonable to apply the same level of caution to the loss of a building as you would in the case of an older historic or listed building. Furthermore, regard must be had of the previously approved scheme, which would involve substantial demolition of the existing property.

On the basis that the proposed replacement dwelling, would upon completion look the same as the dwelling as extended (under the previous approval), it is considered that the development is acceptable. However, careful consideration must be given to the construction methods and finishes to ensure that the replacement dwelling is a replica of the original. Therefore, conditions requiring samples and method statements are attached to the consent.

As a result, having taken into account the architectural value of the existing property, the history of the site and the proposed redevelopment for the site, it is considered that the overall development will be an acceptable proposal, as the resulting development is not considered to significantly detract from the character and appearance of the Conservation Area, particularly as the new build is considered to incorporate high quality design that is sympathetic and will serve to enhance the existing surrounding area.

CONCLUSION

The decision to recommend permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to ENV21 – Demolition in Conservation Areas, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the demolition of the building would not be contrary to the aims and objectives set out in the above policy.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

To comply with the requirements of Section 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Prior to the commencement of demolition on site, a contract of redevelopment shall be entered into and the works shall be carried out in accordance with the details approved under application ref: 08/00368/FUL.

Reason:

To safeguard the amenities of nearby residents and the setting and character of the Conservation Area.

3. The redevelopment of the site shall commence within 4 months from the date of the commencement of demolition.

Reason:

To safeguard the amenities of nearby residents and the setting and character of the Conservation Area.

4. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area so that an archaeological watching can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist and no work shall begin until the local authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the field work being completed by the archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

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.

2008/00373/LAW Received on 20 March 2008

Dr. & Mrs. G. H. H. Ainsworth, Lydmore Barns, Dyffryn, Vale of Glamorgan., CF5 6SU

Dr. & Mrs. G. H. H. Ainsworth, Lydmore Barns, Dyffryn, Vale of Glamorgan., CF5 6SU

Lydmore Barns, Dyffryn

Garden extension

SITE DESCRIPTION

The application site relates to former barns that were converted to residential use in the late 1990's. The site is located within an isolated position in the countryside between Dyffryn and Barry.

The site is located within the Duffryn Basin and Ridge Slopes Special Landscape Area with a public footpath running across the land to the west.

DESCRIPTION OF DEVELOPMENT

The application seeks a lawful development certificate for a garden extension of the residential curtilage to the approved barn conversion.

Planning permission was granted in 1996 for the barn conversion. The application site boundary of that application defined the residential curtilage that would be associated with that barn conversion. The owner of the property also owns a considerable area of land beyond the defined curtilage of the barn and has, for some time, been using part of this land for his garden in association with Lydmore Barns. The entirety of the land being used a curtilage is shown in hatched in red on the plans submitted with the application. The applicant is attempting to prove that, on the balance of probability this land has been used as the converted barn's residential garden curtilage for more than 10 years before the date of this application.

In addition to the application subject of this application, the applicant has also submitted a further certificate of lawfulness (refs: 2008/00375/LAW) and an application for planning permission (reference 2008/00374/FUL) in respect of a large greenhouse that has been erected to the east of the converted barns. These applications are, therefore, directly relevant to the application subject of this report and are also before this Committee. The greenhouse is development that requires the benefit of planning permission and as the necessary permission was not sought prior to its erection, is unauthorised development. By submitting an application for planning permission, the applicant is seeking to regularise this unauthorised development. The applicant's reasons for submitting the certificate of lawfulness are not clearly stated in his application. These applications are considered in more detail in the relevant reports in this schedule.

PLANNING HISTORY

95/00982/FUL – Convert farm buildings to dwelling. Allowed on appeal 12 April 1996. Condition No. 8 of that permission withdraws permitted development rights for extensions.

98/00960/FUL – Demolish barn and construct tractor and garage shelter with hayloft. Approved 9 July 1999.

02/01315/FUL – Extension to form conservatory. Refused 1 November 2002.

05/00636/FUL – Porch, see separate report. Refused 10 June 2005.

05/00637/FUL - Dining room extension to barn. Refused 9 June 2005.

08/00375/LAW – Application for a certificate of lawfulness for a greenhouse erected on land adjacent to Lydmores Barns. Not yet determined but also to be considered at this Committee.

2008/00374/FUL – Application for planning permission for the retention of the greenhouse erected on land adjacent to Lydmores Barns. Not yet determined but also to be considered at this Committee.

CONSULTATIONS

Director of Legal, Public Protection and Housing Services was consulted on 28 March 2008. The Council's legal solicitor indicates that the only evidence put forward by the applicant is his statement that he immediately fenced the boundary to the property upon purchasing it on the 4 September 1997. This establishes what he owns the land but from a legal point of view it does not necessarily establish that the land has been used all this time as domestic curtilage.

REPORT

Planning Policies

As this application seeks a certificate of lawfulness the planning merits of the case are not open for consideration. The planning policies are not, therefore, relevant to the determination of this application.

However, as this report also advises of authorisation being sought for enforcement action, the policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 that are of relevance to this matter are as follows:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV4 - SPECIAL LANDSCAPE AREAS

ENV10 - CONSERVATION OF THE COUNTRYSIDE.

Issues

As stated above, planning permission was granted in 1996 for the barn conversion at Lydmores Barns. There is no question that the application site boundary of that application defines the permitted, and therefore lawful residential curtilage associated with that barn conversion. The owner of the property owns and has enclosed land beyond the permitted, lawful curtilage of the barn and has, for some time, used it as part of the garden in association with Lydmores Barns. Whilst an application for planning permission, ref: 98/00960/FUL, was approved in 1999 for the garage that has been erected to the east of the barn, this permission does not, in any way, approve an extension to the curtilage of the garden subject of this application. The main issue to consider in this application is, therefore, whether the evidence submitted by the applicant proves that, on the balance of probabilities, the extended garden curtilage has been used in association with the residential premises of Lydmores Barns for a period of 10 years or more.

In support of his application, the applicant, Mr. Ainsworth, has submitted a copy of the purchase agreement between the land owners at that time and himself. The agreement clearly shows that Mr. Ainsworth bought the disused barns and associated land that surrounded the buildings on 12 September 1997, i.e. more than ten years ago. In addition to this, the applicant has submitted a letter outlining his reasons for submitting the Lawful Development Certificate. The letter is not a sworn statement but suggests that the completion of the purchase agreement indicates the time at which the use of the land as residential curtilage of the barn commenced.

With regard to this evidence, it is important to clarify that, in this instance, the commencement of ownership of land does not necessarily indicate the commencement of the use of that land as domestic curtilage. Whilst the applicant may have enclosed the extended area subject of this application together with the barns shortly after his purchase of the land, the commencement of the use of this land as domestic garden curtilage could only have started when the residential use of the barn commenced, i.e. the date on which the barn was capable of being lived in. Whilst the applicant has not given any indication of when this date may have been, the Council's own records can be relied upon to give an accurate date of the commencement of the residential use. These records are in the form of the Council's Planning and Building Control records together with the Council Tax Records.

Planning permission was granted for the barn conversions in April 1996. It is apparent from the Council's records that the works to convert the barn had not commenced before this time. The Council's Building Control records indicate that the application for Building Regulation approval for the barn conversion was first submitted in September 1997. This would, therefore, be a reliable date to indicate the commencement of the works to convert the barns. Although the conversion works may have commenced in September 1997, it would not have been the case that the residential use of the property also commenced at this time. The Council's Building Control records indicate a date on which the completion certificate was granted, i.e. the date on which all works subject to building control were complete to the satisfaction of the Authority. The date of this certificate, being 12 October 1998, can, therefore, be relied upon as the date on which the building was capable of occupation and, therefore, the date on which the residential use of the buildings and, consequently, the associated garden had commenced. As this date is within the last ten years, it would indicate that it is unlikely that the use of the land subject of this report as domestic curtilage has taken place for a long enough period in order for a certificate of lawfulness to be granted.

It may well have been the case that the applicant moved into the converted barn prior to the issue of the completion certificate. However, from the Council's records it is likely that this date would not have been significant before this date. For example, the Building Control records confirm that an inspection took place in May, 1998, where it is stated that whilst the development is nearing completion, there are no slates on the roof. Furthermore, Council tax records indicate that the property was added to the valuation list in on 17 August 1998. These records still indicate that the residential use of the barns and, therefore, garden, have only commenced within the last ten years. The use does not go beyond the requisite 10 years for a certificate to be granted.

CONCLUSION

In view of all evidence available, both that submitted by the applicant and that available in the Council's records, it is considered that, on the balance of probabilities, the use of the land subject of this application as domestic curtilage did not commence more than ten years prior to the submission of the application. As such, it is considered that the Lawful Development Certificate for the garden extension to Lydmores Barns is recommended for refusal.

AUTHORISATION FOR ENFORCEMENT ACTION

In view of these findings, the current unauthorised use of this land is not lawful and is not, therefore, immune to enforcement action. As the remaining period for taking action will shortly expire, emergency authorisation was sought from the Chair of the Planning Committee to serve an Enforcement Notice in respect of this breach of planning control. This authorisation was sought for the following reasons.

The Council's standards for the provision of amenity space, set out in the Supplementary planning Guidance on Amenity Standards, recommends the provision of 1m² of amenity space per 1m² of the gross floor area for each self contained housing unit. The lawful domestic curtilage at Lydmores Barns more than meets this standard. The extended garden curtilage is way beyond that suggested as a standard and cannot be held as necessary for amenity provision of the dwelling. It is considered that the extent of the unauthorised extension to the domestic curtilage is excessive. However, in view of the findings with regard to the acceptability of the greenhouse (considered in the 2008/00374/FUL application also reported to this committee) there is considered to be some merit allowing a small extension to the lawful curtilage, this can be permitted through the Enforcement Notice.

With regard to the impact this change of use will have on the area, it is important to note that the landscape is recognised for its special character, features and general visual amenity, being within the Duffryn Basin and Ridge Slopes Special Landscape Area, designated in Policy ENV4 of the Adopted Unitary Development Plan 1996 – 2011. The surrounding area is mainly characterised by large areas of undeveloped open rural land. It is clear that the land subject of the unauthorised change of use has a very different appearance to that of the surrounding landscape. Its closely mown lawn, domestic style planting and features give the land a very domestic appearance which is considered to be incongruous within the rural setting and has a harmful impact on the special landscape value of the area, particularly in view of the large area in question. The current domestic hard and soft landscaping already has a detrimental effect on the surrounding landscape. Any further domestic landscaping of this land, which could not be controlled by the Council, would only further harm the special amenity value of the surrounding area. Furthermore, the uncontrolled use of this land as garden would allow the very generous permitted development rights to erect domestic outbuildings and other such structures without the need for planning permission.

Whilst it is accepted that the applicant owns and controls a wider area of land surrounding the lawful domestic curtilage of the dwelling, and may not intend to use this land for agricultural purposes, its use as 'other land within the applicants ownership' will preserve the character and appearance of the special landscape area.

In view of the above comments, and notwithstanding a reasonable amendment to the curtilage of the barn, it is considered that the full extent of the unauthorised change of use conflicts with the Council's countryside protections Policy ENV1 together with the Special Landscape designation and protection policy in Policy ENV4. It is also considered that the development would conflict with Policy ENV10 which seeks to ensure that the countryside and in particular areas of high landscape value will be protected from inappropriate forms of development.

RECOMMENDATION

That the application for a certificate of lawfulness is refused and that the Committee note the reasons for seeking emergency authorisation to serve an Enforcement Notice in respect of the unlawful use of the land as domestic curtilage.

REFUSE

1. In the light of the evidence submitted, together with the Council's own records, it is considered that, on the balance of probability, the land to the north of Lydmores Barns has not been used as residential garden curtilage associated with the dwelling at Lydmores Barns for ten years or more. As such, the use of this land as residential curtilage is not considered to be lawful as defined under Section 191 of the Town and Country Planning Act 1990.

2008/00374/FUL Received on 20 March 2008

Dr. & Mrs. G. H. H. Ainsworth, Lydmores Barns, Dyffryn, Vale of Glamorgan., CF5 6SU

Dr. & Mrs. G. H. H. Ainsworth, Lydmores Barns, Dyffryn, Vale of Glamorgan., CF5 6SU

Lydmores Barns, Dyffryn

Retrospective application for greenhouse

SITE DESCRIPTION

The application site relates to former barns that were converted to residential use in the late 1990's. The site is located within an isolated position in the countryside between Dyffryn and Barry.

The site is located within the Dyffryn Basin and Ridge Slopes Special Landscape Area with a public footpath running across the land to the west.

DESCRIPTION OF DEVELOPMENT

The application seeks to retain an existing green house erected to the east of the existing barns. The green house has a very ornate appearance with a decorative ridge treatment along the centrally ridged roof and the projecting front gable. The building has an 800mm brick plinth a powder coated, forest green, and aluminium green house structure with clear glazing. The building has a maximum height of 4 metres to the ridge 2.1 metres to the eaves. The greenhouse has a footprint of 5.9 metres width and 4.2 metres depth.

In addition to the application subject of this report, the applicant has also submitted a further 2 applications for a certificate of lawfulness (refs: 2008/00373/LAW) and (2008/00375/LAW). First of these is in respect of the use of land to the north and east of the barns, including the land occupied by the greenhouse, as domestic garden curtilage associated with Lydmores Barns. The second seeks a certificate of lawfulness for the greenhouse subject of this report. These applications are, therefore, directly relevant to the application subject of this report and are also reported to this Committee.

PLANNING HISTORY

95/00982/FUL – Convert farm buildings to dwelling. Allowed on appeal 12 April 1996. Condition No. 8 of that permission withdraws permitted development rights for extensions.

98/00960/FUL – Demolish barn and construct tractor and garage shelter with hayloft. Approved 9 July 1999.

02/01315/FUL – Extension to form conservatory. Refused 1 November 2002.

05/00636/FUL – Porch, see separate report. Refused 10 June 2005.

05/00637/FUL - Dining room extension to barn. Refused 9 June 2005.

2008/00373/LAW – Application for a certificate of lawfulness for the use of land to the north of Lydmores Barns as a domestic garden curtilage. Not yet determined but also to be considered at this Committee.

08/00375/LAW – Greenhouse. Not yet determined but also to be considered at this Committee.

CONSULTATIONS

Wenvoe Community Council were consulted on 3 April 2008, and resolved to support the application provided its in keeping with surrounding buildings.

REPRESENTATIONS

Lydmores Mill Farm were consulted on 3 April 2008. No representations have been received to date.

REPORT

Planning Policies

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV4 - SPECIAL LANDSCAPE AREA

ENV27- DESIGN OF NEW DEVELOPMENTS

Issues

The issues of the application relate specifically to the greenhouse's scale, design and siting beyond the approved curtilage of the converted barn.

The greenhouse is situated to the east of the converted barn abutting the internal courtyard wall. The greenhouse is situated beyond the approved residential curtilage, and therefore would be seen as development within the open countryside.

In view of this, the development would be assessed under the criteria set out in Policy ENV1 - Development in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. As such, the development of an ancillary residential garden greenhouse would be contrary to the objectives of Policy ENV1. However, there are other material considerations to be considered in this instance. For example, the current application for a certificate of lawfulness (ref: 08/00373/LAW) for a garden extension, its siting and appearance and the overall impact of the building on the wider rural landscape.

Firstly, this retrospective application is closely connected with the currently undetermined application for Certificate of Lawfulness for the unauthorised garden extension. The Council considers that the extended garden curtilage, applied for in ref: 08/00373/LAW, is way beyond the approved domestic curtilage and not considered to be lawful. However, there is considered to be some merit in allowing a small extension to the lawful curtilage through under enforcing when issuing an Enforcement Notice to deal with the wider unauthorised residential curtilage extension. This small extension would seek to include the existing greenhouse within the extended curtilage, removing the development from the open countryside and as a result the principle policy objection arising from Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

In the event that the greenhouse is situated within the domestic curtilage of the converted barn, the material considerations of the application would simply rest on the scale and design of the greenhouse and where it is situated in association within the existing residential buildings.

It is considered that the scale and design of the greenhouse is acceptable. It is a larger than average greenhouse, however, the greenhouse is of a quality construction and it is positioned close to the existing collection of residential buildings at the site. Furthermore, the greenhouse's close connection with the main residential building and the tractor garage at the site allows the greenhouse to be concealed by the other buildings, reducing its prominence at the site.

Therefore, the appropriate design, scale and siting of the greenhouse reduces its impact upon the character of the existing barn conversion and reduces its impact upon the surrounding Special Landscape Area and wider rural setting, complying with Policies ENV4 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1, ENV4 and ENV27 it is considered that the existing greenhouse has an acceptable design, scale and siting and does not cause any demonstrable harm to the designated Duffryn Basin and Ridge Slopes Special Landscape Area or wider rural setting. As such, it is considered that the greenhouse complies with Policies ENV1 'Development in the Countryside', ENV4 'Special Landscape Area'; and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) the greenhouse hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

In the interests of privacy and amenity given the restricted nature of the site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

2. The the greenhouse hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lydmores Barns

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies ENV27 and HOUS11 of the Unitary Development Plan.

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.

2008/00375/LAW Received on 20 March 2008

Dr. & Mrs. G. H. H. Ainsworth, Lydmores Barns, Dyffryn, Vale of Glamorgan., CF5 6SU

Dr. & Mrs. G. H. H. Ainsworth, Lydmores Barns, Dyffryn, Vale of Glamorgan., CF5 6SU

Lydmores Barns, Dyffryn

Greenhouse

SITE DESCRIPTION

The application site relates to former barns that were converted to residential use in the late 1990's. The site is located within an isolated position in the countryside between Dyffryn and Barry.

The site is located within the Dyffryn Basin and Ridge Slopes Special Landscape Area with a public footpath running across the land to the west.

DESCRIPTION OF DEVELOPMENT

The application seeks a lawful development certificate for a green house erected to the east of the existing barns. The green house has a very ornate appearance with a decorative ridge treatment along the centrally ridged roof and the projecting front gable. The building has an 800mm brick plinth a powder coated, forest green, and aluminium green house structure with clear glazing. The building has a maximum height of 4 metres to the ridge 2.1 metres to the eaves. The greenhouse has a footprint of 5.9 metres width and 4.2 metres depth.

In addition to the application subject of this appeal, the applicant has also submitted a further certificate of lawfulness (refs: 2008/00373/LAW) and an application for planning permission (2008/00374/FUL). The application for planning permission seeks the retention of the greenhouse subject of this application. The certificate of lawfulness application is in respect of the use of land to the north and east of the barns, including the land occupied by the greenhouse, as domestic garden curtilage associated with Lydmores Barns. These applications are, therefore, directly relevant to the application subject of this report and are also reported to this Committee.

PLANNING HISTORY

95/00982/FUL – Convert farm buildings to dwelling. Allowed on appeal 12 April 1996. Condition No. 8 of that permission withdraws permitted development rights for extensions.

98/00960/FUL – Demolish barn and construct tractor and garage shelter with hayloft. Approved 9 July 1999.

02/01315/FUL – Extension to form conservatory. Refused 1 November 2002.

05/00636/FUL – Porch, see separate report. Refused 10 June 2005.

05/00637/FUL - Dining room extension to barn. Refused 9 June 2005.

08/00373/LAW – Application for a certificate of lawfulness for the use of land to the north of Lydmore Barns as a domestic garden curtilage. Not yet determined but also to be considered at this Committee.

2008/00374/FUL – Application for planning permission for the retention of the greenhouse erected on land adjacent to Lydmore Barns. Not yet determined but also to be considered at this Committee.

CONSULTATIONS

None.

REPRESENTATIONS

None.

REPORT

Planning Policies

As this application seeks a certificate of lawfulness the planning merits of the case are not open for consideration. The planning policies are not, therefore, relevant to the determination of this application.

Issues

The applicant's reasons for submitting the application subject of this report are not clear. In the application forms, the applicant states that he built the greenhouse in 'innocent breach of Condition No. 9 of 95/00982/FUL'. He does not, however, provide information as to why he feels the development is lawful.

In the case of the building erected, there are two reasons why the development may be considered to be lawful. The first is that the greenhouse was substantially completed more than four years ago and is, therefore, immune from enforcement action under Section 171B of the Town and Country Planning Act 1990. The second is that the greenhouse does not require the benefit of planning permission.

In the first instance, the appellant states in his application form that the greenhouse was erected in 2006. In view of his own admission the development has not been on site for 4 years and is not, therefore, immune from enforcement action under the provisions of Section 171B mentioned above.

In the second instance, the main issues to consider is whether or not the development benefits from permitted development rights for the erection of outbuildings within the curtilage of a dwelling house, as granted under Class E, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995. It is the Council's view that the land upon which the greenhouse has been erected is not the lawful domestic curtilage of Lydmores Barns and, as such, the building does not benefit from the permitted development rights available for domestic curtilages. When planning permission was granted for the barn conversion in 1996 the application site boundary defined the residential curtilage that would be associated with that barn conversion. It is clear that this defined and permitted curtilage does not include the land upon which the greenhouse has been erected. Whilst the owner of the property also owns a considerable area of land beyond the defined curtilage of the barn and has, for some time, been using part of this land for his garden in association with Lydmores Barns.

This use is not considered to be lawful and as such does not carry with it the permitted development rights of lawful curtilage (the issue of the lawfulness of the use of this land is considered in more detail in the report to this Committee relating to application ref: 2008/00373/LAW). In view of this, the development is considered to be that which requires the benefit of planning permission and, as the necessary permission has not been granted, the building is not lawful.

Notwithstanding these findings, if the land upon which the greenhouse has been erected was considered to be within the lawful domestic curtilage of Lydmores Barns, the development would still have required the benefit of planning permission. Condition 9 of the planning permission 95/00982/FUL for the conversion of the barn states that 'notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995.....no building, structure or enclosure required for a purpose incidental to the enjoyment of the dwelling house shall be constructed, erected or placed within the curtilage of the dwelling house without the prior written consent of the Local Planning Authority'. This condition effectively removes the usual permitted development rights, mentioned above, in order for the Local Planning Authority to maintain control of development on the land.

CONCLUSION

In consideration of the limited evidence submitted by the applicant, together with the Council's own records, it is considered that, on the balance of probability that the building was not substantially completed more than four year ago and does not benefit from permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995. As such, a certificate of lawfulness should not be granted.

RECOMMENDATION (W.R.)

REFUSE

1. In the light of the limited evidence submitted, together with the Council's own records, it is considered that, on the balance of probability, the greenhouse is not lawful development as defined under Section 191 of The Town and Country Planning Act 1990.

