

6th July Planning Committee Meeting

04/01800/OUT

Received on 16th March, 2005

Philip Jones Properties unlted, Rainbow Plaza, Boverton Road, Llantwit Major, Vale of Glamorgan, CF61 1XZ.
(Anderson and Associates, 39, High Street, Cowbridge, Vale of Glamorgan, CF71 7AE.)

LAND AT JUNCTION OF HEOL Y FRO AND HEOL PENTRE'R CWRT, LLANTWIT MAJOR

Outline application for the construction of a convenience store (Class A1 shop use)

The application was advertised on 29th March, 2005.

SITE DESCRIPTION

The site comprises an area of land adjacent to a roundabout within a residential estate in the northern part of Llantwit Major. The site has an area of approx. 0.22 hectares. There is a small electrical sub-station at the north east corner of the site. Residential properties directly abut the eastern boundary and to the south western corner of the site.

DESCRIPTION OF DEVELOPMENT

This is an outline planning application to construct a convenience store on the site which would have Class A1 (shops) use. The application has been submitted in outline. Initially, all matters were reserved for subsequent approval, although an illustrative plan accompanied the application giving an indication of the developer's intentions. However, further to requests details relating to siting, design, means of access and external appearance have been submitted. The application remains in outline, with matters relating to landscaping still being reserved for subsequent approval.

It is proposed to construct a convenience store with a total floor area of approximately 400 square metres. The building would accommodate a sales area, office, store, a staff room and toilets. The building would be single storey with a hipped roof design with a height to ridge of 6.2 metres.

The site would provide a one-way system through the site with access off Samson Street and egress onto Heol y Fro. The layout would allow for separate access for commercial vehicles and staff, which would be to the rear of the building with parking for customers to the front and side of the proposed building. A total of 21 parking spaces would be provided, with four of these spaces allocated for staff. The layout allows for landscaping to the boundaries of the site.

PLANNING HISTORY

89/01326/OUT – Outline planning permission was granted on 24th May, 1991 for residential development and public open space along with community facilities and local shops at land between Llantwit Major Road and Llanmaes Road in Llantwit Major. The consent was granted following the signing of a Legal Agreement requiring the provision of highway works and recreational facilities. Condition No. 3 of the consent required the submission of a development brief/master plan to illustrate how the entire site was to be comprehensively developed. The Council subsequently agreed a Development Brief in April 1992 and Condition No. 3 was formally discharged.

The details submitted as part of the Section 106 Legal Agreement and the Development Brief both indicated that the site subject of the current application was allocated to become a retail area. However, no reserved matters details for this site were ever submitted and the site has remained undeveloped.

CONSULTATIONS

Llantwit Major Town Council -Has objected to the application on the following grounds:

- The impact on established traders in the town centre.
- The building is out of context with the residential area.
- The impact of increased traffic to children playing in the vicinity.
- The possibility of anti-social behaviour around the new premises.
- There is nothing in the new UDP with regard to the retail outlet.
- The area was not designated for retail in the Old Vale district plan.

Environment Agency - Has no objection to the application.

Welsh Water - Has no objection to the application.

Gwent Glamorgan Archaeological Trust - Has no objection to the application.

Police Architectural Liaison Officer - Has made the following comments:

- The risk assessment for crime in Llantwit Major and the area surrounding the site is low with the main offences being theft from and criminal damage to motor vehicles. There is a problem with youth nuisance in the town. The store is likely to create a focal point for such youths leading to an increase in associated crime such as vandalism. There is also likely to be crime against the store itself such as burglary.

- It is therefore recommended that the development be 'secured by design', taking account of a variety of detailed matters. These include providing security to the perimeter, access control and traffic calming to the car park, removing the canopy to the building which provide areas of comfort for youths to shelter and locate the cash machine inside the store or provide security measures to reduce potential for associated crime. In addition, trolleys and waste bins should be secured and carefully located to reduce potential for nuisance and crime, rainwater pipes should be designed so as not to provide climbing aids, landscaping should be designed to allow for surveillance of the site, lighting should be well considered and a CCTV system should be installed.