2008/00395/FUL Received on 28 March 2008

T. J. Bird & Sons Ltd., Home Farm, Dyffryn, Vale of Glamorgan., CF5 6SU
T. J. Bird & Sons Ltd., Home Farm, Dyffryn, Vale of Glamorgan., CF5 6SU

Dyffryn Springs, Home Farm, Dyffryn

Extension of toilets to comply with disability regulations

SITE DESCRIPTION

The application site relates to the existing club house located adjacent to the pond areas in Dyffryn Farm. This premises caters for the fishermen that visit the area.

The site forms part of an agricultural holding and lies within the Dyffryn Basin and Ridge Slopes Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The submitted application seeks planning consent to extend the existing toilets at the premises to comply with building regulations. The extension therefore aims to meet all the requirements of its staff and customers with all levels of mobility / disability.

The proposed toilet area is to measure 5.9m(w) x 5.2m(d) x 5m(maximum height), whilst the existing measures 2.5m(w) x 4.3m(d) x 5m(maximum height). The materials and finishes will match those already existing on the clubhouse (building blocks with soft stained wood cladding finish and softwood windows and doors).

PLANNING HISTORY

02/00495/FUL – Two additional lakes for angling purposes, with associated disabled car parking and access track. Approved 24 July 2002.

01/00760/FUL – Use of lakes for fishing with associated amenities building, car park and access. Approved 7 September 2001.

00/00652/FUL – Single storey fishing amenity building with associated children's play area, car parking and access road. Refused 21 December 2000.

CONSULTATIONS

Wenvoe Community Council was consulted on 2 April 2008 and support the application.

The Head of Economic Development and Leisure (Ecology) was consulted on 3 April 2008. Standard information relating to great crested newts. Commenting

"There is a possibility that great crested newts could be using the application site as terrestrial habitat. It is recommended that the following good practice guidelines be followed to minimise potential impacts on great crested newts, assuming potential presence on the application site:

- In the event that great crested newt is found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales (02920 772400).
- Take particular care when disturbing materials /dense vegetation at ground level that could be being used by sheltering/hibernating great crested newts.
- Keep grassland on/surrounding the development site short to discourage newts from entering the site."

REPRESENTATIONS

A site notice was erected on-site on 10 April 2008. To date no letters of representation have been received.

REPORT

Planning Policies

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV4 – SPECIAL LANDSCAPE AREAS

ENV27 – DESIGN OF NEW DEVELOPMENTS

TAN 6 – Agricultural and Rural Development

The proposed extension to the existing toilets at the fisherman's club house has been considered in light of the above relevant policies.

The site in question is in a rural location and within the open countryside, accordingly the visual impact of the proposal with regard to the character of the open countryside and Special Landscape Area is an important consideration, and whether or not the extension to the existing premises would prejudice and undermine the efficiency of the site as forming part of the agricultural holding.

The main premises already exists on the site, and the current toilet facilities makes up 10.75sq. metres of the total floor area. The proposed extension to the toilets results in an additional 19.93sq.metres of floor area being added to the existing premises, in order to comply with building regulations and provide inclusive access to all.

It is considered that the scale of the extension, its design, materials and finishes are in proportion with, and are not harmful to the appearance of the existing clubhouse, the development is considered to be an acceptable scale of extension in this instance and is not considered to adversely effect the landscape character, features or visual amenities of the Special Landscape Area or the status of the land as forming part of an agricultural holding.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 'Development in the Countryside'; ENV4 ' Special Landscape Areas'; and ENV27 'Design of New Developments', it is considered that the proposed development is an acceptable alteration to the existing club house, as its scale, materials and finishes are not regarded to generate adverse visual impact on the character and features of the open countryside and / or Special Landscape Area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

NOTE:

1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.

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

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

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

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

2008/00406/OUT Received on 31 March 2008

Mr. C. Gunn, C/o Agent.
DTB Design, 286, North Road, Cardiff., CF14 3BN

1, Cedar Way, Penarth

Erection of four apartments

SITE DESCRIPTION

The application site comprises an existing semi-detached dwellinghouse and associated garden curtilage, located at the junction of Cedar Way, Maple Road and Laburnum Way.

DESCRIPTION OF DEVELOPMENT

This is an outline application, with all matters other than siting and means of access reserved for subsequent approval, for the erection of four apartments. The submitted plans indicate a building attached to the side of the existing semi-detached house, and set at right angles to the property so that it follows the building line established by the existing houses on Maple Road. The footprint of the building will measure approximately 13.5m x 8.2m. A new vehicular access is shown onto Cedar Way in the south western corner of the site which will give access to a communal parking area for 5 No. cars. Other illustrative details show a two storey, hipped roof building with a ridge height of approximately 8.5m, finished in render and a concrete tile roof, and accommodating 2 No. one bed and 2 No. two bed flats.

The application is accompanied by a Sustainability Appraisal and an Access Statement.

PLANNING HISTORY

95/00441/OUT - Dwellinghouse in garden. Refused 25 July 1995 on the grounds that a detached dwellinghouse in this location would represent an incongruous element in the street scene and would also be likely to deny a reasonable standard of privacy and amenity space to the rear of the existing and proposed dwellinghouses to the detriment of the future occupiers of the dwellings.

99/00258/FUL - Two storey extension to rear. Approved 23 April 1999, subject to conditions including the omission of a first floor bedroom window to the rear and no windows to be inserted in the first floor side facing No. 3 Cedar Way.

08/00347/FUL - Conversion of dwelling to two apartments. Yet to be determined.

CONSULTATIONS

Penarth Town Council comment that the application should be refused for the following reasons:

- The proposal will lead to gross overdevelopment and intensification of the use of this corner site to the detriment of the character and appearance of the wider residential area and the amenities of residents living in the immediate vicinity.
- The proposed off-street parking arrangements to serve the existing and proposed properties is deemed to be inadequate and inappropriate for the location, especially given the proximity of the junction with Maple Road. Also it is considered that the development will add pressure to on-street parking in the immediate vicinity.
- There would not appear to be adequate amenity space provision to serve the development proposal.

Environment Agency Wales has no objection.

Dwr Cymru/Welsh Water have requested that their standard conditions and advisory notes be attached to any consent. In addition it is noted that the development site is crossed by a public sewer with no part of the building permitted within 3m either side of the centreline of the sewer.

The Director of Legal, Public Protection and Housing Services (Environmental Health) were notified on 4 April 2008. No comments have been received to date.

The Head of Economic Development and Leisure (Ecology) comment that the site may potentially be used by nesting birds and it is recommended that the developer be made aware of their legal obligations under the Wildlife and Countryside Act 1981 and that a condition be imposed that requires any clearance/works be done outside the nesting season.

The Head of Visible Services (Highway Development) - Further to the recent site inspection undertaken in relation to the above, the Highway Authority would comment as follows.

“The development proposals fail to provide adequate parking facilities to serve the site, leading to overspill parking along the adjacent highway close to the junction of Cedar Way and Maple Road, to the detriment of highway safety.

Furthermore, the proposed vehicle access to the development site is located too close to the junction of Cedar Way and Maple Road, increasing the risk of vehicle conflicts.

Additionally, the proposed site access is not wide enough to allow two vehicles to pass side by side when entering/exiting the site, requiring vehicles to queue on the adjacent highway while waiting to gain access.

Therefore, the Highway Authority object to the development proposals based on issues of highway safety.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 4 April 2008. In addition a site notice was posted on 16 April 2008. A standard letter of objection has been received from the occupiers of Nos. 2, 4, 6, 8 & 10 Cedar Way; No. 2 Laburnam Way, and Nos.1 & 2 Maple Road. A copy of the letter is reproduced at Appendix A for Committee Members inspection. In summary the main points relate to increased traffic and demand for on-street parking, and privacy.

REPORT

The proposal entails the construction of four new build apartments within the garden of an existing semi-detached dwelling located close to a road junction. The site is located within the residential settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). As such the following policy background is relevant to the assessment of the application.

Planning Policies

Policy HOUS2 of the Unitary Development Plan identifies Penarth as an area where housing infill, small-scale development and redevelopment may be acceptable. This is subject to the criteria outlined in Policy HOUS8 - Residential Development Criteria which states:

- i. THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE.
- ii. 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.
- iii. THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.
- iv. WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET.
- v. THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- vi. ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy HOUS11 of the UDP relates to Residential Privacy and Space and states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Policy ENV27 of the UDP refers to the Design of New Developments and is also a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

Policy TRAN10 relates to Parking and requires the provision of parking in accordance with Council's guidelines subject to type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

The Council also has Supplementary Planning Guidance (SPG) including an SPG on Amenity Standards which, in addition to requirements in relation to levels and quality of amenity space, contains policies relating to privacy, overshadowing and visual amenity.

National guidance is contained in 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. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.”

In addition paragraph 9.3.3 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. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.”

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

Issues

Whilst the Council are only considering the principle of the proposed development and not the details, nevertheless, the siting and access are submitted for approval at this stage and the illustrative plans offer a reasonable indication of the likely scale, position of windows, etc., of a building that will accommodate four flats. It is considered that the main issues relate to the impact the proposal will have on the character and appearance of the area and the affect on neighbouring and general residential amenities.

In assessing the impact on the character and appearance of the area it is noted that the Council has previously refused an outline application for the construction of a dwellinghouse, ref: 95/00441/OUT. Despite all matters being reserved the Council concluded that the construction of a new dwelling in the garden space between Nos. 1 Cedar Way & 2 Maple Road would represent an incongruous element in the street scene. An illustrative plan showed a two storey three bed detached dwelling in an area of predominantly semi-detached and some terraced properties. Clearly a detailed plan could have shown an attached dwelling but it was considered that this could not be achieved on this site without appearing alien to the existing pattern of development. The siting and access on the current application is submitted for approval now and shows a building with a significantly larger footprint than any of its neighbours. The proposal will almost fill the existing space. The surrounding estate benefits from generous garden plots compared with many of the older terraces of Penarth. There is also considerable uniformity in house types and layout and this gives the area a sense of spaciousness, particularly on corner plots and junctions. The Council have received an increasing number of applications to fill these spaces with new development, and some have been approved where they have been considered appropriate.

One such case is a nearby development at No. 14 Laburnum Way, ref: 06/01475/FUL, where the position and orientation of neighbouring properties allow for an infill development that matches the opposite end of the row and is in keeping with the existing street scene. The same cannot be said for the current proposal which, along with the provision of a large car parking forecourt taking up the whole of the frontage to Cedar Way, will appear as a cramped and intrusive form of development totally out of keeping with the established character and appearance of the area.

As regards neighbouring amenities the illustrative details show habitable room windows in the western, rear elevation of the dwelling. These will not only overlook the rear garden of the existing property but will face onto habitable room windows in the side elevation of an existing extension. The plans note that these windows and doors will be blocked up and relocated, however, the only place they could be relocated will result in overlooking of the existing neighbours at Nos. 2 Maple Road and 3 Cedar Way. Indeed it is noted that the Council considered such impact when assessing the application for the extension in 1999 and imposed conditions to restrict the positioning of such windows. Thus it is considered that the proposal will have a significant adverse affect on the current levels of privacy enjoyed by neighbouring occupiers.

On the question of garden space the Council's guidelines in the SPG on Amenity Standards require not only a certain level of private amenity area but also that its quality be assessed. The level of amenity space required for the proposed development based on the illustrative plans would be 120sqm. Not only will the proposal fall short of this in terms of the level but also the quality of the space is unacceptable. The only private amenity area available to the rear will not only be severely limited in size but will also be almost completely overshadowed by the two storey extension on the existing house. In addition the remaining amenity space to serve the existing house will be considerably below the Council's standards.

In terms of the general amenities of the wider area it has already been noted how the proposal will adversely affect visual amenity. In addition to the unacceptable scale and form, reference has also been made to the proposed car parking arrangement. It is noted that a new vehicular access will be provided off Cedar Way close to the junction. The Council's Highway Engineer has also raised an objection to the proposal on the grounds of highway safety, due to the position of the access too close to the junction, thereby increasing the risk of vehicle conflict. The substandard width of the access will require vehicles to queue on the adjacent highway while waiting to gain access; and the inadequate level of on-site parking will lead to overspill on the adjacent highway close to the junction. It is also noted that one of the main concerns raised by the neighbouring occupiers is the problem of parking which they highlight is already a problem without the additional units now proposed.

Finally in terms of infrastructure it is noted that there are no objections from either the Environment Agency or Welsh Water, although Welsh Water have identified that a public sewer runs through the site.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

In conclusion it is considered that the proposal represents the gross overdevelopment of the site, the scale and form of which pays no regard to the pattern of development in the area which is characterised by a sense of space and uniformity. The proposal will fill the gap between the existing houses and appear as a cramped and incongruous feature in the street scene thereby detracting from the character and appearance of the area. The proposal will also be an entirely unneighbourly development that will adversely impact on privacy, overshadowing and visual amenity. In addition it will be detrimental to highway safety as a result of substandard access and parking arrangements which will exacerbate existing difficulties.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal represents the gross overdevelopment of the site, the nature of which fails to respect the existing form of development, appearing as a cramped and incongruous feature in the street scene. Thus the proposal will detract from the character and appearance of the area, and adversely affect neighbouring and general residential amenities and highway safety, contrary to Policies HOUS2 and HOUS8 - Residential Development Criteria, HOUS11 - Residential Privacy and Space, ENV27 - Design of New Developments and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

2008/00439/FUL Received on 7 April 2008

Ms. J. Williams, Arosfa, Ewenny Road, Wick, Vale of Glamorgan.
Evolution Building Design, 18, Norseman Close, Rhoose, Vale of Glamorgan.,
CF62 3FY

Land to the east of Arosfa, Ewenny Road, Wick

New dormer bungalow

SITE DESCRIPTION

The application site is land within the curtilage of Arosfa, Ewenny Road, Wick, which is a detached bungalow located approximately 90m to the north of the settlement boundary of Wick on Ewenny Road. The bungalow lies within a relatively large plot, which is triangular in shape and measures approximately 70m wide x 55m deep. Access to the site is directly from Ewenny Road, centrally within the site's frontage.

The application relates specifically to the southern part of the curtilage, a triangular shaped piece of land that measures 38m wide along the boundary with Ewenny Road x 29m deep, tapering in its depth towards the south. The land at present forms the side garden to Arosfa.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a single dormer bungalow, accessed from the existing access point that serves Arosfa, but via a new driveway on the right hand side of the access.

The proposed dwelling lies relatively centrally within the site, approximately 10m back from the highway. It has a footprint of 13.5m wide x 8m deep and measures 6.5m in height to the ridge of the roof. There are two pitched roof dormer extensions proposed within the rear roof plane.

The accommodation within the proposed dwelling is comprised of a garage, kitchen, dining room, lounge, bedroom and bathroom at ground floor, and 2 bedrooms with en-suites at first floor.

PLANNING HISTORY

07/01327/FUL - Single storey side extension. Approved 14 November 2007.

08/00436/FUL - pitched roof above existing flat roof garage on Arosfa. Approved 14 May 2008.

CONSULTATIONS

Wick Community Council have made no observations regarding the proposal.

Environment Agency Wales have raised no objection.

Dwr Cymru/ Welsh Water have raised no objection subject to standard conditions relating to the drainage of the site.

The Head Of Visible Services (Highways Development) has advised of the requirement to secure adequate visibility splays to serve the development. This issue is considered in the body of the report.

The Head of Economic Development and Leisure (Ecology) has advised that the site lies within 500m of a Great Crested Newt breeding pond and accordingly, the site may be used by this protected species as a terrestrial habitat. A recommendation is therefore made that should planning permission be granted, the developer be made aware of the legislation protecting these species.

Development Control (Tree Officer) has advised that no protected tree would be affected by the proposed development.

REPRESENTATIONS

The neighbouring property of The Candle was consulted in respect of the application and a site notice erected. One letter of objection has been received on the following grounds:

- The proposal is for an unjustified dwelling in the open countryside, contrary to the Council's Unitary Development Plan Policies.
- The proposal would be overdevelopment of the site.
- The proposal would adversely affect the rural character of the area.
- There is an inadequate vehicular access to the site.

REPORT

Planning Policies

The application site is located outside of the settlement boundary of Wick and accordingly the proposal has been primarily assessed against the following Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

Policy ENV1 of the Unitary Development Plan permits development in the countryside provided it is essential for the purposes of agriculture or forestry, appropriate recreational use, or provided it is acceptable in planning terms as the conversion of a rural building. Similarly Policy HOUS3 of the UDP permits new housing in the countryside provided it can be justified in the interests of agriculture or forestry.

Policy ENV27 relates to all new forms of development and requires that new forms of development are of a high standard of design and have regard to the context of the environment within which they are proposed.

In addition to the relevant policies contained within the Unitary Development Plan, Planning Policy Wales (2002) provides advice in respect of new dwellings in the countryside. It states that new house building in the open countryside, away from established settlements, should be strictly controlled.

Issues

It is considered that the main issues involved in the assessment of the proposal are the principle of a new dwelling in this countryside location, the impact on the rural character of the area and highway safety issues.

The Principle of a New Dwelling in this Location

As stated above, Policies ENV1 and HOUS3 of the Unitary Development Plan state that only dwellings that are justified in the interests of agriculture or forestry will be permitted in the countryside. In this case, there is clearly no such justification and the applicant has not claimed any justification on these grounds.

The proposal is, therefore, clearly contrary to Policies ENV1 and HOUS3 of the Unitary Development Plan, as the dwelling represents an unjustified form of residential development in the countryside.

The advice contained within Planning Policy Wales 2002 (PPW) echoes these UDP Policies and states that unjustified dwellings in the countryside should be strictly controlled. Whilst the advice of PPW may allow new dwellings within existing groups of dwellings, provided it can be demonstrated that the development would not harm the character of the area, this provision is not relevant to this proposal. The site is outside from the settlement boundary of Wick which is approximately 60m to the north and on the other side of the road. It is considered that a new dwelling in this location would have no physical or logical relationship with the existing settlement of Wick or the general built environment within the settlement boundary.

Impact on the Character of the Area

The existing bungalow appears as an individual dwelling in the countryside and its contextual landscape is wholly rural in character. As noted above, the application site has no visual relationship to the settlement of Wick and is visually separated from the neighbouring property, The Candle.

The proposed dwelling would be clearly visible within the wider rural landscape from along the public highway to the north and south, and from the public footpath to the east. Accordingly, it is considered that the proposed additional dwelling would appear as a visually intrusive form of development, harmful to the rural character of the land. Whilst it forms part of the residential curtilage to the existing dwelling, this provides no justification for a wholly new dwelling, which would fundamentally and adversely affect the character of the site.

It is noted that the applicants Design Statement suggests that the dwelling would have little visual impact on the 'streetscape'. Notwithstanding the prominence that the dwelling would clearly have from surrounding public viewpoints, it should be noted that Planning Policy Wales 2002 in any event states "the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission.

Highways Issues

The dwelling is accessed off Ewenny Road, which, at the point of entry to the site, has a 60mph speed limit. The existing access point is on a bend, with extremely poor visibility for cars entering the highway from the site.

On the basis of a 60 m.p.h. speed limit, the Council's Highways Engineer would require visibility splays of 215m x 2m in either direction along the highway, to ensure that dwellings can egress safely from the site (in accordance with Technical Advice Note 18 - Transport, Annex B).

Either side of the access to the site, the highway is bounded by continuous lengths of hedgerow and in order to achieve the required visibility splays, extensive lengths of these hedgerows would need to be removed. Furthermore, part of the vision splay to the north is land outside of the control of the applicant.

The removal of such extensive lengths of hedgerow would in its own right cause demonstrable harm to the rural character of the wider area and accordingly, is considered to be unacceptable. Therefore, given that the required visibility splays cannot be provided appropriately, the additional dwelling, accessed from this entrance, would be to the detriment of highway safety.

It should be noted that even if a traffic survey demonstrates that vehicles' actual speed along this road is less; even speeds as low as 30 m.p.h. would require visibility splays of 90m x 2m, which would have similar implications in terms of hedgerow removal.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 'Development in the Countryside', ENV27 'Design of New Developments', HOUS2 'Additional Residential Development'; and HOUS3 'Dwellings in the Countryside', of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002), it is concluded that the proposal represents an unjustified form of residential development in the open countryside, harmful to the character and wider visual amenities of the area, and whose access arrangements would also be detrimental to the safety and free flow of traffic.

RECOMMENDATION (W.R.)

REFUSE

1. By reason of its location outside the settlement boundary of Wick and its relationship to the existing built and natural environment, the proposal represents an unjustified form of development in the open countryside, which is unsympathetic to the environs of the site and would have a harmful effect on the character and wider visual amenities of the area. It is therefore considered that the development is contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development and HOUS3 - Dwellings in the Countryside, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002).
2. The proposed vehicular access would make provision for insufficient vision splays to serve the new dwelling, without the unacceptable removal of substantial lengths of hedgerow. Accordingly, the proposed additional dwelling would be detrimental to the safety and free flow of traffic, contrary to the aims of Policies ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

2008/00248/RG3 Received on 22 February 2008

Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan., CF63 4RU
Caroe & Partners, Penniless Porch, Market Place, Wells, Somerset., BA5 2RB

Dyffryn Gardens, St. Nicholas, Cardiff

Erection of large glasshouse within rose garden & small glasshouse within kitchen garden plus associated joinery to doorways into walled gardens

SITE DESCRIPTION

The application relates to the rose and kitchen gardens at Dyffryn House, which itself is Grade II* Listed. The walls of the rose and kitchen gardens are Grade II Listed and Dyffryn Gardens as a whole are Grade I Listed. The site is located within the Dyffryn Basin and Ridge Slopes Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The application is for planning permission for the erection of a large glasshouse within the rose garden and a small glasshouse within the kitchen garden along with associated joinery to doorways into the walled gardens. A section of garden wall will also be rebuilt.

The proposed glasshouse within the rose garden will have maximum dimensions 57.0 metres wide by 9.2 metres deep. The glasshouse will have a central gabled section with a ridge height of 7.4 metres and subordinate mono-pitched wings with maximum heights of between 4.7 and 5.5 metres.

The proposed glasshouse within the kitchen garden will measure 8.1 metres wide by 3.8 metres deep. The glasshouse will have a mono-pitched roof with a maximum height of 4.1 metres.

PLANNING HISTORY

There is extensive planning history for Dyffryn House and Gardens. The following is considered relevant to this application:

07/00805/LBC - Proposed glasshouses in rose and kitchen gardens and repairs to garden walls. Approved by the Welsh Assembly Government on 4 October 2007.

CONSULTATIONS

Wenvoe Community Council was consulted on 4 March 2008 and supports the application.

Cadw was consulted on 5 March 2008. Their letter is attached as Appendix A. In summary Cadw considers that the proposals are very welcome and beneficial development that would restore and enhance the walled gardens of this exceptionally important garden. In Cadw's opinion the current proposals would bring the two gardens back to life and regenerate them with the rest of the gardens.

Glamorgan-Gwent Archaeological Trust was consulted on 13 March 2008 and comments:

"Summary – In our opinion the proposed alterations will not have a significant adverse impact on the historic garden; however Cadw is the Directorate of the Welsh Assembly Government charged with the protection of the historic garden and we therefore recommend that they are consulted on this aspect of the determination of this application."

The Head of Economic Development and Leisure (Ecology was consulted on 13 March 2008. A method statement of the proposed works relating to the necessary protection or mitigation measures for the great crested newt population is required.

REPRESENTATIONS

The application was publicised by a site notice and a press advert on 12 March 2008.

REPORT

Planning Policies

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV4 - SPECIAL LANDSCAPE AREAS

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

ENV27 - DESIGN OF NEW DEVELOPMENTS

TOUR5 - NON-RESIDENTIAL TOURIST ATTRACTIONS

TRAN10 - PARKING

Issues

The full proposal has been granted Listed Building Consent by the Welsh Assembly Government, subject to four conditions. Cadw's Principal Conservation Architect commented that the overall form, scale, location and footprint of the buildings will represent a valuable additional asset to Dyffryn House and Gardens. This is reiterated in Cadw's consultation response to this application for planning permission. As such, it is considered that the listed building aspects of the proposal have been previously accepted and it remains for the remaining planning considerations to be assessed as part of this application.

By virtue of the remoteness of the proposed structures, there will be no impact on the amenities of occupants of neighbouring properties.

The proposed glasshouses will complement the existing tourist and visitor attraction of the existing gardens. It is considered that the existing parking provision will be satisfactory and that the proposal in itself will not result in significantly higher levels of parking than at present. The proposal is designed to allow disabled persons to move around the walled garden areas. As such, it is considered that the development would be in accordance with Policy TOUR5.

By virtue of the scale of the proposed glasshouses, it is not considered that the Dyffryn Basin and Ridge Slopes Special Landscape Area will be affected.

Comments of the Council's ecological department are noted. The Ecologist acting for Dyffryn Gardens has confirmed that the Countryside Council for Wales (CCW) has granted extensions to the licences that cover the works proposed in the walled gardens in relation to bats and great crested newt mitigation.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 'Development in the Countryside', ENV4 'Special Landscape Areas', ENV17 'Protection of Built and Historic Environment', ENV27 'Design of New Developments', TOUR5 'Non-residential Tourist Attractions'; and TRAN10 'Parking' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance 'Amenity Standards', it is considered that the proposal does not generate any demonstrable harm to the residential amenities of the occupants of the neighbouring properties, the character and appearance of the Dyffryn Basin and Ridge Slopes Special Landscape Area or the existing on-site parking provision, and suitably complements the existing tourist attraction of Dyffryn Gardens. The proposal therefore complies with the relevant planning policy and supplementary planning guidance.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. Prior to the commencement of their construction, 1:5 scale details of the construction of the glasshouses shall be submitted to and approved in writing by the Local Planning Authority. The glasshouses shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure for the preservation of the special character of the listed garden and walls.

3. Prior to their manufacture, the colour of the frames of the glasshouses shall be submitted to and approved in writing by the Local Planning Authority. The frames shall thereafter be manufactured to the approved colour.

Reason:

To ensure for the preservation of the special character of the listed garden and walls.

4. Prior to their use in the development hereby approved, a named sample of the proposed brickwork for the dwarf wall shall be submitted to and approved in writing by the Local Planning Authority. The dwarf wall shall thereafter be constructed in accordance with the approved sample.

Reason:

To ensure for the preservation of the special character of the listed garden and walls.

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.

2008/00270/RG3 Received on 28 February 2008

Director of Learning & Development, Provincial House, Kendrick Road, Barry, Vale of Glamorgan., CF62 8UF
Property Division, Vale of Glamorgan Council, 2nd. Floor, Civic Offices, Holton Road, Barry., CF63 4RU

Evenlode Primary School, Evenlode Avenue, Penarth

Single storey extension to existing classrooms

SITE DESCRIPTION

The application site comprises a large single storey building, known as Evenlode Primary School. To the front of the school is Evenlode Avenue, which is made up of detached properties, and to one side is Cherwell Road, which is also residential, and to the other side there are a number of tennis courts. To the rear of the school is Llandaff Close, which is once again lined with detached properties and the playing fields of Penarth RFC.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for a single storey extension to two existing classrooms to the rear elevation of the school building. The proposed extension measures 3.3 metres deep, 14.4 metres wide and 3.2 metres high. The proposed extension will be finished in smooth white render with white aluminium rainwater goods, fascia panels, doors and windows.

PLANNING HISTORY

06/00419/FUL – Evenlode Primary School, Evenlode Avenue, Penarth. Proposed extension to car park. Approved 23 June 2006.

02/00998/FUL – Evenlode Primary School, Evenlode Avenue, Penarth. Proposed extension to staff room. Approved 13 September 2002.

01/01078/REG3 – Evenlode Primary School, Evenlode Avenue, Penarth. Single storey demountable classroom unit with teaching store and cloaks area. Approved 8 October 2001.

99/00828/REG3 – Evenlode Primary School, Evenlode Avenue, Penarth. Single storey two classroom extension with corridor link. Approved 3 September 1999.

CONSULTATIONS

Penarth Town Council was consulted on the 5 March 2008 and has stated that the application should be approved.

REPRESENTATIONS

Nos. 3, 4, 5, 6, 7, 8 Cherwell Road, Penarth RFC and Nos. 4 & 5 Llandaff Close were consulted on the 5 March 2008. No representations have been received to date.

REPORT

Planning Policies

ENV27 – DESIGN OF NEW DEVELOPMENTS

Issues

The application relates to the addition of a single storey extension to the rear elevation of the existing single storey school building.

As the proposed extension is to be built to the rear elevation it will not be visible from Evenlode Avenue although it may be partially visible from other surrounding sites such as the rear gardens of properties on both Cherwell Road and Llandaff Close and from the playing fields of Penarth RFC. Although likely to be partially visible from the above-mentioned sites the proposed extension is not considered to have any detrimental effect upon amenities, due to it being fairly small scale in comparison to the existing school and being in keeping with the character of the existing building.

The school building is set on a fairly substantial site and this fairly small-scale extension is not considered to cause any major loss of open space around the school.

The materials to be used for the proposed extension are considered to be acceptable and are similar to those used on the existing school building.

The proposed extension will be accessible by two side doors which will both have ramps leading up to them therefore allowing disabled access to this part of the school building. According to the access statement the proposed extension will be on the same level as the existing school building therefore ensuring that disabled access is not restricted between the extension and the existing school building.

Having considered all the above issues the proposed single storey rear extension to the existing school building is considered to be acceptable.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policy ENV27 'Design of New Developments' it is considered that the proposal is acceptable. The proposed single storey extension to two existing classrooms to the rear elevation of the school building causes no harm to the privacy or amenities of any adjoining neighbour and has no detrimental impact upon the scale of the existing school building or the visual amenities of the surrounding street scenes. Therefore, the development complies with Policy ENV27 and the Council's 'Amenity Standards' Supplementary Planning Guidance.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

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.

2008/00482/RG3 Received on 11 April 2008

Vale of Glamorgan Council, Mr. Mark Haynes, Provincial House, Kendrick Road, Barry., CF62 8UF
John Wotton Architects, Ms. Romy Franke, Greyfriars House, Greyfriars Road, Cardiff., CF10 3AL

Romilly Junior School, Romilly Road, Barry

Definition of new main entrance to school utilising existing gated vehicular access route. Two adjacent buildings are to be 'visually' connected by landscaping the enclosed area and forming a new entrance in each of the facing elevations of the existing school buildings. The landscaping is to include planters, bench seating and steps. The new entrance doors are to be created by enlarging existing window openings

SITE DESCRIPTION

The application relates to Romilly Junior and Infants Schools, located at the junction of Romilly Road and Park Crescent, Barry.

DESCRIPTION OF DEVELOPMENT

An application under Regulation 3 of the Town & Country Planning General Regulations for changes to the pedestrian entrances to the school buildings and associated landscaping.

PLANNING HISTORY

02/00192/FUL - Conversion of shelters into resource areas. Approved 22 March 2002.

97/00415/RG3 - Replacement demountable nursery unit. Approved 22 May 1997.

CONSULTATIONS

Barry Town Council has no objection.

REPRESENTATIONS

There are no immediate residential neighbours to this part of the school site. The application was advertised by a site notice on 22 April 2008. No comments have been received.

REPORT

The Romilly Infants and Junior Schools are to be amalgamated into a single school in September 2008. To achieve this, new entrances are to be formed into both the former infant and junior buildings. The only external building works proposed are:

- (a) A new door with flat-roofed canopy in the western elevation of the junior school building.
- (b) Alteration of a window to a door in the eastern elevation of the infant school building, with associated external steps and access ramp; and
- (c) The partial removal of a brick wall that currently separates the two schools, with the remainder retained as a sculpted landscape feature.

In addition, internal rearrangements will create a new reception office, staff room and storage areas whilst parts of the existing tarmaced area inside the existing entrance off Romilly Road are to be finished in brick paviors with timber decking and bench seats. A single tree of unspecified species is to be located in an elevated bed inside the site entrance as a visual feature, with additional unspecified planting inside the main entrance on its western side.

Planning Policies

Policy ENV27 (Design of New Developments) requires proposals for new development to have full regard to the context of the local natural and built environment and favours new development where (amongst other things) it complements or enhances the local character of buildings and open spaces.

Issues

The major issue to be considered is the impact of the works on the character and appearance of the school buildings and the local area.

The existing buildings are typical early 20th Century school buildings, built in red brick with slate roofs, and have a generally unrelieved functional appearance. The proposed works, whilst minor in the context of the whole site, will meet the objective of amalgamating the two schools whilst forming a visual link between the buildings and substantially improving the appearance of the main entrance to the site. There will be no impact on the amenities of any nearby residents and the overall character of the area will be unaffected.

CONCLUSION

The decision to recommend that planning permission should be granted has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policy ENV27 'Design of New Developments' of the Unitary Development Plan it is concluded that the proposals meet the objectives of that Policy in respect of the impact of the proposal on the wider street scene and character of the area.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. Prior to the area to the west of the entrance and the tree identified as No. 15 on Plan Ref: P AX 303 being planted, full details of the species and density of planting in those areas shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented in the first planting season following its approval and all failures shall be replaced for a period of five years thereafter.

Reason:

In the interests of visual amenity and to meet the objectives of Policy ENV27 'Design of New Developments' of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

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.

2008/00492/RG3 Received on 15 April 2008

Mrs. N. Williams, Waste Development Manager, Vale of Glamorgan Council, The Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA
Mr. Chris Herbert, SLR Consulting Ltd., Treenwood House, Rowden Lane, Bradford On Avon, Wilts., BA15 2AU,

Plot 6, Atlantic Trading Estate, Barry

Construction and operation of a household waste recycling centre (HWRC)

SITE DESCRIPTION

The site relates to a parcel of land approximately 1.05 hectares in area, situated on Atlantic Trading Estate.

Access to the site would be via the Atlantic Trading Estate Link Road and further roads within the Trading Estate, connecting into Hayes Road, which in turn provides access to the B4267 and then onto the A4050.

The site is generally flat, and comprises rough grassland, and is surrounded by vacant or previously developed industrial sites. To the south is the Severn estuary, with the nearest residential properties approximately 150m to the north.

DESCRIPTION OF DEVELOPMENT

The application seeks deemed consent for a household recycling centre for waste. The area of the proposed development site amounts to approximately 1.05 hectares, with the principal elements of the scheme comprising the following:

- Road improvements to the site and construction of site accesses.
- Re-grading existing ground to achieve construction levels within the public access area.
- Construction of concrete hardstanding.
- Construction of reinforced concrete retaining walls between operational and public areas, bulk fill and concrete hardstanding.
- Erection of a site office.
- Installation of site drainage and separator.
- Excavation to formation level within the lowered operational area; and
- New palisade fencing to the site perimeter, lighting and CCTV.

The accompanying planning statement advises that the design of the HWRC is based on accepted good practice, with provision made for the maximum recycling of materials delivered to the facility. The layout has been designed to accommodate any queuing into the facility without impacting on the wider highway network. The provision of a split level facility improves accessibility to bulk materials containers and allows for more efficient operation by separating the public and operational areas of the site.

A new access road is proposed as part of the proposals to enable a separate public entrance to the site to be provided on the western boundary. The public access will initially be two-way before separating into a one-way system at the unloading area which will avoid the need for vehicles to turn. Vehicles will leave the unloading area still on the one-way system via an access road around the eastern and southern boundary of the site before re-joining the two-way system.

HGVs will access the operational area via a separate access on the northern boundary.

The ground is generally flat and above the level of the surrounding roads. The public area of the facility, adjacent to the proposed retaining wall, will be raised above existing levels in order to reduce the overall excavation requirements and to allow the filling of waste bins/skips from above. The raised area will generally be 2m above the level of the slabs and a 1.1m high hand rail will be provided between the elevated area and the skips for safety purposes. Separate recycling skips will also be provided. The operational area of the facility will be set at a lower level achieved by excavation and installation of a reinforced concrete retaining wall which will separate the two areas. Gradients for the concrete hardstanding will be optimised to reduce the quantity of excavation and the need to remove material off site. An area of open storage and a drop off zone for white goods will also be provided at the site.

The staff office and car parking will be located at the centre of the site, within the one-way road system. The site office building will comprise of a prefabricated unit located on concrete foundation blocks. Within the building there will be a separate toilet, washroom and an office for site operatives.

The site will be surrounded by 2.4m high palisade fencing and will have floodlights and lamp posts for use during the winter period and at times of reduced daylight. Any lighting will be the minimum necessary for the safe operation of the site and its security and would be directed so as to only illuminate the site itself. In addition the site will be monitored by CCTV cameras to deter vandalism and fly tipping.

It is proposed that the hours of operation will be as follows:

- Mondays to Fridays - 0800 to 1800 hours
- Weekends and Bank Holidays - 1000 to 1600 hours

PLANNING HISTORY

06/00055/REG3 – Construction and operation of a household waste recycling centre, Minute No. C1768 2 March 2005. Granted 11 January 2007.

CONSULTATIONS

Barry Town Council is most supportive of this project which will replace and upgrade the existing substandard Civic Amenity Site at Hayes Road, Sully.

No objections are therefore raised subject to the proposed household waste recycling centre complying fully with Policies WAST1 and WAST2 of the Vale of Glamorgan Adopted Unitary Development Plan and in particular:

1. The Highway Authority being fully satisfied with the adequacy and safety aspects of the proposals for access by the public and by heavy goods vehicles.

Traffic management and associated signage should discourage access to the site along the narrow residential section of Hayes Road between Wimbourne Road and the Atlantic Trading Estate Link Road roundabout and across Barry Docks via the private road.

2. The Local Planning Authority being satisfied:
 - (a) That all appropriate measures will be taken to protect the amenities of residents living in Bendrick Road and Hayes Road.
 - (b) That the operation of the recycling facility would not adversely affect the occupiers of other business/industrial premises on the Atlantic Trading Estate.
 - (c) With the level of on-site car parking and provisions for public queuing.
 - (d) With proposals for landscaping, planting and site enclosure.
 - (e) With proposals for site security to prevent fly tipping, vandalism, etc.
3. The site being efficiently managed to prevent nuisance by way of noise and odour and that litter and vermin would be effectively kept under control.
4. This Council would wish to see the extension of the CCTV coverage onto land which surrounds the application site to deter fly tipping.

Environment Agency Wales advises as follows (in summary):

“Groundwater and Contaminated Land

With respect to land contamination of soil and groundwater, we are unable to comment further until a preliminary risk assessment has been submitted. We would therefore refer to our previous comments / conditions set out in our response dated 11 April 2006 (Ref CY/2006/013516/01).

The Agency have previously advised (on application ref: 2006/00055/REG3) that previous land uses may have caused contamination of the soil and groundwater at the site, and that in order to ascertain the degree of contamination and avoid the possibility of contaminants being released into groundwater or surface water as the site is developed, conditions should be imposed relating to contamination / remediation.

Flood Risk

The Agency's floodplain maps indicate that the proposed development is not within a fluvial floodplain and we have no record or awareness of any flooding having occurred on the site. For your information, other sources, for example, Local Unitary Authorities, may be able to provide details on issues such as localised flooding from drains, culverts, etc.

Biodiversity

The development is near Hayes Point to Bendrick Rock SSSI and CCW should be consulted regarding this proposal.

Drainage / Waste Issues

We note the proposed development intends to discharge foul water to the public sewer.”

They request a number of conditions are incorporated into any planning permission granted. The Agency's full response is provided at Appendix A.

Civil Aviation Authority has no safeguarding objection.

The Head of Visible Services (Highway Development) has yet to submit formal representations. However, the submitted Traffic Assessment is effectively as per the previous approval, on which there were no objections. Their formal comments will be provided to Members when available.

The Director of Legal, Public Protection and Housing Services (Environmental Health - Pollution Control) offers no objections and request that conditions are imposed relating to land contamination. They advise that the contents of the 2006 Noise Assessment have been noted.

Countryside Council for Wales does not object to the proposal. However, CCW draws the Authority's attention to the fact that the ecological information supplied is now three years out of date, and advise that it may be pertinent to ask the applicant to provide more up to date ecological information. Should your Authority grant permission based on the current ecological information, CCW would recommend that a condition be applied to any permission granted to ensure clearance of vegetation does not occur during the bird breeding season. This should be considered to be April to August inclusive.

They also welcome the provisions and comments regarding reptiles as contained in recommended Condition No. 12 below.

Glamorgan Gwent Archaeological Trust (GGAT) have previously advised that, in respect of the final archaeological report (resubmitted as part of this application), they have no objection to the determination of the application and are not recommending any conditions.

Dwr Cymru/Welsh Water advises that they have no objections subject to conditions in respect of foul water, surface water and land drainage run-off. They also advise that there are no foul/ surface water sewers in the immediate vicinity and that off-site sewers will be required to connect to the public sewerage system. The site is also crossed by a trunk / distribution water main.

The Head of Economic Development and Leisure's (Ecology) summarised comments are as follows:

"SSSI

A geological Site of Special Scientific Interest, Hayes Point to Bendrick Rock, lies on the shoreline to the south of the application site. It is recommended that the Countryside Council for Wales (CCW) be consulted on this application.

Reptiles

The ecological report concludes that the application site offers a moderate resource of habitat matrix for reptile species. A reptile mitigation strategy is submitted with the planning application. It is recommended that the Countryside Council for Wales (CCW) be consulted on this mitigation strategy to seek their approval before works commence on site.

Further to this mitigation strategy it is recommended that destructive removal of features with high potential for reptiles such as rubble piles be carried out by hand where possible and that all arisings should be removed after each stage of the vegetation clearance.

Great Crested Newts

It is noted that at least one pond lies within 500m of the application site, which is the recognised foraging range for a great crested newt. It is therefore recommended that the applicant be informed that great crested newts 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) (as amended). It is recommended that the good practice guidelines be followed to minimise potential impacts on great crested newts.

Nesting Birds

The vegetation on this application site may potentially be used by nesting birds. It is recommended that to comply with the law, a condition be included in any consent that states that any vegetation clearance should be done outside the nesting season unless it can be demonstrated that nesting birds are absent."

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

"The proposals constitute development within the coastal zone. Whilst the development is set back from the immediate coastline, the developer should be aware that the area is bordered by an area highlighted on the Environment Agency's Flood Maps as being at risk of flooding. It is therefore recommended that you seek the comments of the Environment Agency.

The submitted details indicate that the foul and surface water drainage from the proposed development is to connect to existing sewers. The foul and surface water drainage systems on the Trading Estate are in the ownership of the Council and it is recommended that you also seek the comments of the Client Department (Economic Development).

Surface water run-off from the proposed development may be accommodated within the existing surface water sewer located in the adjacent highway. The applicant should therefore be requested to provide full details of the proposals, including hydraulic flow calculations and the point(s) of connection, so that an assessment of the adequacy of the receiving sewer to accept the proposed flows can be made.

It is noted that surface water run-off from areas under the storage skips is to discharge to the existing foul sewer. There may be insufficient capacity within the foul drainage system to accept these proposed flows as the existing system was designed to cater for domestic foul flows only. Once again, the applicant should be requested to provide full details of the proposals, including hydraulic flow calculations, the point(s) of connection and the by-pass interceptor, so that an assessment of the adequacy of the receiving sewer to accept the proposed flows can be made. Upgrading works to existing drainage infrastructure may be required.

It is also recommended that you seek the comments of the Sewerage Undertaker, Dwr Cymru/Welsh Water as it is understood that there is limited capacity within their sewage pumping station at Bendricks Road, into which the foul sewers on the Atlantic Trading Estate eventually discharge. DCWW may not accept the surface water flows from the skip storage area into the public sewerage system.

The above drainage details should be submitted for the approval of the Local Planning Authority and Economic Development and prior to commencement of any works on site.”

REPRESENTATIONS

The application was advertised on site and in the press on 30 April 2008 and neighbour notification letters were sent on 22 April 2008 to the following addresses:

Nos. 2-40 (even) 17 – 47 (odd) Bendrick Road; Units 3a, 6, 8, 9, 10, 15a, 15d, 15, 15c, Atlantic House; The Bungalow and No. 1a Hayes Lane,;and Nos. 1a, 1b, 1c, 1d, 1 – 19 (odd) and 2 – 44 (even) Hayes Road.

Two letters of representation have been received from an occupant of Hayes Road and Bendrick Road expressing concerns about the impact of heavy traffic and requesting consideration of speed bumps at either end of Hayes Road to deter traffic and encourage it to use the new route. A copy of these letters are provided at Appendix B.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

EMP1 - LAND FOR EMPLOYMENT USES

ENV6 - EAST VALE COAST

ENV16 - PROTECTED SPECIES

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

WAST1 - PROVISION OF WASTE MANAGEMENT FACILITIES

WAST2 - CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

Issues

Planning permission has previously been granted on 11 January 2007 (ref: 2006/00055/REG3) for the construction and operation of a household waste recycling centre on a larger site (1.62ha) immediately adjacent to the current proposed site. The Council (applicant) has subsequently taken the decision to rationalise the proposed operations at the site, and as such have submitted this new planning application for revised proposals for a Household Waste Recycling Centre (HWRC).

There are currently two existing Civic Amenity sites (HWRCs) located within the Vale, one in Sully which serves the eastern part of the Vale (and the towns of Barry, Penarth and Dinas Powys in particular) and one on Llandow Industrial Estate serving the more rural central and western areas of the Vale.

It remains the case that the two existing sites are restricted in area and this is likely to significantly constrain future management of the sites to achieve high recycling rates. It is therefore proposed as part of the Vale of Glamorgan Council Municipal Waste Strategy that the two existing sites are replaced with new, improved facilities. The general location of the existing sites is suitable in terms of accessibility to the principal areas of population within the Vale, however neither of the two sites has adequate area for expansion and improvements and therefore it is necessary for new sites to be identified and developed.

Given the previous approval, and the fact that the use is considered appropriate for the Atlantic Trading Estate (Policy WAST1 allowing such uses on allocated employment sites), the development of this facility in this location is acceptable in principle.

Policy WAST2 provides criteria for assessing Waste Management Facilities, which particularly require (criterion i) that proposals conform with the principle of the waste hierarchy (reduction, re-use, recovery and safe disposal); the "proximity principle"; the principle of regional self sufficiency; the objective of waste avoidance, reduction and disposal; the setting of targets for reduction and modes of disposal.

In addition, it requires, inter alia, that it does not unacceptably affect residential amenity or public health; the quality or quantity of water resources has regard to the adequacy the highway network; interests of agriculture, nature conservation, areas of ecological, wildlife or archaeological importance or features of geological or geomorphological importance or landscape protection policies; has a high standard of layout, landscaping and design; and is not at an unacceptable risk of flooding, including tidal inundation, or does not increase the risk of flooding elsewhere.

In assessing the scheme, having accepted its general location, consideration should be given to the following broad areas:

- Traffic Impact
- Impact on Residential Amenity
- Effects on Ecology
- Control of Waste at the Site/Pollution
- Contaminated Land

Traffic Impact

In relation to traffic impact, an updated Transport Assessment (TA) was submitted with the application, which has identical conclusions to that submitted with the earlier proposal. The main conclusions of the TA are that the proposed development would result in a marginal increase in baseline traffic levels on Hayes Road and that the highway network would not be significantly affected in capacity terms. Standard capacity tests have been undertaken for the existing Hayes Road/B4267 roundabout which demonstrate that this junction will operate within capacity when taking into account the additional traffic generated by the proposed development. There would be no significant queues or delay to drivers as a result of this proposal.

The Highway Development Section raised no objection to the original, larger, scheme and their original comments are noted and have been incorporated into appropriate conditions to be attached to any consent.

Impact on Residential Amenity

A noise survey undertaken in September 2006 and in support of the original proposals was carried out to determine the potential impact on the nearest noise-sensitive residential property (No. 2 Bendrick Road). The assessment considered the following potential sources of noise: impact noise from dropping empty skips; disposal of glass etc into recycling bins; dragging skips across concrete, reversing beepers and HGV noise.

As the proposed development is a rationalisation of the former proposed scheme, it is accepted that it is not necessary to reassess the potential noise impact of the proposed development and as such the September 2006 report is submitted in support of this proposed development,

The report states that “the assessment indicates that noise levels for the operation of the Civic Amenity Site would be between marginal significance and a level where there would be a positive indication that complaints would be unlikely at the nearest noise sensitive property.” (P.8 Conclusion). As a result no mitigation measures have been considered necessary. Furthermore, noise levels were not conditioned in the Planning issued for the original scheme (ref: 2006/00055/REG3).

This assessment has again been considered by the Director of Legal, Public Protection and Housing Services (Environmental Health) who has no adverse comment.

Effects on Ecology

An ecological assessment of the proposed site for the HWRC was carried out for the previous application and as there has been no change in circumstances this assessment has been re-submitted for this application.

The main conclusions of the assessment are that the site has a low/moderate biodiversity index and is not a site of high ecological significance in a national, regional or local context. However, the site does provide a contribution to the ecology of the area and does provide, albeit in a limited way, linkage to the coastal zone. It is concluded that work on the site would have a minimal impact on ecology.

Whilst no reptiles were found on site, the assessment did identify the presence of habitat which has the potential to support reptiles, therefore a site clearance methodology has been prepared and accompanies the ecological assessment. The ecological value and interest of the site has been evaluated. In this respect, the comments of both the Countryside Council for Wales and the Council's own ecologist are noted. Their responses indicate that whilst no reptiles were found on site, the overgrown nature of the site presents a possible habitat and thus recommend that site clearance is undertaken to remove any possible animals found before development starts. CCW also previously recommended amendments to the reptile mitigation strategy, which can be appropriately addressed through condition, and they welcome the provisions regarding reptiles contained in recommended Condition No. 12 below.

Control of Waste at the Site/Pollution

In relation to possible pollution and odour nuisance, the Environmental Health Officer has previously advised no composting on site and no putrescible materials should be kept in the skips. Dust suppression will be needed in dry months. The Environment Agency advises that waste storage should be in a sealed impermeable bund.

Contaminated Land

The site, given its commercial history, may have been contaminated and therefore both the Environmental Health Officer and the Environment Agency have requested that an assessment of the site be undertaken and mitigation measures (if required) be agreed and implemented.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies WAST1 'Provision of Waste Management Facilities' and WAST2 'Criteria for Assessing Waste Management Facilities', TRAN10 'Parking', ENV27 'Design of New Developments', ENV29 'Protection of Environmental Quality', it is considered that the development will have no significant adverse impacts on traffic safety in the area, nor on the environment in general or the residential amenities of nearby occupiers. As a consequence the development is considered acceptable under the policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

2. The coastal road, which acts as a secondary access to Plots 15, 15a and 16, shall be re-routed in accordance with the proposed plans, and in a manner in accordance with full engineering details which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial use of the development hereby permitted.

Reason:

In the interests of highway safety and to meet the requirements of Policy ENV27 - Design of New Developments of the Unitary Development Plan.

3. Notwithstanding the submitted details full details, including sections, of the engineering works and other details for the layout of the cycle link and footpaths, the site fencing and gate access points, parking spaces and lighting on site shall be submitted to and approved in writing by the Local Planning Authority prior to work on these elements of the development hereby approved taking place and the development shall thereafter be carried out in accordance with the approved details and thereafter so retained at all times unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of highway safety and to meet the requirements of Policies ENV27 and TRAN10 of the Unitary Development Plan.

4. The site shall be enclosed in accordance with the details of fencing as approved under Condition No. 3 above prior to the site hereby approved being brought into beneficial use and shall thereafter be so retained at all times unless the Local Planning Authority gives written consent to any variation.

Reason:

To safeguard the visual amenities of the area in accordance with the requirements of Policies ENV27 and ENV29 of the Unitary Development Plan.

5. Details of wheel washing and dust suppression schemes shall be submitted to and approved in writing by the Local Planning Authority and the facilities as approved shall be available on site at all times during construction works of the development hereby approved.

Reason:

To prevent pollution and waste material on the roads in the interests of the amenities of the area and highway safety and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

6. Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

Reason:

To prevent pollution of the water environment, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No development shall take place on site until such time as a scheme to deal with any contamination or landfill gas on the site has been submitted to and approved in writing by the Local Planning Authority and the scheme for mitigation for any such contamination of landfill gas shall be fully implemented in accordance with the approved scheme and, upon completion of the remediation, a report shall be submitted to the Local Planning Authority verifying that the required works have been carried out including post remediation sampling and monitoring results.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

8. Any soils or similar material to be imported onto the site shall be assessed for chemical and other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the local planning authority in advance of its importation, and only material approved by the Local Planning Authority shall be imported.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

9. There shall be no illumination on the site between the hours of 9:00 pm to 7:00 am unless the Local Planning Authority gives written consent to any variation.

Reason:

To safeguard the visual amenities of the coastal location and to control light pollution and to meet the requirements of Policies ENV27 and ENV29 of the Unitary Development Plan.

10. A scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of this coastal location and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. Notwithstanding the submitted site clearance methodology, prior to the commencement of any site clearance a revised reptile mitigation strategy, to include translocation of any protected species, erection of boundary fencing prior to clearance, and use of hand-held trimmers instead of brushcutters, shall be submitted to and approved in writing by the Local Planning Authority and the mitigation strategy/ translocation shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives written consent to any variation.

Reason:

To safeguard any species present on the site at the time of the development and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

13. Vegetation clearance shall only take place outside the nesting season (March to September) unless it can be demonstrated that nesting birds are absent from the site.

Reason:

To ensure that protected species are not adversely affected and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

14. Full details of a scheme to deal with foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall include full details of the proposals, including hydraulic flow calculations, the point(s) of connection and the by-pass interceptor, and shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial use of the facility hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. It is recommended that the following good practice guidelines be followed to minimise potential impacts on great crested newts, assuming potential presence on the application site:

Contractors should be made aware that there is a possibility of encountering great crested newts unexpectedly during the development work.

Take particular care when disturbing materials/rubble/dense vegetation at ground level that could be being used by sheltering/hibernating great crested newts.

Keep grassland on/surrounding the development site short to discourage newts from entering site.

In the event that great crested newt is found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales. Tel: 02920 772400.

2. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.
3. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
4. It is an offence under the Wildlife and Countryside Act 1981 (Section 1) to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
5. The attention of the applicant is drawn to the fact that the site is crossed by a trunk/ distribution watermain and may be affected by the development.

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.

06/01458 /mu 'A'

DR Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT

Application No. 2006/01458/FUL: Porthkerry Road Methodist Church

Dear Sir,

I am writing to object to this planning application. The proposed new building is too large for its environs, the housing density is too great, and the provision of parking is insufficient. It is in contravention of the Vale of Glamorgan Unitary Development Plan Policy Hous 8 (i) (ii) (iii) and (v):

- (i) The scale of the proposed new building is not sympathetic to the environs of the site, which has special aesthetic value due to the high-quality façade of the church. The proposed new building is far too large, relative both to the church and neighbouring houses. Its maximum height should be within the existing roof-line of houses on Porthkerry Road. (The plans do not specify a height, but show it as roughly the same height as the church.) It should also be well back from the road, in line with houses on Porthkerry Road, not the front of the Church.
- (ii) In its current form, the proposed development will have an unacceptable effect on the amenity and character of the existing environment, which is characterised by high-quality period dwelling houses that are occupied by single families. It will increase the housing density in the area to an excessive degree. It will spoil the look of the church, which was designed to be visually dominant within the street, and should not be overshadowed by any new development.
- (iii) This is an area of high quality townscape. The proposed development will have an unacceptable impact on the character of the area.
- (v) The provision of car parking space is not in accordance with the council's approved guidelines (UDP appendix 6 table 1 states that one and two bedroom dwellings should have 1-2 spaces per unit, plus 1 visitor space per 3-5 units. Therefore the proposed development should have a minimum of 21 spaces to cope with the density of housing proposed, and preferably more; as it stands it only has 16). Parking is already under pressure in this area, for a variety of reasons, and the old hotel on Windsor Road/Broad street is currently being converted into flats, which will add to this pressure. The conversion of the soon-to-be abandoned church to housing is not bad in itself, but should not be allowed to add to the pressure on parking.

Yours faithfully,

Name:

Arleen and Lewis Allan

Address:

"St Helier"
58 Romilly Road
Barry

the Vale of Glamorgan Council,
Planning & Transport Division,
Dock Offices,
Barry,
Vale of Glamorgan.
CF63 4RT.

06/01458/FUL 'A₂'

1st November 2006

FOR THE ATTENTION OF MRS. Y. J. PRICHARD

Application No. 2006/01458/FUL

REF: Conversion of Porthkerry road church to residential (8 units) and new residential block (9 units) with associated works.

Dear Mrs. Prichard,

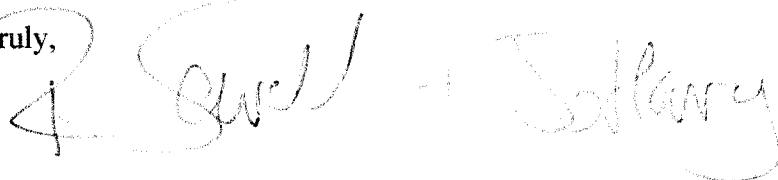
Further to your letter dated 27th October 2006 (reference above).

I have several objections regarding the proposed plans for this site; I have listed them and the reasons below:

1. It has been proposed that the existing building next to the church be demolished to be replaced by a new residential block consisting of 9 units. The height of the building will be the same as the pitched roof of the existing church. This is far too high towering over the buildings along side, and the space the block will take up could be put to better use. (see point 2.)
2. It states in the plans that parking for 16 cars will be provided; this will hardly be adequate parking as I am sure you are aware most families these days have at least two cars, along with the 8 apartments going into the existing church there could be at least 34 cars. If the area to the side of the church was not used for the proposed new residential block it could be used to provide adequate parking, as parking in this area is already a problem, especially with the B & B's and Hotels in the area, more proposed flats on the Windsor road site and the new apartments under construction in the Barry Hotel.
3. The plans state that access to the parking area will come off of Porthkerry road, this is a very busy road, and the access point is right on the turning onto Windsor road and junction to the lower part of Porthkerry road. This would make things doubly dangerous.
4. The proposals do not state that the 'units' will be sold privately. 'Residential' could mean anything from housing association to housing for the homeless. I would like reassurance that these are to be sold as private apartments.

I look forward to updates on progress regarding this particular application.

Yours truly,



Address:

3 Bonzey Road PA.2 CF63 2AZ

06/01458/FUL 'B'

The Vale of Glamorgan Council,
Planning & Transport Division,
Dock Offices,
Barry,
Vale of Glamorgan.
CF63 4RT.

28th June 2007

FOR THE ATTENTION OF MRS. Y. J. PRICHARD

Application No. 2006/01458/FUL

REF: Conversion of Porthkerry road church to residential (8 units) and new residential block (9 units) with associated works.

Dear Mrs. Prichard,

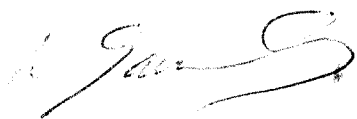
Further to your letter dated 19th June 2007 (reference above).

I made several objections regarding the proposed plans for this site when the original plans were submitted, one of the points has been addressed but there I still have concerns: I have listed them and the reasons below:

1. It has been proposed that the existing building next to the church be demolished to be replaced by a new residential block consisting of 9 units. The height of the building has been lowered in the new plans, but there is no indication that the number of units has changed, even if there are now only 6 units there are still concerns about parking (see point 2).
2. It states in the plans that parking for 16 cars will be provided; this is hardly adequate parking as I am sure you are aware most families these days have at least two cars, along with the 8 apartments going into the existing church there could be at least 28 cars (depending on the number of units), maybe more as 10 of the units will be two bedroom. If the area to the side of the church was not used for the proposed new residential block it could be used to provide adequate parking, as parking in this area is already a problem, especially with the B & B's and Hotels in the area, more proposed flats on the Windsor road site and the new apartments in the Barry Hotel.
3. The plans state that access to the parking area will come off of Porthkerry road, this is a very busy road, and the access point is right on the turning onto Windsor road and junction to the lower part of Porthkerry road, you also have cars joining this road from lower and upper Romilly Road. This makes things doubly dangerous.

I look forward to updates on progress regarding this particular application.

Yours truly,



06/0 1458 /ru 'C'

The Vale of Glamorgan Council,
Planning & Transport Division,
Dock Offices,
Barry,
Vale of Glamorgan.
CF63 4RT.

D.E.E.R
RECEIVED
ACTION BY: JYD
NO: P384
ACK: H 15/4/08

RECEIVED

15 APR 2008

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

11th April 2008

FOR THE ATTENTION OF MRS. Y. J. PRICHARD

Application No. 2006/01458/FUL

REF: Conversion of Porthkerry road church to residential (8 units) and new residential block (6 units) with associated works.

Dear Mrs. Prichard,

Further to your letter dated 1st April 2008 (reference above).

I made several objections regarding the proposed plans for this site when the previous plans were submitted, as far as I can see none of these objections have been addressed:

1. It has been proposed that the existing building next to the church be demolished to be replaced by a new residential block consisting of 6 units. If the area to the side of the church was not used for the proposed new residential block it could be used to provide adequate parking for the proposed 8 units in the existing church. Parking in this area is already a problem, especially with the B & B's and Hotels in the area, also the close proximity to Romilly Park junior school.
2. It states in the plans that parking for 16 cars will be provided; this is hardly adequate parking as I am sure you are aware most families these days have at least two cars. The plans show that 4 of the 14 apartments are single bedrooms the other 10 are doubles, this means potentially there could be up to 50 vehicles, thereby leaving 34 with no place to park.
3. The plans state that access to the parking area will come off of Porthkerry road, this is a very busy road, and the access point is right on the turning onto Windsor road and junction to the lower part of Porthkerry road, you also have cars joining this road from lower and upper Romilly Road. This makes things doubly dangerous. The cars that are unable to park in the spaces provided will park either side of the proposed entrance making visibility even more restricted for cars coming out of the site car park and make an already congested road and dangerous corner even worse.

I look forward to updates on progress regarding this particular application.

Yours truly,

John Bowler

06/01458/FUL C₂

The Vale of Glamorgan Council,
Planning & Transport Division,
Dock Offices,
Barry,
Vale of Glamorgan.
CF63 4RT.

Sunrise Residential Home,
11, Porthkerry Road,
Barry

FOR THE ATTENTION OF MRS. Y. J. PRICHARD

11th April 2008

Application No. 2006/01458/FUL

REF: Conversion of Porthkerry road church to residential (8 units) and new residential block (6 units) with associated works.

Dear Mrs. Prichard,

Further to your letter dated 1st April 2008 (reference above), our objections are as follows:

1. Due to the close proximity of the proposed buildings ie. right next to our Residential home, we are very concerned for our residents. The mess and noise from demolition and reconstruction on the church site will be very upsetting for our Elderly Residents, some who are already in a very delicate state.
2. It has been proposed that the existing building next to the church be demolished to be replaced by a new residential block consisting of 6 units. Parking in this area is already a problem, especially with the B & B's and Hotels in the area, also the close proximity to Romilly Park junior school. Relatives visiting their family members already have a problem parking close to the Home, and if they want to take some-one out for the day it would make it impossible for them to park close enough for safe access to the vehicle, on an already dangerous part of the road.
3. It states in the plans that parking for 16 cars will be provided; this is hardly adequate parking as I am sure you are aware most families these days have at least two cars. The plans show that 4 of the 14 apartments are single bedrooms the other 10 are doubles, this means potentially there could be up to 50 vehicles, thereby leaving 34 with no place to park.
4. The plans state that access to the parking area will come off of Porthkerry road, next to our Residential home, this is a very busy road, and the access point is right on the turning onto Windsor road and junction to the lower part of Porthkerry road, you also have cars joining this road from lower and upper Romilly Road. This makes things doubly dangerous. The cars that are unable to park in the spaces provided will park either side of the proposed entrance making visibility even more restricted for cars coming out of the site car park and make an already congested road and dangerous corner even worse.

I look forward to updates on progress regarding this particular application.

Yours truly,



06/01458/FUL³

The Vale of Glamorgan Council
Planning & Transport Division
Dock Offices
Barry
Vale of Glamorgan
CF63 4RT

50, Romilly Road
Barry
Vale of Glamorgan
CF62 6LF

April 14, 2008

FOR the attention of Mrs. Y. J. Pritchard:

Application No. 2006/01458/FUL

Ref. Proposal: conversion of Porthkerry Road Church, Barry into residential (8 units) and new residential block (6units) with associated works.

Dear Mrs. Pritchard,

After reviewing the planned proposal in more detail, please see below the list of objections we have noted and know that many other residents also object to:

1. The height of the proposed new block will still likely restrict early Winter sun to our property. This proposed development is also not in keeping with the surrounding dwellings due to its size. We would like you to consider not exceeding existing roof lines.
2. The parking is also very inadequate for the proposed number of dwellings and the entrance to the car park will be in a potentially dangerous position being on the bend of an already busy and steep road.
3. The proximity of the new block will be very close to our property with windows facing directly into our bedrooms and living rooms.
4. Another concern is that the proposed materials to be used in the construction of the new block do not seem in keeping with existing properties i.e. red brick / slate construction.
5. Another point directly relating to us is the safe demolition of the green corrugated building as we have been informed there is a likely presence of asbestos. Please can you forward us the name / department of who we need to speak to concerning this issue?
6. We have a young family and have concerns over noise levels and dirt and dust are prevalent. Are there any restrictions that can be enforced to minimize the effects of these problems?

Finally is it possible to speak to those persons applying for planning and can you advise us how to contact the relevant councilors in this matter.

Kind regards

Mr. and Mrs. L Wallington

From: Richard Liddell [admin@liddellarchitects.co.uk]
Sent: 16 May 2008 12:13
To: Abraham, Victoria L
Cc: Alf Williams
Subject: Fwd: Porthkerry Road Methodist Church (06/01458/FUL)

Attachments: Untitled Attachment



Untitled Attachment

>
> Dear Sir
>
> Porthkerry Road Methodist Church
>
> I refer to your email below and confirm that the church objects to
> entering into a Section 106 for the sums mentioned but recognises that
> there is no alternative in order to obtain planning permission.
>
> The objection is based on the fact that the proceeds from the sale of
> the property will act as seed funds for, and will be ploughed back
> into, the Waterfront Community project in Barry Docks. The Portkerry
> Road project has never been of great value because of the work
> required to the existing church, a Listed Building, and in the current
> economic climate that value has been considerably eroded.
> It may be that after the S106 charges have been paid, there will
> literally be little left.
>
> The S106 funds will drastically reduce the funds available for the
> Waterfront, as you know, if a project has a reasonable sum as match
> funding, then it is easier to attract other grant aided funds
>
> While therefore the church agrees to enter into the S106, I would not
> want you to report to your planning committee that we are a willing
> partner to such an agreement. Given that the receipts are to be
> utilised in a community project we are of the view that your Authority
> in this instance should waive all contributions.

I also understand that considerable sympathy has been shown to our objection to the implementation of the S106 agreement by the new Council Members and meetings are still ongoing to avoid paying these sums in order to re-invest for the benefit of the community at the Barry Waterfront and the surrounding area.

>
> Regards
>
> Richard J Liddell
> BArch(Wales)RIBA
>

>
> On 14 May 2008, at 11:50, Abraham, Victoria L wrote:

>
>> Dear Sir,
>>
>> I write further to my letter dated 7th February 2008 regarding the
>> above planning application and associated planning obligations.
>> Following discussions with the applicant, we have agreed that we will
>> no longer require a community facilities contribution
>> (£10,000) on the basis that the financial receipt from the sale of
>> the site will be used to fund a community centre at Barry Waterfront.
>>
>> Therefore, the Councils revised planning obligation requirements are
>> as follows:

>> Sustainable transport - £25,000
>> Public Open Space - £30,000
>> Public Art - 1% of the build costs (to be submitted for calculation)
>> Section 106 admin fee - £979.20 Legal fees (unknown)
>>
>> I would be grateful if you could confirm that your client will be
>> willing to enter into a Section 106 agreement containing these
>> requirements, so that the matter can be reported to Planning
>> Committee. In order to report to 5th June Planning Committee I will
>> need your response this week.
>>
>> Many thanks,
>>
>>
>> Vicky Abraham
>> Principal Planner - Development Control
>>
>> Vale of Glamorgan Council,
>> Dock Office,
>> Barry CF63 4RT.
>>
>> Tel. 01446 704662
>> Fax. 01446 704847
>>
>> *****
>> *
>>
>> Fe all fod gwybodaeth freiniol a/neu gyfrinachol a/neu ddeunydd dan
>> amodau hawlfraint y neges e-bost yma. Os nad y chi sydd i fod gael y
>> neges, neu'r un sy'n gyfrifol am ei throsglwyddo, rhaid i chi beidio
>> a'i chopio na'i throsglwyddo i neb un arall na'i defnyddio mewn
>> unrhyw fodd o gwbl. Mae gwaharddiad ar i chi wneud hynny ac efallai y
>> byddech chi'n torri'r gyfraith trwy wneud hynny. Dinistriwch y neges
>> yma acanfonwch neges e-bost at y sawl a'i hanfonodd i roi gwybod iddo
>> fe. Dydy Cyngor Bwrdeistref Sirol Bro Morgannwg ddim yn cymeradwyo
>> unrhyw farn, casgliad na gwybodaeth sy heb fod yn ymwneud a'n
>> materion swyddogol ni.
>>
>>
>>
>> Privileged and/or confidential information and/or copyright material
>> may be contained in this e-mail.If you are not the intended recipient
>> or the person responsible for delivering it to the intended recipient
>> you must not copy it,deliver it to anyone else or use it in anyway
>> whatsoever.To do so is prohibited and may be unlawful. Instead,
>> kindly destroy this message and notify the sender by reply e-mail.
>> Opinions,conclusions and other information in this message that do
>> not relate to the official business of the Council of the Vale of
>> Glamorgan shall be understood as neither given nor endorsed by the
>> Council.
>>
>> *****
>> *
>>
>>
>

Regards

Richard J Liddell
BArch(Wales)RIBA

D R Thompson
Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office, Barry Docks
Barry CF63 4RT

06/01514/LBC
APPENDIX A

22nd November 2006

Application No. 2006/01514/LBC: Porthkerry Road Methodist Church

Dear Sir,

I am writing to object to the above application for listed building consent:

1. **Curtlage:** Under Section 1 (5)(b) of the Town and Country Planning Act 1990 the Sunday School building is a 'curtlage building' and as such should be treated as part of the principle building.
2. **Proposed Demolition of the Sunday School Building:** The application for LBC dismisses the Sunday School building as 'nondescript', and proposes that it should be demolished. In fact, the Sunday School is a well-proportioned building that is nicely judged in position and size, both in relation to the church itself, and the street as a whole. It may have no outstanding architectural merit on its own account; and certainly it has not been flattered by rendering, and assorted subsequent additions. But under the 1990 Act, together with the Secretary of State's policy guidelines, as revised in Welsh Office Circular 1/98, the Porthkerry Road Methodist Church site must be considered as a whole. *The existing Sunday School building is a sympathetically proportioned part of that whole.* The fact that the Sunday School building effectively disappears from sight, and is unnoticeable from almost every angle of view is a *virtue* of the existing design, not a defect. By dismissing the existing building as nondescript, the applicant appears to be arguing that demolishing it and replacing it with a far larger, far more prominent, less sensitively positioned but no less non-descript *new* building might somehow be of benefit. But there is no reason to believe this is the case, and many reasons to suppose the opposite.
3. **Front line of the proposed new building:** The existing Sunday School building is set back slightly from the front line of the church, allowing the church's elegant façade (presumably a major part of the reason why this building attracted listed status) to stand proud from all adjacent buildings, and providing for uninterrupted views from every angle of approach. But the proposed new building has been placed *level* with the front-line of the church, impairing the view of the church from Porthkerry Road and Windsor Road, and considerably reducing its visual impact from other angles. (The proposed new building does not extend as far to the rear of the site as does the Sunday School, so there would appear to be no good reason why it should not respect the front line of the existing building, a minimal change that would considerably reduce the impact of the current plans.)
4. **Size of Proposed New Building:** *The proposed new building is clearly too large.* It has approximately 50% additional height and almost 100% additional breadth in relation to the existing Sunday School (ignoring the current covered entrance, which is very low and predominantly glass). Such a building would have a major visual impact on the church itself. On its front elevation, the proposed new building is actually *wider* than the church itself. It is approximately the same height as the transept (though the plans commit to no exact elevations). It is sited very close to the church, and its sheer bulk would make it

06/01514/LBC

'A'

dominate the site. This proposal does *not* constitute an architecturally sympathetic treatment of this attractive Grade II listed building.

5. **Elevations:** Under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Secretary of State's policy guidelines contained in Welsh Office Circular 61/96 (paragraphs 103/104), local planning authorities should not accept applications with inadequate drawings. Welsh Office Circular 1/98 Appendix C Section 2 clarifies this: 'The Secretary of State considers that ... for all but the simplest work ... [an application for listed building consent] will normally include ... measured drawings of all floor plans and external or internal elevation affected by the proposed works.' *But the plans submitted by the applicants specify that 'exact elevations will be determined on site'.* Accepting this application would therefore be in contravention of the Secretary of State's guidelines and the 1990 Act. A four storey building is being proposed to replace an existing one-storey building, with no commitment to limiting the final elevation in relation to that of the church.
6. **Architectural character of the proposed new building.** Architecturally, the proposed new building is undistinguished — no less 'nondescript' than the Sunday School it would replace, but of relatively massive and intrusive proportions. Saving a slate pitch roof and possibly the use of stone facings (assuming these match the church), its architectural detail relates it neither to the neo-gothic church building, nor the predominantly bay-fronted red brick houses in Porthkerry Road and Romilly Road. It can add nothing to the attractiveness of its environs, but its sheer bulk and unsympathetic positioning will take much away.
7. **The proposed reduction of levels** in front of the existing Sunday School building to create street access to the 'underground' car park constitutes a radical, unsympathetic alteration to the curtilage of the church, which will have a negative impact on the appearance of the church building itself, and on the street as a whole.
8. **The 'tin tabernacle':** Before permission is given for its demolition, the corrugated iron building to the rear of the church should be given consideration as being of possible historic interest in its own right. (Are its original internal fittings intact?) This charismatic old building constitutes part of the historic character of the church, and warrants some consideration.
9. **The proposed windows in the rear elevation** of the church will have a negative impact on the church. They are designed to match the windows in the proposed new building, but bear no relation to existing windows in the church itself. The two windows in the stone-clad rear wall of the church (to either side of the rendered and painted lean-to building) would have a particularly unattractive impact, jammed as they are between the buttresses and the lean-to.
10. **Parking provision:** The LBC application states that 16 parking places is 'reasonable' provision for 17 flats. But according to the Vale of Glamorgan UDP guidelines, 21 parking spaces would be a bare minimum for a development of this size.
11. **Desirability/necessity of the proposed development:** The statement in support of the application says the church congregation has had difficulty managing and sustaining the church building, and is motivated to convert it into flats by the desire to 'fulfil its long term future.' The statement goes on: 'To make the proposal financially viable a small group of flats in a new block is considered necessary'. This statement is misleading. What is being funded by means of the development of the Porthkerry Road Methodist Church site is not the preservation and maintenance of the church building, but the construction of a *new* church on a different site. The Methodist Church is a non-profit making organisation, but the logic of this development is straight-forwardly commercial: Extra flats are proposed in place of the Sunday School building in order to increase the value of the site to potential developers, in order to fund the development of a new church building on a different site. The benefit of this proposed development will be the church congregation and the ultimate

06/01514/LBC

'A'

developers of the site, not the church *building*, the integrity of which will be permanently harmed by these insensitive proposals.

12. **Density of development:** The application also states that, given the size of the site, more flats could have been accommodated. Well, yes: A high-rise is no-doubt technically feasible. But this hardly goes to show that the scale of the proposed development is sympathetic to the character of the church, or reasonable in the environs. The current Sunday School building occupies a site that a pair of semis might occupy in Porthkerry Road or Romilly Road. If housing is to replace it, why should any greater housing density than this be necessary, or desirable?
13. **Road safety:** Not of direct relevance to its listed status, but of great concern to local residents. What consideration has been given to the safety of the street access to the proposed underground car park, sandwiched between the junction of Romilly Road and Porthkerry Road, and the junction between Porthkerry Road and Windsor Road? Due to the steepness of the street here, traffic moves quickly. The street is used for parking by local residents, clients of the two hotels, parents of children at Romilly Road School, visitors to the other churches in the area and, soon, residents of the new flats in the converted Barry Hotel. Recent traffic calming measures on Romilly Road have been a great success (though the junction between Romilly Road and Porthkerry Road has not yet been modified to slow traffic turning left from Romilly Road into Porthkerry Road). Has any thought been given to the road safety impact of a new entrance/exit on this crowded section of road?
14. **Porthkerry Road Methodist Church is one of only six churches in Barry that have been given listed building status.** Everyone who lives nearby wishes to see this historic building well-maintained and preserved, but the current proposals are not a suitable way to secure its long term future.

Yours faithfully,

Name:

Address:

07/00655/OUT

APPENDIX A

The Nook
Corntown Road
Ewenny
Vale of Glamorgan
CF35 5BH
29th May 2007

Dear Sir

Town and Country Planning Act 1990

Application No. 2007/00655/OUT

Location : Cornerways and Swn – y Coed, Wick Road, Ewenny

Proposal : Redevelopment to 4 detached properties

Thank you for your letter dated 21st May 2007. I have had an opportunity to examine the plans at your offices and confirm that I strongly object to the planning application on the following grounds;

- **Policies of the Vale of Glamorgan Adopted Unitary Development Plan**

- Policy Env 11 – Protection of Landscape Features (para 3.4.39)

“DEVELOPMENT WILL BE PERMITTED IF IT DOES NOT UNACCEPTABLY AFFECT FEATURES OF IMPORTANCE TO LANDSCAPE OR NATURE CONSERVATION INCLUDING: TREES, WOODLAND, HEDGEROWS.....”

N.B The proposed development will, it appears, involve the loss of traditional orchard trees and is likely to have a detrimental effect on a mature tree located in next doors garden (Glendale) as plot 3 will be built under the canopy spread (the canopy of the tree is not correctly shown on the plan submitted and will affect the root system).

- Policy Env 27 – 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.....

D.E.E.R
RECEIVED
ACTION BY: MG/JDB
NO: 0159
ACK: A JLV

31 MAY 2007

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AND COMMUNITY
REGENERATION

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- lv minimises any detrimental impact on adjacent areas

N.B The proposed development pays no regard to the "local character" of the villages of Ewenny and Corntown, the special features of which are large properties set in spacious private gardens. Instead the proposal will create a relatively high density development at the edge of the open countryside. If approved, then this will set an unfortunate precedent in that all the properties on Corntown Road are set in large gardens and it may encourage unnecessary development pressure. In another location this could be considered as "backland development". The proposal fails to meet with the Council's approved standards of amenity and open space particularly in regard to the impact on the amenity of the adjacent property "The Nook". The development has a detrimental effect on the amenity that we enjoy at our property as three bedrooms (including one in the loft) at the rear of our property, the recent summer room extension and our balcony will be overlooked from a distance of approx 14 metres (10 metres from the boundary). In addition to this, the primary part of our garden where we have privacy will be overlooked. We are currently constructing a patio / seating area, child's play area for my daughter and hot tub/decked area in this space. The detrimental effect is exacerbated by the differences in levels between the Nook and the land behind and the new properties will have intrusive views from the proposed dormer windows and almost certainly from the ground floor level.

Please be aware when visiting the site that the plan as submitted as part of the application does not show the correct size of "The Nook", prior to purchasing the property approx five years, a bedroom extension to the rear and a kitchen extension and been undertaken (with planning consent) and a loft conversion with dormers to the rear. The impact on our property can therefore only be appreciated from a site visit to our garden/property as well as to the applicant's property. This will demonstrate how domineering the effect the proposed properties will be on our property.

➤ **Policy Hous 8 –Residential Development Criteria – Policy Hous 2 Settlements "subject to the provisions of Policy Hous, Development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria.....:**

- i. **The scale form and character of the proposed development is sympathetic to the environs of the site**
- ii. **The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise,**

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traffic congestion, exacerbation of parking problems or visual intrusion

N.B Despite being in the settlement boundary, the proposed development is not sympathetic to the environs to the site particularly with regard to the effect on neighbouring properties and being adjacent to the open countryside. The proposed development will have an unacceptable effect on the amenity and character of our property The Nook as our property will be in effect surrounded on two sides by close development which will lead to visual intrusion. Although there is a small amount of greenery on the existing rear boundary of our property, during the winter, a certain amount of privacy is already lost. It is considered that any fencing or high level screening proposed by the developer will overshadow and darken the rear of or property and cause loss of daylight.

- **Policy Hous 11 – Residential Privacy and Space – Existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.**

The aim of this policy is to protect existing high quality housing areas from over development or insensitive or inappropriate infilling.

N.B The Villages of Ewenny and Corntown are characterised by high standards of privacy and spaciousness. Our property "The Nook" is one of the smaller plots in Ewenny and due to the levels and the position of the house in relation to its rear boundary, the primary part of the garden for enjoyment (which happens to be the part which receives most sunlight) will be exposed to the occupiers of the proposed new dwellings. It is considered that this proposal is both insensitive and inappropriate at this location.

Taking into account the Council's approved Amenity Standards which was approved for development control; purposes on 6th January 1999 (Updated 2002), I have the following additional comments to make;

- **National Planning guidance states that insensitive infilling should not be allowed to damage an area's character and amenity. "This includes any such impact on neighbouring dwellings such as serious loss of privacy or overshadowing"**
- **The UDP states that all new development within existing residential areas provides an acceptable level of amenity and privacy and does not adversely affect the amenity of existing properties**
- **It appears that through providing privacy standards for the proposed new dwellings, there has been a total disregard by**

07/00655/OUT

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the developer for our property, as the most useable part of our garden will become exposed as a direct result of this development.

- The proposed development involves the siting of plot three only 10 metres away from the boundary. The Nook is only located 4.3 metres away from its rear boundary, making a total of 14.3 metres between habitable rooms. Clear views of our private side garden will also be allowed by at least two (Plot 2 and 3) of the four dormer bungalows if the development goes ahead.
- Para 5.11 states that many new developments are dependent on the large garden curtilages of existing dwellings to accommodate the necessary distance between habitable rooms and it is unacceptable. The developer on this occasion has located one dwelling at the absolute minimum distance of 10 metres but our property does not have a rear garden of 10 metres, merely 4.3 metres set at a much lower level. The effect of moving the dwelling further away will increase the views into the garden due to the elevated nature and incline of the site.
- Policy 5 states that "the construction of residential development should not result in an unacceptable loss of daylight or sunlight to neighbouring properties". The side and rear garden is south facing and it is considered that the proposed dwellings will block sunlight and cause a shadow over the sunniest part of the garden (which currently receives sunlight for most of the day) and this will be particularly important during the winter when the sun is lower in the sky.

Conclusion

The Council clearly states in its adopted UDP that "its objective is to maintain the individual character of individual settlements and the Rural Vale of Glamorgan". I hope that the Council does this and protects our interests in the context of the policies outlined above which I believe are all material considerations in the determination of this planning application. I consider that if this development goes ahead there will be a detrimental impact both on the character of the village and on the amenity of our property "The Nook" to the extent that the property will affect its attractiveness and blight its value.

Yours Faithfully
G. Hamm

MRS CLAIRE HAMM

2007/00722/FUL-Appendix A

Ball, Steve J

From: Butler, Stephen
Sent: 04 February 2008 17:05
To: Ball, Steve J
Subject: FW: Llantwit Major Social Club Redevelopment

-----Original Message-----

From: geoffrey harding [mailto:gandrharding@talktalk.net]
Sent: 28 January 2008 22:59
To: sbutler@valeofglamorgan.gov.uk
Subject: Llantwit Major Social Club Redevelopment

Dear Mr. Butler,

I am responding to a letter sent to me on 15/01/08 reference P/DC/SJB/2007/00722/FUL, requesting comments on Llantwit Major Social Club, demolition of part of existing building and construction of 16 No. apartments.

I understand from our telephone conversation that Mr.S.Ball is away and that I should send this to you, as the closing date for comments is tomorrow 29/01/08.

My response to previous proposals for this site, which will be on your files, represented my own views and those of some neighbours with whom I have liaised. The comments below are on the same basis.

It is good to see that there has been considerable progress in rectifying various shortcomings in the proposal. These appear to be as follows:-

1. Now, there will be no new dwellings facing north and lacking sunlight, as there were in the previous layout. Even dwellings 4 and 11 will receive sunshine for some parts of the day.
2. The introduction of parking along the drive is set back, giving extra width so that passing of vehicles is facilitated (labelled 'passing area').
3. The existing gate to the town hall car park is to remain (presumably not padlocked as at present).
4. The fine main steps and entrance door will now be an access to a dwelling rather than an inappropriate and unfunctional window to a small bedroom.

However, some of the modifications to the proposal still give rise to adverse comment. These are as follows:-

A. The parking provision is stated to be 24 places. (There appear to be 23). It is considered that this is still inadequate bearing in mind the previous strong views previously submitted. There are a number of adjacent, older town houses that have no onsite car accommodation; they have to keep their vehicles on the road. At present, and particularly at weekends, three spaces on Colhugh Street and others in Spitzkop become so full as to make it difficult, indeed sometimes impossible, to find room to park. The present inconvenience to those residents with small children and those who expect visitors will be exacerbated by any shortcomings in the parking provision at the new development.

The new dwelling owners of the club development will obviously use Colhugh Street and Spitzkop at peak periods, when the town hall car park is usually full.

It is felt that two spaces per dwelling should be provided within the confines of the proposed development site.

04/02/2008

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B. Previously, any wheel-chair resident living in the new proposed dwellings could not gain access to their meters and post boxes which were located up steps in the existing building section. The new plan shows a level corridor seemingly to overcome this problem. However, this corridor serves dwellings 2 and 3 in the existing building which has higher floor levels. No steps are shown at their entrances. Is this an oversight or incompetent planning?

C. The drawings now purport to show the existing trees on site, which is important in a conservation area, (The drawing quotes "Revision 8 October existing trees indicated"). Four are shown. You will note from my previous comments on this project that there are NINE trees, (see my amended additions to drawing 26217/S/02 Jan 2007, following survey of the trees). Again one questions the validity of the developer's submission. One particularly fine tree is located in the centre of the proposed vehicular turning space.

So, although there has been some improvement in the submission, I would request that the above matters be taken into consideration.

I am forwarding copy of this letter to a number of neighbours and to Llantwit Major Town Council. Thanks for your attention.

Yours sincerely,

Geoffrey Harding
The Rise
Colhugh Street
Llantwit Major
CF61 1RE

MEMORANDUM / COFNOD

VALE of GLAMORGAN

The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU

Appendix A

2007/01178/FUL



To: Ms Sara Dowd

Dept / Adran:
Date/Dyddiad 12th March 2008

Your Ref / P/DC/SD/07/01178/FUL
Eich Cyf:

From / Sue Brown
Oddi Wrth: Pollution Section
My Ref/Cyf SFB/214456
Tel / Ffôn: 01446 709872

Fax / 01446 709449
Ffacs:

Subject / **Re: Planning Application No - 07/01178/FUL**
Testyn: **Grounds of Brynheulog Nurseries, St. Andrews Road, Wenvoe, Cardiff. CF5 6AF**
Commercial bird farm & aviary construction business

I refer to your memorandum received by this department on 5th March 2008, this department has comments to make regarding the above application.

Acoustic Assessment

This department in principle has no objection to this application. However we do advise that an assessment be made and report be prepared by the applicant with regard to sound levels, especially those due to the workshop / construction activities. It is advised that the assessment and report should be carried out with reference to a recognised standard such as British Standard 42.

Sue Brown
Environmental Health Officer

MEMORANDUM / COFNOD

VALE of GLAMORGAN

The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU

Appendix

B

2007/01178/FUL



To: Ms Sarah Dowd

Dept / Adran:
Date/Dyddiad 11th December 2007
:
Your Ref / P/DC/SD/07/01178/FUL
Eich Cyf:

From / Sue Brown
Oddi Wrth: Pollution Section
My Ref/Cyf SFB/214456
Tel / Ffôn: 01446 709872

Fax / 01446 709449
Ffacs:

Subject / **Re: Planning Application No - 07/01178/FUL**
Testyn: **Grounds of, Brynheulog Nurseries, St. Andrews Road, Wenvoe, Cardiff. CF5 6AF**
Continuation of use of area of nursery for commercial bird farm

Thank you for your memorandum received by this department on 16th November 2007.

Following the receiving of your memo and the attached objections from local residents I reviewed my notes and again visited the site on the 27 November 2007. I spoke to the occupier Mr S Roach and his partner and again walked the site with them both, this was my third visit to and second time of entry onto the premises.

I cannot confirm the actual number of birds on site as I was politely requested not to access avaries due to possible disturbance to breeding birds. However on speaking to Mr Roach he stated he currently had approximately 30 pairs, that is sixty birds, on site and he did not envisage having more than 50 pairs of breeding birds on site at any one time. The issue of peacocks was discussed during this and the previous visit and I can confirm as originally understood Mr Roach does not own any peacocks nor were any seen. It is understood they may belong to a resident at St Andrew's Road.

On all three occasions I have visited the premises without prior notification or appointment and I have not found the site 'very dirty and unhygienic' nor 'littered with animal faeces'. The occupier does own alsatians I believe but I have never seen them loose on the property only in the house through a window and I cannot recollect how many are at the property. I have heard the birds but the noise has not been constant or excessive whilst I have been on site.

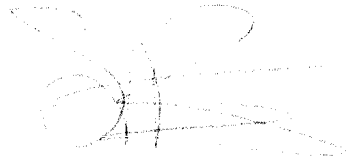
Enclosures are presently situated in the domestic garden of the property and are subsequently close to the boundaries of 11 and 12 St Andrew's Road, however I understand they are currently situated there under direction of the Planning Department and until this application is determined. The Occupier informed me that he would move the avaries if permission were to be granted.

With regard to Rosemead Avaries Mr Roach stated he does run the business alone from a workshop that already existed on site, he uses a number of air tools and a compressor. A subjective assessment of the workshop has been made and again the noise from the business

07/01178/FUL B

was not noted to be excessive, however if you require further detail a objective assessment would have to be carried out.

I trust this assists you in determining the application being considered. However as stated previously we have no objection to this application.



Sue Brown
Environmental Health Officer

Appendix C
2007/01178/FUL

Mr and Mrs M Bassett.
10 St. Andrews rd.,
Wenvoe,
CF5 6AF.
17 February 2008

Miss Sara Dowd
Vale Of Glamorgan Council
Dock Office,
Barry,
CF63 4RT.

Dear Miss Dowd,

We are writing to object strongly to the planning proposal of: Continuation of use of nursery for commercial bird farm at the grounds of Bryn Heulog, St. Andrews road, Wenvoe.

Our grounds for objection are detailed below.

1. The noise levels produced by the birds at the site are unacceptable. There are a considerable number of birds on the nursery area and garden of Bryn Heulog and some of the cages are less than 25 feet from our garden and directly adjoining the perimeter fence of our neighbour in number 11. At times over the last 2 years there have been in excess of 100 birds on the site. The noise levels can be particularly upsetting in the mornings and early evenings when we would expect to be able to enjoy using our garden space. The noise carries the full length of our garden and can be heard clearly from the house every day. We have recently complained to Environmental Health and have been logging the sound produced by the site
2. The nature of the noise pollution produced by the non-indigenous bird species is unnatural to the rural setting of our residences and the noise drowns out the bird song of our native species that we would expect to be able to enjoy. Obviously the bird noise may have detrimental affect on the successful courting and mating of indigenous species. Several birds "perform"; one frequently calls out "Hello" and another imitates phone rings. These noises are further sources of annoyance.
3. The sound of machinery used on the site is a constant disturbance on many days, especially weekends. On several occasions the machinery is used until late in to the evening. A compressor and associated tools are used in the old nursery buildings and this can give the impression that our house adjoins a metal workshop. The machinery is particularly loud as it is the cutting and drilling of metal for cages as detailed in the planning application.

These issues with noise are obviously considerably more disrupting in the summer months when our use of the garden acts as a catalyst to trigger the bird calls, either directly or as a consequence of the dogs on the site barking at us in our garden subsequently stimulating the birds calling responses.

4. The planning application has not identified all the cages used on the site, ironically missing the cage closest to the adjoining neighbour's garden. In the past these birds have been labelled as a hobby, this is not credible for a site trading as a commercial bird farm.
5. The plans show no provision for the proper handling of the waste produced by a significant number of large birds. Such waste if incorrectly handled will attract rats and in summer months will produce unpleasant odours.

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6. Although pre 2002 the site traded as a nursery we feel re-establishing a commercial business attracting customers to the site would cause difficulties on St Andrews rd. The Blind access on a bend is unsuitable for any further increase in traffic and would be a risk to road safety as proven by the inhabitants of the old Vishwell farm house who have changed their access to avoid driving directly on to the main road.
7. We are also concerned about the consequences of birds escaping from the site. One Macaw was recovered from Dinas Powys. However, at least one small green parrot has been living wild for at least 2 years around the locality. Although this bird has not been seen since November it was previously seen frequently in our gardens and on our bird feeding table. There are cases of wild populations of exotic birds successfully colonising and breeding in regions of Britain and although they have their novelty value they represent a threat to our natural environment and biodiversity. I believe that as birds have escaped from the site then the use of Bryn Heulog for breeding these species represents a clear risk to the possibility of such a population becoming established.
8. As well as the apparent lack of security for the caged breeding birds we are concerned for the provision of containment for other animals kept on the site and we are concerned for our children's safety. The dogs concern us, as, although they are not listed in the planning application, we have received reports that the applicants are considering, if not already doing, dog breeding.
9. The lack of cleanliness at the site has been brought to our attention by 3 recent visitors to the nursery. The site is apparently littered with animal faeces and we would question whether the site is therefore managed in a suitable way for a business with this proximity to residences.
10. We would like to point out that number 12 St Andrews road is currently on the market and 3 viewers have expressed concern about the noise from the site. Obviously we are subsequently concerned regarding the value of our home. When we moved in to number 10 St Andrews rd in August 2004, the business was not registered and no planning had been sort. As a consequence we were unaware of the use of the site as a breeding farm, and the number of cages has increased since this date. Although we currently have no intention of moving, the establishment of this business would force us to consider our options.

We would be grateful if our concerns could be taken into account as the proximity of a noisy commercial exotic bird farm to residences in a rural area is unacceptable. We also feel that the site and/or the adjoining properties need to be visited at a variety of times for the noise pollution to be considered.

Yours sincerely

Appendix C

2007/01178/FUL

Head of Planning & Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Arnwood
9 St. Andrews Road
Wenvoe
Vale Of Glamorgan
CF5 6AF

27th February 2008

Dear Sir

Planning Application No. 2007/01178/FUL
Commercial bird farm & aviary construction business

In addition to the original objections made in September 2007 I should again like to object to the revised planning application for the following reasons:

- Noise - from the commercial bird farm.
- Noise - from the aviary construction business.
- Waste management.
- Access to the property.
- Precedence.

Noise from the commercial bird farm:

This commercial operation has been in place for a couple of years and the noise coming from the development doesn't get any less or fade into the background with the passing of time. Parrots are inherently noisy and will squawk in the morning, evening, for attention, whenever anyone is out in their garden. If you take a look at www.aviaries.org Rosemead Aviaries you will get an idea of the type of birds being bred at this location, you will also get some pictures of the construction of the sheds!

The noise is completely different to any other noise in the area and is completely alien; I don't want to hear the noise of the jungle or Tropical Rainforest when I'm in my garden or indeed inside my house in Wenvoe.

Noise from the aviary construction business:

Last year in my objection letter I noted the mechanical noises; this modified application now reveals the cause of the noise. This goes beyond the noise generated by DIY activities of home improvements. The construction business appears to take place at all hours of the day or evening and as the materials in use are metal the drilling noise is piercing and protracted.

The noise is extremely unwelcome in the area and can be heard indoors as well as outside.

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Waste Management and controls:

This is a commercial operation, what provisions are in place to ensure the safe disposal of the waste generated by the birds? This has an environmental impact as the potential for disease or infestation is high unless adequate measures are in place.

The controls that are in place to ensure the birds can't get out have already proved inadequate as a search had to be conducted in mine and neighbours gardens to try and catch one.

The dogs roaming freely in the property, presumably to provide security for the birds have resulted in having to block the rear hedge to prevent them coming into my garden. The dogs have been in other gardens and with young children about this is an unacceptable risk.

Access to the property:

This property only has access to St. Andrews Road, the entrance to the drive is a single vehicle width only with a very tight access turn from either direction. If large vehicles are required to use this site, for the delivery or collection to or from the commercial operation it could lead to traffic disruption or a crash.

Precedence:

How does this application fit in with the prescribed land use in the Wenvoe area? I'm concerned that if approved it will allow other applications in adjoining fields for a change in land use.

The plans, as viewed in the Wenvoe village hall, don't show all the cages in use at this proposed bird farm. What steps are in place to ensure the accuracy of the proposal and the assurance that cages need to be included in the application now or indeed applied for again in the future.

In summary, this is a most unwelcome development in the area, a complete change in the business that had been in place before (i.e. a small nursery) and one to which I and my family object.

Yours faithfully


Mr. D J P Gush

ACK:	07/01178
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Asiantwrth yr
 Amgylchedd Cymru
 Environment
 Agency Wales

The Vale Of Glamorgan Council
 Development Control
 Docks Office Subway Road
 Barry
 South Glamorgan
 CF63 4RT

Our ref: SE/2007/104647/01-L01
Your ref: P/DC/SJB/2007/01643/FUL
Date: 05 December 2007

Dear Sir/Madam

**RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ROADS AT FORMER
 ALLOTMENTS, CEDAR ROAD, EGLWYS BREWIS**

Thank you for referring the above application, which was received on 5 December 2007.

We have previously been consulted in relation to the above site and would draw your attention to comments made in our letter of 13 July 2007 ((Your Ref P/DC/SJB/2007/00881/FUL, Our Ref SE/2007/102677).

The Environment Agency is not aware of any flooding problems associated with this site. Other sources, for example, Local Unitary Authorities, may be able to provide information on issues such as localised flooding from drains, culverts and small watercourses.

If surface water is to be discharged into the adjacent watercourse, the Agency objects to any development taking place which generates flows greater than the capacity of the downstream structure, i.e. 7.4 litres/sec/hectare to be discharged to any watercourse in the vicinity of the proposed development. Regulation of flows may be achieved by:

1. On site storage with only restricted flows being discharged.
2. Soakaways in the case of small developments (This will require the Local Authority building control department's approval).

Whichever regulation method is adopted, it is essential that the developer enters a suitable long-term legal agreement to ensure satisfactory long-term maintenance and future renewal.

The responsibility for the maintenance and good order of all watercourses and

Environment Agency
 Rivers House (St. Mellons Business Park) Fortran Road, St. Mellons, Cardiff, CF3 0EY.
 Customer services line: 08708 506 506
 Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

Cont/d..

structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

The watercourse known as Nant yr Stepsau is scheduled pursuant to the Water Resources Act 1991 and the Environment Agency's Land Drainage Byelaws, as a statutory main river. The developer must obtain the prior formal land drainage consent of the Environment Agency for any works in, under or over the watercourse, or within 7 metres of the base of any floodbank or wall, or where there is no bank or wall within 7 metres of the top of the riverbank.

The following comments are for the attention of the developer:-

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The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water is assured. The relevant Pollution Prevention Guidance (PPGs) should be adhered to during development of the site. These are available on our website at <http://www.environment-agency.gov.uk/ppg>.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

If during construction/excavation works any contaminated material is revealed then the movement of such material either on or off site should be in consultation with the Environment Agency.

Carriers transporting waste from the site must be registered waste carriers.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licensing Regulations 1994.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Yours faithfully

S Wilkes

SARA WILKES
Planning Liaison Officer

Direct dial 029 20245091

Direct fax 029 20362920

Direct e-mail wilkes.Cardiff2.WLS@environment-agency.wales.gov.uk

End

ACK:
NO: P162
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NOTED
10 DEC 2007

10 DEC 2007

10 DEC 2007

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Yr Arolygiaeth Gynllunio, Adeilad y Goron, Parc Cathays,
Caerdydd CF10 3NQ ☎ 029 2082 3889 Ffacs 029 2082 5150
e-bost wales@planning-inspectorate.gsi.gov.uk



The Planning Inspectorate, Crown Buildings, Cathays Park,
Cardiff CF10 3NQ ☎ 029 2082 3889 Ffacs 029 2082 5150
e-mail wales@planning-inspectorate.gsi.gov.uk

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Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 19/06/07

Ymweliad â safle a wnaed ar 19/06/07

Appeal Decision

16 JAN 2008

Hearing held on 19/06/07

Site visit made on 19/06/07

**ENVIRONMENTAL
AND ECONOMIC
REGENERATION**

gan/by Hywel Wyn Jones BA (Hons) BTP MRTI
an Inspector appointed by the Minister for
Sustainability and Rural Development,
one of the Welsh Ministers

Arolygydd a benodwyd gan y Gweinidog
dros Gynaliadwyedd a Datblygu Gwledig,
un o Weinidogion Cymru

Dyddiad/Date 23/07/07

Appeal Ref: APP/Z6950/A/07/1201054

Site address: Land adjacent to 7 Stacey Road, Dinas Powys, CF64 4AE

The Minister for Sustainability and Rural Development has transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Martin against the decision of The Vale of Glamorgan Council.
- The application (ref: 2006/00846/FUL), dated 26 May 2006, was refused by notice dated 5 September 2006.
- The development proposed is the erection of a new dwelling.

Decision

1. For the reasons set out below I dismiss the appeal.

Reasons

2. The appeal site is currently used as a side garden and lies within a quiet residential side street. The main issue in this case is the effect of the proposed dwelling on the character and appearance of the street scene.
3. With the exception of the properties at either end, Stacey Road it is mainly characterised by rows of two-storey, semi-detached properties which create a pleasing rhythm and a general sense of architectural unity. The appeal site lies between two pairs of Victorian-style houses on one side and a row of inter-war-style houses on the other, the closest of which is a detached dwelling but which closely follows the appearance of the adjoining row of properties.
4. Despite the presence of a hedge along its frontage, a substantial mono-pitch outbuilding within the site appears as a discordant element within the street. Its single-storey form creates a gap in the continuity of the taller row of dwellings. Fears that the proposed development would set a precedent for further schemes in the street, thereby reducing its spacious character, are unfounded given the lack of similar sites.
5. The set-back of the envisaged dwelling from the street follows the established line and its basic form and external materials would also be in keeping with its neighbours. Its style would be modern. I agree with the overall approach to the design which seeks to respect the

08/00207/TUL'A₂

Appeal Decision APP/Z6950/A/07/1201054

existing visual cohesiveness of the street without creating a pastiche of either of the adjacent architectural styles. However, the proposed incorporation of a large opening to accommodate a car within the building would create a discordant feature that would dominate the main facade at odds with the adjacent rows of dwellings. In response to my questioning at the hearing the appellant's agent conceded that this large void would detract from the scheme's aesthetic quality. In my opinion it would result in a dwelling that would fail to adequately reflect the features that provide a pleasing architectural cohesiveness to the street scene. There are no conditions that could be reasonably imposed to overcome my concern in this respect.

6. I conclude that the proposed dwelling would harm the character and appearance of the street scene. The scheme would be contrary to Policies HOUS 8 and ENV 27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's approved Amenity Standards Supplementary Planning Guidance. It would also run counter to national guidance as set out in Planning Policy Wales, March 2002 and the associated Technical Advice Note 12: Design which emphasise the importance of good design in all new development.
7. It is clear that this integral car parking provision has been provided to meet the express requirements of the Council. Whilst I have noted the concerns expressed by some local residents regarding on-street car parking, this appears to be mainly an issue of inconvenience when nearby churches are in use. Both my evening and day-time visits revealed ample on-street provision. In any event the parties agreed at the hearing that the envisaged on-site provision would be effectively off-set by the loss of an on-street parking space outside the site. Moreover, given the accessibility of the location to a range of local facilities as well as good public transport, it seems to me that a modest house in this location without dedicated parking provision may discourage car ownership by prospective occupiers, in line with the government's aim of reducing car dependency.
8. I have considered all the other concerns raised by local residents, including the effect on their living conditions and matters of building maintenance and drainage, but none would have justified withholding permission had I found the scheme's effect on the street scene to be acceptable.
9. The scheme would make efficient use of previously developed land and would provide a relatively low cost home thereby meeting an identified increasing need from smaller households. These benefits, together with all the other matters raised by the appellant and a nearby resident in support of the scheme, do not outweigh the harm that I have identified in relation to the main issue.

Hywel Wyn Jones

INSPECTOR

08/00207/FUL'B'

Derek and Pauline Brushett 5 Stacey Rd. Dinas Powys,
Vale of Glamorgan, CF64 4AE

Tel: 02920 515670

e-mail: derekandpauline@tesco.net

Mr R Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
BARRY
CF63 4RT

Fao Mrs Y J Prichard

10 March 2008

Dear Mr Thomas,

Planning Application No 2008: 00207/FUL

We write in response to your invitation to comment on this planning application made by Mr and Mrs Martin in respect of No 7 Stacey Rd, Dinas Powys. Our comments follow a careful inspection of the revised plan prepared by Gap Architects.

As you know, Mr Martin has previously submitted plans to develop this site. In 2006, we offered our comments to the Planning Committee. We were broadly supportive of the proposal then, and despite the fact that it was rejected, we remain supportive. For your information, a copy of our letter of 14 July 2006, is attached. All the points made there, are still relevant, and we ask the Committee to look at them carefully.

Broadly speaking, whilst the new plans propose revisions to the internal layout of the building, with the carport removed, the exterior remains much the same. We feel the revised plan remains visually attractive and in keeping with the rest of the street.

Whilst the site is a little restricted it is not unduly so, when compared to the rest of the housing in the street. Indeed, some residents have chosen to demolish property boundaries and utilise shared drives between adjacent houses.

Clearly, one of the households most affected by the proposal is that at No 6 opposite, who overlook the site. But they too have chosen to extend their accommodation since Mr Martin's last application – one consequence being a (limited) visual affect on rear properties.

A further concern might be the availability of parking space. The Committee should be aware that parking at our end of the street is satisfactory – neighbours co-operate – and we do not envisage any problem arising from the new dwelling.

Yours sincerely



08/00207/FUL B₂'

6 Stacey Road,
Dinas Powys,
Vale of Glamorgan,
CF64 4 AE.

Head of Planning and Transportation,
The Vale of Glamorgan,
Dock Office,
Barry Dock,
Barry,
CF63 4RT.

10/3/08

Dear Sir,

Planning Application No. 2008/00207/FUL

We are writing to reiterate our objection to the above planning application which has superseded the original application No. 2006/00846/FUL. The objections we made to the 2006 proposal are also totally relevant to the 2008 application no 00207.

We would refer initially to the matters raised in the Inspectors Report regarding the appeal ref APP/26950/A/07/1201054 which although supporting the obvious unacceptable nature of the appearance of the dwelling fails to recognise the serious parking and traffic concerns which the development would exacerbate. The inspector concerned was probably not aware of the frequent use of Stacey Road as a high speed link between Cardiff Road and Mill Road and the frequency of its use as a parking zone for two local churches at weekends and week days. This results in our driveway and the driveways of Nos. 4, 8 & 10 having cars parked across our them on a regular basis. *The Inspector's contention that the construction of a house without dedicated parking provision would encourage the use of public transport seems a ridiculous statement.* We all know that more houses mean more cars. We are very surprised that the Inspector seemed to observe ample on-street parking during evening and daytime visits. This certainly is not the experience of people living in Stacey Road.

The proposed property would remove one of the few off-road parking facilities on that side of Stacey Road and would in fact generate more on street parking problems. Previous plans contained a garage and were rejected. The proposed development directly overlooks our property and would result in a serious loss of privacy in line with Vale of Glamorgan Amenity Standards.

We would refer you to our two previous letters (copies enclosed) which detail our objections to the previous application which still apply to the latest proposals.

We would also make the following observations regarding the design and location of the proposed dwelling.

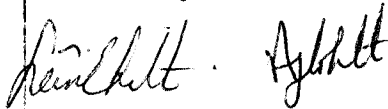
1. The building appears to be forward of the existing line by about 3 feet.
2. All other properties have bay windows.

08/00207/KVB₃'

3. The upstairs overhang is totally out of character with the rest of the road.
4. The finish is smooth white which is out of keeping with adjacent properties.
5. Window designs are totally out of keeping with other properties in the road.
6. The proposed dwelling does not resemble any other building in the road and would intrude on the architectural continuity of the road. It is between two pairs of Victorian style houses on one side and a row of inter-war-style on the other
7. Although the plans show the upstairs rear room as being a Study this room could easily be used as a bedroom thus making a two bedroom property with possibility of three extra cars so increasing the parking problems.

In conclusion we would like to re-state the affect that the property would have on our quality of life mainly concerning safety and parking. There will be an increased risk of accidents for drivers and pedestrians including our own children. I would once again urge the planning committee to refuse the application.

Yours faithfully,



Sian Smith & Andrew Smith.

Enc : 2 Letters dated 6/2/04 and 15/7/06.

08/00207/FUL B¹₄

9 Stacey Road,
Dinas Powys,
Vale of Glamorgan,
CF64 4AE

Tel: 02920512635

Mr. R. Thomas,
Head of Planning and Transportation,
Vale of Glamorgan,
Dock Office,
Barry Dock,
Barry,
CF63 4RT

10th March 2008

Dear Sir,

Planning Application No. 2008/00207/FUL

Location: Land adjacent to 7 Stacey Road, Dinas Powys

Proposal: Erection of a new dwelling

I am writing yet once again to raise an objection to the above mentioned proposal.

This proposed dwelling will be totally out of character in the road as all the houses were built circa 1920.

Although I pointed out to the case official on 25th February that it would be difficult for me to maintain that side of my house e.g. soffits, roof, guttering etc. she informed me that "it was a building matter and not a planning matter". Nevertheless it is a very important factor relating to my house whoever's matter it is.

I am given to understand that the ground floor is in line with the street line but that the first elevation juts out about 3 foot in front thus blocking out the light both downstairs and upstairs to my property. At the back the house will jut out some 1250mm at ground level, again taking away my light and privacy.

I would wish to draw your attention to the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 Page Amenity Standards, Clause 3, National Guidance 3.1 "9.3.3".

08/00207/MCB¹₅

The Case Officer responsible for assessing this application indicated verbally to my neighbour and myself that one of the criteria that she uses is whether a legal challenge could be forthcoming if the decision were to reject the application. I do not believe that this should be a planning criteria. In the planning criteria that I have read I find no reference to this and, therefore, I would seek the opinion of the Public Service Ombudsman on this matter.

I also had an indication that the new plans are eco friendly and seems to remove a lot of existing criteria of the Vale of Glamorgan on the L.D.P.. I question that the Vale of Glamorgan Planning Department Officers with designated powers whether after an application has been refused they move the goalposts so that the objectors have to readjust their objections in light of the new application.

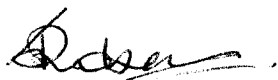
I am also surprised that in view of all the complaints of parking and gridlock in Dinas Powys (especially as Stacey Road is used as a high speed link between Cardiff Road and Mill Road) that the Highways Department have not objected to this application. I believe that the Highways Department need to look at Stacey Road regarding Church Services and funerals which is reluctantly accepted. The position will only be aggravated by an existing off road facility being annulled by this development which is against the L.D.P..

In conclusion I would like to state that such a new development will greatly affect my quality of life, not just parking but privacy as well.

I would yet once again urge the Planning Committee to strongly object to the application and also ask the Vale of Glamorgan to look at the history of the site and once again reject this application as it is not in keeping with the surrounding area.

If the Committee requires copies of my previous objections, I can make them available at short notice.

Yours faithfully



Mrs. Joyce Roberts

9 Stacey Road

c.c. Mr. P. Evans, Legal Department, Vale of Glamorgan Offices, Barry



APPENDIX A

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn 01443 336000 Ffacs 01443 336001
Ebost cadw@wales.gsi.gov.uk
Gwefan www.cadw.wales.gov.uk

Plas Carew, Unit 5/7 Cefn Coed
Parc Nantgarw, Cardiff CF15 7QQ
Tel 01443 336000 Fax 01443 336001
Email cadw@wales.gsi.gov.uk
Web www.cadw.wales.gov.uk

2008/00248/REG3

Miss K Jones
Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Eich cyfeirnod
Your reference

P/DC/KJ/2008/00248/RG3

Ein cyfeirnod
Our reference

A-CAM011-09-32

Dyddiad
Date

26 March 2008

Llinell uniongyrchol
Direct line

01443 336006

Ebost
Email:

Lisa.roberts-
clarke@wales.gsi.gov.uk

Dear Miss Jones

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION NO: 2008/00248/RG3
PROPOSED DEVELOPMENT: ERECTION OF LARGE GLASSHOUSE WITHIN ROSE GARDEN &
SMALL GLASSHOUSE WITHIN KITCHEN GARDEN AND ASSOCIATED RESTORATION OF
WALLED GARDENS
LOCATION: DYFFRYN GARDENS, ST NICHOLAS, CARDIFF**

Thank you for your letter of 5 March 2008 inviting Cadw's comments on the planning application for the proposed development as described above.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a consultee on planning applications – the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Assembly Government's consideration of the matter, should it come before it formally for determination.

The proposed development lies within the garden of Dyffryn, which is included as Grade I on the Cadw / ICOMOS Register of Parks and Gardens of Special Historic Interest in Wales. Its grade reflects its outstanding historic, horticultural and aesthetic importance. Please find enclosed a copy of the relevant details about this important site from the register.

The proposals lie within the well preserved walled gardens, which were built before 1841 and may have their origins in the sixteenth or seventeenth centuries. Cadw considers that the proposals are very welcome and beneficial development that would restore and enhance the walled gardens of this exceptionally important garden. Therefore, in Cadw's opinion the current proposals would bring the two gardens back to life and regenerate them with the rest of the gardens.

The two walled gardens were always an integral part of the gardens of Dyffryn and may even be part of the garden of the first house on the site. Their grandeur was greatly increased during the Edwardian period, when a huge glasshouse was built along the north wall of the larger compartment (the rose garden). During this period the rose garden also featured an impressive axial walk flanked by long herbaceous borders. Little of this layout can be appreciated today as the gardens have fallen

Cadw yw gwasanaeth amgylchedd hanesyddol Llywodraeth Cynulliad Cymru. Ei nod yw hyrwyddol gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

Cadw is the Welsh Assembly Government's historic environment service. Its aim is to promote the conservation and appreciation of Wales's historic environment.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

into dereliction. The paths although remaining are grassed over and the remainder of the gardens are unkempt and neglected.

The proposals form an integrated scheme for the complete restoration of the two adjacent walled compartments (the larger rose garden and the smaller vegetable garden). The large glasshouse would replace the existing derelict 1960s glasshouse that in turn replaced the original one on the site by Messenger & Co, completed in 1895. The central Palm House was probably modified by Thomas Mawson in about 1904.

Cadw considers that the proposed glasshouse would mirror the original one in terms of its footprint and general appearance, thus preserving the original layout and overall character of the garden and its principle feature. For practical, maintenance, safety and display purposes, it would be constructed in modern materials. However, these have been chosen so as to be as close as possible to the originals, in terms of design, colour and scale. In front of the glasshouse the terrace, probably designed by Mawson at the beginning of the twentieth century, would be reinstated. Cadw welcomes the reintroduction of this lost feature. In our opinion this would enhance the setting of the glasshouse.

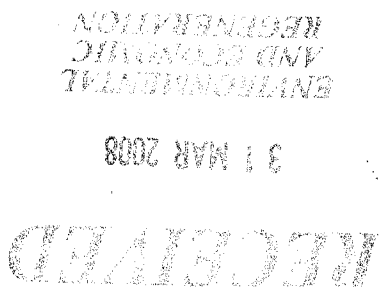
The second smaller glasshouse would also be a welcomed replacement of the previous glasshouse on the site. Again modern materials would be used and the design and appearance are traditional and would follow that of the previous structure. It is also proposed to restore and reinstate the original layout of the two compartments. This would include the axial and perimeter paths, the flanking herbaceous borders and the two central, circular pools. This too is a very welcomed proposal which would greatly enhance the gardens and return them to their Edwardian appearance.

Also, there is sufficient archaeological evidence to restore the pools to a high degree of accuracy. The original path layout survives and the new paths will follow its alignment, although at a slightly higher level and greater width. Cadw considers that these changes should not affect the character of the gardens and are necessary to accommodate visitors. The garden walls are to be repaired and new sections built where necessary, matching the new to the old in materials and character. In Cadw's view this would be of great benefit to the long-term survival of the gardens. The introduction of wall fruit would further enhance the original character of the gardens. The new entrances on the east side of the kitchen garden in our opinion should also not detract from its historic appearance.

Yours sincerely

Lisa Roberts-Clarke

Mrs Lisa Roberts-Clarke
Gweinyddu Henebion / Ancient Monuments Administration



ACK:
NO: P 737
ACTION BY: Jmclg
RECEIVED
D.F.F.R

APPENDIX A - Representation (5 in total)

08/00368/FUL

Station Road
Dinas Powis
CF64 9L

The Director of Planning,
Vale of Glamorgan Borough Council.

Dear Sir,

Re: 7, The Mount, Dinas Powys.

Whilst applauding any development which improves an area, I wish to register my dismay at the extent of the work intended for 7, The Mount, Dinas Powis.

These award-winning houses were well designed with proximities to each other in mind as well as interior accommodation. The 5-bedroom/5 bathroom plans for No.7 represents an overdevelopment and filling in of the plot to a ridiculous degree.

Further, and something which should be of major concern to any planners of repute is the extent of off-road parking that this single development will throw up. The present off-road parking allocated to each plot was designed in such a way that on-road parking would be minimised if not eradicated, but the off-road parking provision at No.7 is totally out of proportion to the size of the intended interior accommodation, and a pale shadow of the present provision (for a much smaller house). I am aware of one, perhaps 2, near accidents elsewhere in the close (which only has pavements to one side of the road) because of on-road parking. I would not like to have to raise this letter at any hearing into a serious accident caused by the same situation because of this development.

Yours faithfully,

T.T. Davies

T.T. Davies

08/00368/FUL A

The Coach House.
The Mount.
Dinas Powys.
Vale of Glamorgan.
CF 64 4DP.
5/4/08

Miss M. C. Ferreira,
Planning Office,
Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry. CF 63 4RT.
Vale of Glamorgan.

Re Planning Applications

2004/0127/FUL 2008/00368/FUL

Dear Madam,

In the forthcoming list of applications recently submitted to the Vale, an updated version of a previous plan has been re submitted. This involves the complete demolition of the present property in order to augment the said property with a five bedroom & five bathroom replacement. We understand that some refurbishment is necessary, but this new proposal is completely unacceptable, in this conservation area, as it makes other properties of a similar style appear inferior.

In order to achieve this development, we understand that a magnificent tree needs to be felled which contravenes the original overall site plans of the early 1940's. We are objecting to the over development of this plot of land & the destruction of this beautiful tree, together with the possibility of damage to other mature shrubs.

Yours sincerely,
Mr. & Mrs. G.E. Reece

08/00368/FUL

A

6 The Mount
Dinas Powys
Vale of Glamorgan
CF64 4P

09/04/08

To Miss M.C.Ferreia Re Planning application 2007/01271/FUL

On receiving your letter for the proposal to demolish No7 The Mount,Dinas Powys,we visited the Planning department offices on Monday the 7th April to see the plans

We are concerned as it affects our Property as we are linked structurally to No7.

There was NO mention in the plans we looked over to what would be happening to our property.

We would need to have some plans put forward of the proposed finish of our property and boundary lines if No7 was demolished.

Yours truly, Ross Collier

08/00368/FUL A

8 The Mount
Dinas Powys
Vale of Glamorgan
CF64 4DP

24th April 2008

RE: Objection to Planning Permission for Extension

I own an adjoining property and wish to formally lodge an objection to the plans submitted for:

Wisteria Lodge
7 The Mount
Dinas Powys
Vale of Glamorgas

My objection is based upon a number of concerns:

1. Size of development

Having looked at the proposed plans I feel the scheme is too large for the current site and would argue that if permission was granted the site would be overdeveloped and not in keeping with the surrounding properties and character of the immediate area

2. Car Parking

With the proposed increase of both living space and an additional bedroom (5 bedrooms in total) I would like clarification that there is sufficient off street parking provision for this development?

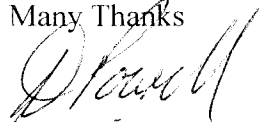
3. Use

From examining the plans I note that there are numerous studies and extra rooms, can I have clarification that a business is not going to be run from this property?

4. Design

I note that the proposed elevation which faces our elevation is blank (no windows), I am not happy with the proximity of this elevation to the boundary wall and also the difference in levels between the boundary wall and roof line.

Many Thanks



Donald Powell

08/00368/FUL A

10 The Mount
Mount Road
DINAS POWYS
CF64 4DP

21.04.08

Adran Gynllunio
Cyngor Bro Morgannwg (Rheoli Datblygu)
Swyddfeydd y Dociau
BARRY
CF63 4RT

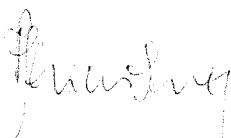
Annwyl Reolwyr / Dear Sirs,

Re: Datblygiad yn / Development at - 7 The Mount, Dinas Powys.

The only objections we have to this development are on 2 fronts:

- 1) Inadequate provision for off road parking for size of house;
- 2) There doesn't seem to be a stipulation that exterior woodwork has to be black in line with the original development. Those residents who have substituted PVC for woodwork act against the developer (Cowlin) and the Vale Planning Managers' demand for uniform black woodwork throughout, something which is in the covenant made by each purchaser with Cowlin in 1973 and is on record.

Sincerely,



P. & E. Elias-Jones.

DEER
RECEIVED
ACTION BY: JMC/MCF
NO: P1107
AC: (A) 22/7/08

21 APR 2008

08/00406/OUT 'A'

4/14/2008

Head of Planning and Transportation
Vale of Glamorgan County Council
Dock Office
Barry Docks
Barry CF63 4RT

FROM
MR KARL WOLSTENHOLME
4 CEDAR WAY
PENARTH
VALE OF GLAMORGAN
CF64 3NL

Dear Sir,

Town and Country Planning Act, 1990 (as amended)
Application No: 2008/00406/OUT
Location: 1 Cedar Way Penarth
Proposal: Erection of four apartments

Further to inspecting the plans for the above planning application I feel it necessary to write to you with the following concerns:

- Parking in the vicinity is currently very difficult with many of the current residents in the nearby housing having more than one vehicle. This compounded with visitors to the current properties already put a strain on the current home owners being able to park on a daily basis.
- Permission has already been given to convert the current property into two flats which will already put a strain on the current residents where there are a great deal of children who play in the street. Cedar Way/Maple Road is already a highly busy area without putting the children at further risk.
- Traffic is already a danger because there is a bus stop outside this house which comes every 10 minutes. The bus can often not park because of the congestion with the current cars and further demand for parking will make the situation even more dangerous for the residents and children.
- The proposed plans will also overlook a number of other properties and take away the current privacy enjoyed by numbers 1 and 2 Maple Road.

In short myself and many other residents are extremely concerned about the proposed 4 apartments and would strongly object to this planning application going ahead. Could you please keep me concerned of developments and advise me when the Council takes our concerns into consideration and rejects this application.

Sincerely,

K. Wolstenholme

The Vale Of Glamorgan Council
Development Control
Docks Office Subway Road
Barry
South Glamorgan
CF63 4RT

Ein cyf/Our ref: SE/2008/106286/01-L01
Eich cyf/Your ref:
P/DC/SJB/2008/00492/RG3

Dyddiad/Date: 21 May 2008

Annwyl Syr/Madam / Dear Sir/Madam

**CONSTRUCTION AND OPERATION OF A HOUSEHOLD WASTE RECYCLING
CENTRE PLOT 6, ATLANTIC TRADING ESTATE, BARRY, VALE OF
GLAMORGAN**

Thank you for referring the above planning application which was received on 24 April 2008. We have previously been consulted in relation to the above site and would comment as follows;

Groundwater and Contaminated Land

With respect to land contamination of soil and groundwater, we are unable to comment further until a preliminary risk assessment has been submitted. We would therefore refer to our previous comments / conditions set out in our response dated 11 April 2006 (Ref CY/2006/013516/01). These still remain valid and I enclose a copy for your information.

Flood Risk

The Agency's floodplain maps indicate that the proposed development is not within a fluvial floodplain and we have no record or awareness of any flooding having occurred on the site. For your information, other sources, for example, Local Unitary Authorities, may be able to provide details on issues such as localised flooding from drains, culverts, etc

Biodiversity

The development is near Hayes Point to Bendrick Rock SSSI and CCW should be consulted regarding this proposal.

Asiantaeth yr Amgylchedd Cymru/Environment Agency Wales
Rivers House (St. Mellons Business Park) Fortran Road, St. Mellons, Cardiff, CF3 0EY.
Llinell gwasanaethau cwsmeriaid/Customer services line: 08708 506 506
E-bost/Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

Cont/d..

08/00492/1293

'A'

If during construction/excavation works any contaminated material is revealed then the movement of such material either on or off site should be in consultation with the Agency.

Carriers transporting waste from the site must be registered waste carriers.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licencing Regulations 1994.

This activity will require an Environmental Permit under the Environmental Permitting Regulations 2007. The Permit will need to be applied for with the Environment Agency and will need to be in place prior to the waste activity taking place.

If this site is to replace the Sully Civic Amenity Site then the Environmental Permit held at that site will have to be formally surrendered with the Environment Agency.

If you have any further queries, please do not hesitate to contact me

Yn gywir / Yours faithfully

Mrs SARA WILKES
Planning Liaison Officer

Deialu uniongyrchol/Direct dial 029 20245091

Ffacs uniongyrchol/Direct fax 029 20362920

E-bost uniongyrchol/Direct e-mail wilkes.Cardiff2.WLS@environment-agency.wales.gov.uk

cc SLR CONSULTING

End

3

45 Bendrick Road
BARRY
CF63 3RE

Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

3rd May 2008

Dear Sir

Town and Country Planning Act 1990 (as amended)
Application No. 2008/00492/REG3
Plot 6 Atlantic Trading Estate Barry
Construction and Operation of a household waste recycling centre,

I refer to the above application.

On reviewing the plans of the above, all looks very well on paper but I do have some concerns, namely the following.

The plans state that there will not be much increase in traffic. I disagree. Whilst there is danger at the moment where the present recycling plant is, whereby drivers are doing u turns in the middle of the road, or causing a pile up because they cannot be bothered to go to the next roundabout and turn around, my one concern is the increase of traffic that would be along the residential area of Hayes Road.

I understand that according to the plans there are two entrances, i.e. Junction D: Hayes Road/Atlantic Trading Estate. This roundabout needs to be clearly signposted that the entrance to the site is through the Industrial Estate and not through the residential part of Hayes Road. This is an accident waiting to happen, especially with HGVs going to and from the site. There should be vehicle access prohibited for vans, lorries etc., over 7.5 tonnes again through the residential area of Hayes Road. The other entrance I understand is Junction C: Bendrick Road/Wimborne Road/Hayes Road. This I strongly object to as this would mean a definite increase in traffic over the Dock which would mean the Associated British Ports would review the traffic across the Dock and perhaps close the gates. This would not be fair for the residents of Hayes Road/Bendrick Road.

Comd

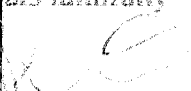
-2-

Regarding flooding, the plans state that the site is not identified as being at risk of flooding and has no history of such. Again I disagree. Since I have lived in Bendrick Road (some 20 years) there has been some flooding, due to heavy rain and at one particular time, the water came up to my front door. Also my neighbour who has lived here for approx 40 years can remember flooding. You may recall the recent heavy downpour. I received a telephone call from the Environmental Agency warning me against flooding. How on earth can this area not be known as flooding? Because the site is yards away from Bendrick Road does this mean that the water will keep away from that particular piece of land? I don't think so.

Finally, my other concerns are noise, smell and the inevitable fly tipping, as evidenced at the existing Sully site.

In view of the alleged future business units being erected on the estate, I would have thought these problems, could be looked at again.

Yours faithfully


S.E. Roberts (Mrs)

2008/00492/RG3

08/00492/RG3

'B'

5, Hayes Road

Sully

CF64 SSE

1st May, 2008

Dear Sir,

I have received a letter regarding the above planning application.

After visiting the council offices to inspect the plans and talking to a local councillor it would seem that sign posts are to be put at the roundabout to direct traffic along the road through Hayes Wood to the new site.

Hayes Road has long been plagued by heavy traffic and is now worse due to the new flats at Hayes Point. It suggests in the plans that the increase in traffic will be minimal, but seeing how busy the present site is I think it will be a big increase.

Might it be considered that speed bumps or a narrowing could be put at either end of the residential part of Hayes Road to deter traffic and encourage it to use the new route, I do not think that a sign post will be sufficient. Yours sincerely

08/00492/R53

'B'

Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

49, Cornwall Rise
BARRY
Vale of Glamorgan
CF62 9AG

Wednesday, May 21, 2008

Dear Sir

2008 00492/RG3 - Civic amenity site, Bendricks

This is an objection to the above proposed development.

The mis-use of the Bendricks is becoming increasingly worrying with regular fly-tipping taking place and evidence that the Cadoxton River at this unseen point is being polluted by industry.

We do need improved facilities for the public to access amenity and recycling provision but with this proposed development there is a serious risk of increased fly-tipping on this very vulnerable and valued part of our coastline. In addition, accessibility may deter users from recycling their waste and disposing their refuse properly.

Unfortunately, amenity sites attract mis-use when they are closed or permission to dispose of waste is refused. As a consequence, some people will inevitably dump refuse close by and there is no indication that the proposed development includes measures to address problems of contamination and fly-tipping which may help to prevent any increased mis-use of this coastal zone.

This proposed development is a stones-throw from high tide water.

Policy ENV 6 states that any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

Furthermore, **Planning Policy Wales {5.7.2}** states that 'UDP's should normally only propose coastal locations for development which needs to be on the coast'.

Paragraph 5.8.2 says that before major developments are permitted it will be essential to demonstrate that a coastal location is required.

This development does not need to be on the coast.

Local planning authorities are also obliged by the **EC Framework Directive for Waste** to ensure that waste is recovered or disposed of without harming the environment, without endangering human health, without risk to water, and without adversely affecting the countryside or places of special interest.

08/00492/RG3

'B'

This estate was initially developed many years ago for non-industrial reasons and before our coastline was becoming burdened with unwanted development. Just because the site has previously been developed, the fundamental principles and thinking behind planning strategy with regard to the protection of our coastline, should not be brushed aside.

The VoG Council has a commitment, {UDP 3.4.22} that they will 'safeguard the East Vale Coast from inappropriate development.'

These safeguards are not evident with regard to this development.

The proposed access to a development should reflect the likely travel patterns involved and there are two potential routes for Barry people to and from this proposed site.

The significantly shorter and therefore the preferred route will be through the docks and the surface of this road is totally unacceptable with many double sleeping-policeman, significant pot-holes and railway lines.

Its condition is probably meant to deter the public from using the port authority's road and I am confident that it will **deter many drivers from using the amenity facility** once it is moved to this location.

The alternative route is much longer and people will be reluctant to add to their journey. The Cardiff road from Weston Square to 'Biglis Bridge' is already heavily congested and will be the primary route for the increased traffic from the development of the Waterfront.

Planning Policy Wales {8.1.3} has an emphasis on reducing the need to travel, especially by private car, by locating development where there is good access and near other related uses to encourage multi-purpose trips and to reduce the length of journeys.

The Council should be seeking to reduce the use of this primary route.

The present facility on the Hayes road does need to be improved or even replaced but the new proposals need to protect the local environment from the consequences of locating the amenity site at this location.

Yours sincerely



Dennis Harkus

ACK:	22/5/08
NO:	1643
ACTION BY:	STB
RECEIVED	
DATE	

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

22 MAY 2008

RECEIVED

LATE ITEMS FOR COMMITTEE		Application No. 2007/01520/FUL	
Committee Date: 5 June 2008 Page No.: 156			
To be added to report: NO			
From: Barry Town Council Summary of Comments: In summary they continue to maintain a very strong objection on the grounds of overdevelopment, adverse impact on the Chapel building, overbearing and un-neighbourly effect on the terrace of dwellings to the rear and external design.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

BARRY TOWN COUNCIL

Council Offices
7 Gladstone Road
Barry
CF62 8NA
Tel. No. (01446) 738663

4th June 2008

Dear Sir

Town and Country Planning Act 1990 (as amended)

<u>Planning Application No.</u>	2007/01520 (FUL) – Amended Plans - Vacant site and Bethel Chapel at corner of Court Road and Newton Street.
<u>Proposed Development:</u>	Amendments to residential development (incl. new build and the conversion of the vacant Bethel Chapel) for 4no. houses, 8no., flats.

The Barry Town Council wish to submit the following observations in respect of the above-mentioned application:

The amendments to the originally submitted scheme have been noted.

This Council's fundamental objections to the proposals particularly in respect of overdevelopment, have not been overcome by the changes, the two small flats having been replaced with a large six person townhouse and there being no increase in the levels of on-site car parking or amenity space provision.

The removal of the two flats from the side extension of the Chapel has exposed the visually unattractive flat roofed external stairwell which bears no relationship to the appealing former chapel building, again undermining its integrity.

Barry Town Council's VERY STRONG OBJECTION on grounds of overdevelopment, adverse impact on the Chapel building, overbearing and unneighbourly effect on the terrace of dwellings to the rear and external design is, therefore, maintained.

Yours faithfully

Executive Officer

D.R Thomas Esq
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry, CF63 4US

LATE ITEMS FOR COMMITTEE		Application No. 2007/01520/FUL	
Committee Date: 5 June 2008 Page No.: 156			
To be added to report: NO			
From: Occupiers of 7 Newton Street and Fastsphere Property Management (Court Mews flat management company) Summary of Comments: The occupiers of 7 Newton Street have continued to raise an objection to the amended plans on the basis that there will be too many occupants leading to overcrowding of sewers. Concern is also raised that the adjoining house are now three stories, whereas previously they were only two storey and that the level of traffic and access to the flats on Newton Street will add to the congestion. Fastsphere Property Management have stated that having regard to the amended plans their comments remain as previously submitted.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

08/00522/OUT

7 Newton Street
Barry
Vale of Glamorgan
CF63 1EY

Dear Sir / Madam

Location Vacant site and Bethal Chapel at the corner of Court Road and Newton Street. I have now viewed the amended plans and documents in respect of the above application for planning permission to Bethal Chapel and the adjoining ground. Although houses and flats look to have been reduced the amount of flats in the chapel are still housing too many occupants.

The houses adjoining are now three storeys whereas before they were only two storey builds. The plans show room for 12 vehicles assuming these will be private cars and not vans etc.

I feel that this build will lead to overcrowding and over use of the sewers in our area. Newton Street is used as a main thoroughfare we have busses, council lorries, tractors and vehicles which use the street constantly, to have the entrance to these flats in Newton street will only add to more congestion. The chapel on the corner of Dovedale Street has been planned and built with care to the community and environment.

If Newydd followed this example we will have no cause for concern. We strongly object to their plans and would appreciate them taking our views into account.

Yours sincerely

E Wood

S. Wood

S. Ayres

S. AYRES - 5, NEWTON ST.

B. J. Ayres

B. AYRES.

FASTSPHERE PROPERTY MANAGEMENT
87 Verallo Drive Cardiff CF11 8DT
telephone 029 20 23 53 23

28 May 2008

Your ref: P/DC/SDB/2007/01520/FUL

Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
BARRY CF63 4RT

Dear Sir/Madam

APPLICATION 2007/01520/FUL
CORNER OF COURT ROAD & NEWTON STREET IN BARRY

Your letter 15 May 2008 addressed to flat 1 at Court Mews, regarding amended plans, was passed to us. We are disappointed you did not write direct to us, given that you have previously heard from us regarding the matter.

We have looked at the application details. Our comments remain the same as previously stated in our letter 27 November 2007, a copy of which is enclosed.

Yours faithfully



Brendan MacCarthy
Company Secretary
for an on behalf of Fastsphere Property Management Limited

Fastsphere Property Management Limited
(the Court Mews flat-management company)
registered 2609410 Wales registered office as above

27 November 2007

Your ref: P/DC/SDB/2007/01520/FUL

Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
BARRY CF63 4RT

(C-PM)

Dear Sir/Madam

APPLICATION 2007/01520/FUL - CORNER OF COURT ROAD & NEWTON STREET IN BARRY

Thank you for your letter 9 November 2007. We have looked at the application details and make the following comments:

GAP BETWEEN PROPOSED NEW HOUSES AND COURT MEWS

We should wish it to be ensured that there would be sufficient space between the new houses and our block of flats Court Mews to permit erection of scaffolding etc for painting and other maintenance of our building as well as that of the new houses themselves

ACCESS TO THAT GAP

We should need to have access for such maintenance when required

PARKING

Despite the explanations given in the application details about why the applicants consider one parking space per dwelling to be sufficient, given practical experience at Court Road and elsewhere we anticipate one space each is likely to be inadequate now that many dwellings have two or more vehicles each, plus visitors, tradesmen's vehicles etc.

Yours faithfully

Brendan MacCarthy
Company Secretary
for an on behalf of Fastsphere Property Management Limited

LATE ITEMS FOR COMMITTEE**COMMITTEE DATE : 5 June 2008**

Application No.: 2007/01520/FUL	Case Officer: Mr. S. D. Butler
Location: Vacant Site and Bethel Chapel at the corner of Court Road and Newton Street, Barry	
Proposal: Full planning application for a residential Development (inc. new build and the conversion / extension of the vacant chapel) for 4 no. houses, 8 no. flats, parking and associated works.	
From: 1 Newton Street, Barry	
Summary of Comments:	
The letter raises an objection to the amended scheme on the basis that the increase in the number of town houses will result in an increased loss of privacy to the occupier.	
An objection is also raised in respect of the entrance to the car park being in Newton Street which is too narrow and extensively used by vehicles with on street parking.	

Dear Mr Butler

I spoke to you
on the phone about this letter -
apologised about being late sending
it in but all our time for the past
few months seem to have been taken
up with hospital visits and you did
say they would accept this letter
after the 29th May so please accept
my apologise again - hope you accept it

Thank you

P. Drawbridge

RECEIVED

05 JUN 2008

ENTERED
AND INDEXED
RECEIVED

DEEN
RECEIVED
ACTION BY: SSB/SDB
17.

05 JUN 2008

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

1 NEWTON ST

BARRY

VALE OF GLAM

CF63 1EY.

Ref P/DC/SDB/2007/10520/FUL.

Dear Sir,

Re the planning application Location Vacant Site
+ Bethel Chapel at the corner of Court Rd + Newton St.

I see by the amended plans you are now increasing the number of town houses to be built by one which is even more of an intrusion into our privacy as these houses (4) will be 2 story town houses - they will look straight onto our property.

We also wish to object to the entrance to the car park being in Newton St. This street is a narrow st + when residents have their cars parked outside their houses it is only possible for one car to get up or down the st at a time. The Rd is also used extensively by Porsies, buses, cars Motor Bikes Tractors, mowers - these being council vehicles, police vehicles sometimes on emergency calls. Like all Rds Newton St has its quiet times but the majority of the time this Rd is very busy. There is a first aid shop on the corner of Newton St/Gladstone Rd that runs courses + people attending these courses use Newton St to park in also when meetings are held at the HUB and the car park is full people again park in Newton St.

I personally have seen cars turn into Newton St so fast they have mounted the pavement so putting an entrance to a car-park into this st I can assure you is an accident waiting to happen.

I hope when the Planning committee meet they will give this matter very serious thought

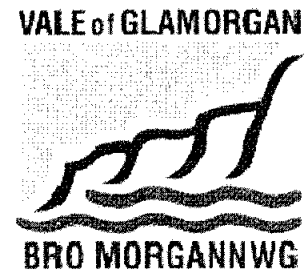
Yours Faithfully

P. Drawbridge

P. Drawbridge.

LATE ITEMS FOR COMMITTEE		Application No. 2007/01643/FUL	
Committee Date: 5 June 2008 Page No.: 171			
To be added to report: NO (Delete where necessary)			
From: 1) Applicants 2) Head of Visible Services - Highways Summary of Comments: 1) Following discussions with the Highways Officer, the applicants have submitted a minor variation to the site layout drawing to omit the proposed 'throating' at the entrance. As a consequence, conditions 2 and 10 require amendment to refer to drawing ref. CR100 rev. P received on 27 th May 2008. 2) The Head of Visible advises that the highway authority has no objections to the development subject to a number of conditions These conditions are effectively covered in the original recommendations with the exception of visibility splays for each dwelling, which require the addition of the following condition: - 20. Prior to the first beneficial use, all accesses to the individual plots and to the allotments shall provide and maintain vision splays of 2.4m x 17m in both directions, and shall incorporate a 2m x 2m vision splay in both directions to the rear of a proposed footway or verge. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. Reason: In the interests of highway safety, and to ensure compliance with Policy HOUS 8 of the Unitary development Plan.			
APPROVED BY:			
Officer: Mr. S. J. Ball		Officer: 	
Appendix No.:		O.M. or H.P.T.	

Highway Observations
(Additional Comments)
22nd May 2008



07 / 01643 / Full

RE:- Former allotments, Cedar Road, Eglwys Brewis, St Athans.

The Highway Authority would inform the Local Planning Authority that there are no objection to the proposed development in principal subject to the following conditions being satisfied in the interest of highway and public safety :-

- (1) The site shall be served via a single means of access to the site served from the end of Cedar Road which forms of the adopted Highway Network.
- (2) Notwithstanding the submitted drawings, no works whatsoever shall commence on site until Full Engineering Details of the proposed development have been submitted to and approved by the Local Planning Authority.

The applicant should be advised by the Local Planning Authority that :-

- (i) Development's containing more than 5 units / dwellings should be designed and constructed in accordance with The Vale of Glamorgan Council standards for adoption.
 - (ii) It would be of benefit to consult the Vale of Glamorgan Council's Highway Development Group prior to submitting Full Engineering Details to the Local Planning Authority for approval.
- (3) No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of retaining walls / structures, water culverts etc abutting or within close proximity to the proposed highway have been submitted to and approved by the Local Planning Authority.
 - (4) The proposed access road to serve the development inclusive of vehicular turning area shall completed to the satisfaction of the Local Planning Authority in materials as approved by the Local Planning Authority before the site is brought into beneficial use.

- (5) All proposed vehicular accesses to the individual plots and the Proposed access to the allotments shall provide and maintain Vision splays of 17m x 2.4m in both directions along the proposed extension of Cedar Road and incorporate a 2 m x 2 m vision splay in both directions to the rear of a proposed footway or verge
- (6) No obstructions e.g existing or proposed walls inclusive of piers, fencing, gates etc or planting exceeding 600 mm in height above carriageway channel level shall be located within the required vision splays in the interest of highway and public safety.
- (7) The precise location of the proposed means of pedestrian and vehicular access to the adjacent allotment shall be reserved for the subsequent approval of Full Engineering Details.
- (8) The proposed gate to serve the adjacent allotment area shall be a Timber Double Field Gate with a minimum overall width of width of 4710mm.

However, should the local planning wish the allotment to have a Separate vehicular and pedestrian gate a timber gates the Vehicular access shall have a minimum width of 3600mm and The pedestrian access shall have a minimum width of 1200mm.
- (9) The proposed allotment gates shall be set back a minimum distance of 6m to the rear of the proposed verge.
- (10) No gates whatsoever shall be located and fitted to open out over areas required for highway purposes in the interest of highway / public safety.
- (11) No surface or roof water shall discharge from the individual plots in the interest of highway and Public safety.
- (12) Provide and maintain for the duration of the development works Wheel Washing facilities within the confines of the site in association with mechanically propelled road sweepers for the cleansing of the existing adopted highway network approaching the site. Details to be agreed with the Local Planning Authority **prior** to any works commencing on site.
- (13) All lorries shall be suitably sheeted, as agreed by the Local Planning Authority, before leaving the site.
- (14) No Lorries shall leave the site during the periods of half hour either side of the times school commencing and ending in the interest of highway / public safety.

(15) The applicant is to be advised by the Local Planning Authority that any building materials delivered to the site shall not be deposited or stored on the highway (inclusive of footway), without the express PRIOR consent in writing from the Highway Authority.

(16) Provide and maintain onside parking for each individual plots
In accordance with the Parking Guidelines.

- (i) The Highway Authority would inform the local Planning Authority that the minimum internal dimensions of a single garage to be considered as a parking bay shall be 5m x 2.8m at narrowest point, usually at piers.

However, the highway Authority would recommend that the applicant follows the recommendations set out in section 8.3.41 of Manual for Streets which recommends garages have a minimum internal width of 3m and an internal length of 5.5m – 6.0m to allow for storage / work benches.

- (ii) Vehicular driveways fronting garages shall have a minimum length of 5.5m and a width of 3.2m for when garages are not in use.
- (iii) All onsite parking areas / driveways shall be surfaced in a bound material to be agreed with the Local Planning Authority prior to commencing any works onsite.

L. M. Howells
22nd May 2008

Planning Officer :-Steve Ball (SB)

LATE ITEMS FOR COMMITTEE		Application No. 2008/00195/FUL	
Committee Date: 5 June 2008		Page No.: 199	
To be added to report: NO			
From: St. Brides Major Community Council Summary of Comments: General concerns and objections raised in respect of the development being outside the residential settlement boundary, which may set a precedent on the eastern side of Penylan Road. Objections raised in respect of insufficient on-site parking and turning area and that the residential use of the site would increase flows into a main sewer that regularly overflows from the lower in the village. The proposal also shows the disposal of rain water run off into the mains sewer, which considered unacceptable.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

St. Bride's Major Community Council

29th May, 2008

Vale of Glamorgan Council Planning Department
Dock Office
Barry

Re Community Council representations of planning applications.

Dear Mr. Ball,

Below are the observations and objections my community council wish to submit on recent planning applications. Our Clerk is away this week so I am sending the comments on behalf of the council. I understand from the Clerk that he had agreed extensions for our comments with the relevant officers on a number of the applications we considered this week. I would be grateful if you could pass on our comments to the relevant officers.

With kind regards,

Chris Howell, Chairman of St. Brides Major Community Council

Planning applications considered

Application 0800597/FUL:- Kitchen and bedroom extension ground-floor dormer windows and sitting room extension first-floor at Ty-Ni, 22 Craig-yr-eos Road.

Observations

ML
The application documents received do not include details of parking arrangements. It is difficult to make informed representations without full details.

The development would increase flows of traffic through the narrow opening at the top of Craig-yr-eos Road and exacerbate hazards to motor vehicles and pedestrians.

Objections

There are no provisions made for adequate car parking or turnaround space. The loss of garage space and increase in bedroom numbers will exacerbate car parking problems in an already congested residential street.

The first-floor windows to the west elevation would overlook and impinge on the privacy of the neighbouring property, Glenmil.

The scale and form of the proposed development will dominate neighbouring houses and not be sympathetic to the environs of the site in breach of UDP Policy HOUS 8(i).

The proposal would be an overdevelopment of the site and be in breach of the Council's guidelines on floor area amenity space ratio.

Application 0800195/FUL:- Demolition of existing garage and construction of a new single-storey pitched roof studio unit at Briars Bank Garage, Penylan Road, St. Brides Major.

Observations

SOB Concerns were raised that the development site might not be within the residential boundary laid down in the UDP and might require change of use for the land.

Allowing this development could set a precedent for further development along the eastern side of Penylan Road.

It would be difficult to construct the proposed development without significant disruption to traffic flows on the narrow Penylan Road.

Objections

Insufficient parking spaces have been provided.

There is no space on the site for vehicles to turn around.

Residential use of the site would increase flows into a main sewer that regularly overflows from lower in the village. UDP Policy HOUS 8 (vi) requires that "adequate utility services exist" before developments in the area are permitted but the existing sewage disposal system is clearly inadequate. The discharge of sewage off-site would also breach UDP Policy ENV 29 (i).

The proposal shows the disposal of rain water run off into the mains sewer. This is wholly unacceptable in an area serviced by sewers that regularly overflow in the centre of the village and without provision of an adequate soak away this proposal should be rejected.

Application 0800534/FUL:- Proposed garage and granny annex at 5 Croft Lane, Southerndown.

Observations

IR Concerns were expressed that the development might be a visual intrusion when viewed from the Heritage Coast path and that it may set a precedent for similar developments in the village.

Objections

The proposal shows the disposal of rain water run off into the mains sewer. This is wholly unacceptable in an area serviced by sewers that regularly overflow during periods of heavy rain and without provision of an adequate soak away this proposal should be rejected.

Application 0800442/FUL:- Extension to provide ground-floor shower and toilet facilities at 12 Heol Sant Bridget, St. Brides Major.

Objections

SMC The proposal shows the disposal of rain water run off into the mains sewer. This is wholly unacceptable in an area serviced by sewers that regularly overflow in the centre of the village and without provision of an adequate soak away this proposal should be rejected.

LATE ITEMS FOR COMMITTEE		Application No. 2008/00365/FUL	
Committee Date: 5 June 2008		Page No.: 250	
To be added to report: YES / NO (Delete where necessary)			
From: BARRY TOWN COUNCIL Summary of Comments: The amendments, particularly the improvements to the external facades are welcomed. No objections are raised subject to:- 1) The use of this retail store being restricted to Class A1 shops only. 2) The Highway Authority being satisfied with the safety of the arrangements for servicing, loading/unloading and the manoeuvring of large delivery vehicles and that there would be no conflict with the arrangements for servicing the neighbouring Wilkinson store.			
APPROVED BY:			
Officer: Mr. I. Robinson		Officer:	
Appendix No.:		O.M. or H.P.T.	

BARRY TOWN COUNCIL

Council Offices
7 Gladstone Road
Barry
CF62 8NA
Tel. No. (01446) 738663

4th June 2008

Dear Sir

Town and Country Planning Act 1990 (as amended)

<u>Planning Application No.</u>	2008/00365 (FUL) - 57 Holton Road
<u>Proposed Development:</u>	Erection of new retail store on vacant land at 57 Holton Road – store to include ground floor sales area with an entrance doorway, with shop windows facing onto Holton Road and Evans Street.

The Barry Town Council wish to submit the following observations in respect of the above-mentioned application:

The amendments, particularly the improvements to the external facades are welcomed.

No objections are raised subject to:-

- 1) The use of this retail store being restricted to Class A1 shops only.
- 2) The Highway Authority being satisfied with the safety of the arrangements for servicing, loading/unloading and the manoeuvring of large delivery vehicles and that there would be no conflict with the arrangements for servicing the neighbouring Wilkinson store.

Yours faithfully

Executive Officer

D R Thomas Esq
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4US

LATE ITEMS FOR COMMITTEE	Application No. 2008/00373/LAW	
Committee Date: 5 June 2008 Page No.: 275		
Lawful development certificate submitted in respect of garden extension at Lydmore Barn, Dyffryn, Nr. Barry.		
Additional Recommendation. Members will note that the report makes reference to urgent authorisation being sought for enforcement action prior to the Committee date, however due to matters beyond the control of the Department, the authorisation has not yet been sought and accordingly the following additional recommendation is requested: “In view of the findings in the above report, it is also recommended that the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require: (i) The cessation of the use of the land as domestic curtilage; and (ii) The removal from the land of all domestic structures, landscaping and features. In the event of non compliance with the notice, authorisation is also sought to take such legal proceedings as may be required.”		
Officer: Mr. Morgan P. Howell		

LATE ITEMS FOR COMMITTEE**COMMITTEE DATE : 5 June 2008**

Application No.: 2008/00492/RG3	Case Officer: Mr. S. J. Ball
Location: Plot 6, Atlantic Trading Estate, Barry Proposal: Construction and operation of a household waste recycling centre (HWRC)	
From: Dennis Harkness Summary of Comments: While there is a need for improved facilities, there are concerns in respect of: - • Increased fly-tipping on this vulnerable part of the coast • The development does not need to be on the coast • The development will not safeguard the East vale Coast from inappropriate development • The proposed access route will deter many drivers from using the facility, and the Council should be seeking to reduce the use of Cardiff Road.	

Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

49, Cornwall Rise
BARRY
Vale of Glamorgan
CF62 9AG

Wednesday, May 21, 2008

Dear Sir

2008 00492/RG3 - Civic amenity site, Bendricks

This is an objection to the above proposed development.

The mis-use of the Bendricks is becoming increasingly worrying with regular fly-tipping taking place and evidence that the Cadoxton River at this unseen point is being polluted by industry.

We do need improved facilities for the public to access amenity and recycling provision but with this proposed development there is a serious risk of increased fly-tipping on this very vulnerable and valued part of our coastline. In addition, accessibility may deter users from recycling their waste and disposing their refuse properly.

Unfortunately, amenity sites attract mis-use when they are closed or permission to dispose of waste is refused. As a consequence, some people will inevitably dump refuse close by and there is no indication that the proposed development includes measures to address problems of contamination and fly-tipping which may help to prevent any increased mis-use of this coastal zone.

This proposed development is a stones-throw from high tide water.

Policy ENV 6 states that any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

Furthermore, **Planning Policy Wales (5.7.2)** states that 'UDP's should normally only propose coastal locations for development which needs to be on the coast'.

Paragraph 5.8.2 says that before major developments are permitted it will be essential to demonstrate that a coastal location is required.

This development does not need to be on the coast.

Local planning authorities are also obliged by the **EC Framework Directive for Waste** to ensure that waste is recovered or disposed of without harming the environment, without endangering human health, without risk to water, and without adversely affecting the countryside or places of special interest.

This estate was initially developed many years ago for non-industrial reasons and before our coastline was becoming burdened with unwanted development. Just because the site has previously been developed, the fundamental principles and thinking behind planning strategy with regard to the protection of our coastline, should not be brushed aside.

The VoG Council has a commitment, {UDP 3.4.22} that they will 'safeguard the East Vale Coast from inappropriate development.'

These safeguards are not evident with regard to this development.

The proposed access to a development should reflect the likely travel patterns involved and there are two potential routes for Barry people to and from this proposed site.

The significantly shorter and therefore the preferred route will be through the docks and the surface of this road is totally unacceptable with many double sleeping-policeman, significant pot-holes and railway lines.

Its condition is probably meant to deter the public from using the port authority's road and I am confident that it will **deter many drivers from using the amenity facility** once it is moved to this location.

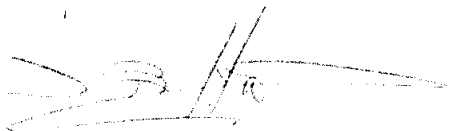
The alternative route is much longer and people will be reluctant to add to their journey. The Cardiff road from Weston Square to 'Biglis Bridge' is already heavily congested and will be the primary route for the increased traffic from the development of the Waterfront.

Planning Policy Wales {8.1.3} has an emphasis on reducing the need to travel, especially by private car, by locating development where there is good access and near other related uses to encourage multi-purpose trips and to reduce the length of journeys.

The Council should be seeking to reduce the use of this primary route.

The present facility on the Hayes road does need to be improved or even replaced but the new proposals need to protect the local environment from the consequences of locating the amenity site at this location.

Yours sincerely



Dennis Harkus

20/5/08	ACK:
16/5	NO:
STB	ACTION BY:
	RECEIVED:
	DATE:

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

22 MAY 2008

RECEIVED

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 5 June 2008

Application No.: 2008/00492/RG3	Case Officer: Mr. S. J. Ball
Location: Plot 6, Atlantic Trading Estate, Barry Proposal: Construction and operation of a household waste recycling centre (HWRC)	
From: Head of Visible Services (Highways) Summary of Comments: The highways Officer advises that both Wimbourne Road and the Atlantic Trading Estate Access Road are not adopted highways and therefore not deemed a public right of way and therefore the Highway Authority can <u>only</u> considered the routing of vehicles for the purpose of this application based on existing adopted highway routes namely the (B4267) Sully Moors Road to Hayes / Bendricks Road from the North and West and the (B4267) South Road to Hayes / Bendricks Road from the East and the South. They advise that the highway network will accommodate the additional vehicle trips generated by the new facility, but express some concerns, particularly regarding the need for there to be adequate provisions within the site for queuing vehicles without which it will inevitably result in vehicles queuing on the carriageway, to the detriment of public safety and the free flow of traffic through the estate. They conclude that they require conditions to be included covering a number of highways related matters. These would be addressed by the following recommended additional condition: - 15. Prior to first beneficial use of the facility hereby approved, advance directional signage commencing from the roundabout junction of Sully Moors Road/ South Road / Hayes Road shall be provided in accordance with full details which shall first have been submitted to and approved in writing by the local planning authority. Reason: In the interests of highway safety and to meet the requirements of Policy ENV27 of the Unitary Development Plan. 16. Notwithstanding the submitted plans, the proposed vehicular access for commercial vehicles shall have a minimum width of 12m, and shall be provided with gates set a minimum distance of 15m from edge of carriageway. Reason: In the interests of highway safety and to meet the requirements of Policy ENV27 of the Unitary Development Plan.	