The Head of Visible Services (Highways) - Has no objection to the revised layout proposals.

The Head of Visible Services (Operations Manager Parks and Ground Maintenance) - Has stated that:

"The site is immediately adjacent to the Council's Windmill Lane playing fields. The South Wales Police Architectural Liaison Officers should be consulted to ensure that the scheme fits with the Secured by Design scheme to reduce the effect of any anti-social behaviour. Permeability of the site should be controlled. No route through the site onto the playing fields should be permitted with a 2 metre high physical barrier erected to the rear boundary of the site to control access and reduce litter being blown onto the playing fields. Litter receptacles should be provided within the development.

It is also suggested that a small section of hedge and fence to the south of the site should be removed to allow greater observation of the land adjoining the development site, subject to discussion with the Council's ecologist and in consultation with Members. Remediation measures could be implemented by the planting of community woodland to the rear of Samson Street. The developer should pay for these works through a Section 106 Legal Agreement".

The Property Services Department - Has been consulted but no comments have been received.

Council's Footpaths Officer - Has stated that the site is not affected by any public rights of way shown on the Definitive Map. The closest is Public Footpath No. 37 Llantwit Major, which runs along the rear of the site but does not directly abut it. The footpath officer has been made aware of the possible use of another path not shown on the Definitive Map but being used by the public and this may give rise to a claim under the Wildlife and Countryside Act 1981 for a public right of way to be added to the Map. Such claims can result in delays to development whilst they are investigated and can result in an amendment requiring the inclusion of the path.

The Footpath Officer welcomes the proposal to provide a footpath through the development.

The Director of Legal and Regulatory Services (Environmental Health) – "We have no objection to the development. We do recommend the following conditions in order to prevent loss of amenity due to noise from the development.

1. All cooling units, input and extraction fans and dry waste compactors must be housed within a plant room. The noise reduction properties (acoustic properties) and location of the plant room must be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation.
2. No other service plant that could be audible beyond the site boundary shall be located externally.
3. Roller shutter doors must be a continuous profiled sheet, powered by an electric motor and fitted with noise insulated guides.
4. Hours of operation we would advise 07.00 hrs. to 22.00 hrs. daily.
5. Delivery times.
 - Newspapers and bread deliveries not before 07.00 hrs. daily except Sundays (excluding newspaper deliveries).
 - All other deliveries 08.30 hrs. – 16.30 hrs. daily except Sundays (excluding newspaper deliveries).

REPRESENTATIONS

Neighbouring occupiers have been consulted and two notices have been posted at the site, the first to advertise the initially submitted application and the second to notify residents of the submission of additional details. A great level of objection has been generated against this proposal reflected by the fact that well over 500 objections have been received in the form of individual letters and signed leaflets.

The leaflets state that residents “formally object to planning application 04/01800/OUT at Pentre’r Cwrt. It is not needed and will serve to destroy a rare beautiful area. I oppose destruction of the countryside, increased danger to children, wildlife and the public. I will not use the facilities if they are provided”.

These letters and leaflets have been retained on file and are available for inspection by Members. Three letters from residents are attached as Appendix A as a representative example of the objections received.

Objections have also been received from John Smith MP and Jane Hutt AM (see copies of letters attached as Appendix A).

Furthermore, local residents in the area have formed an action group entitled ‘Llantwit Major Action Group’ in response to the proposed development. Two letters of objection to the application has been submitted from Atkins Transport Planning on behalf of the Action Group. The objection is based principally on the grounds of viability, access, intrusion and loss of amenity (copies of these letters are also attached as Appendix A).

In addition, a presentation was made to Council officers by representatives of the Action Group outlining their main concerns with regard to these proposals.

A summary of the main grounds of objection raised by residents and local traders are set out below:

- The surrounding area has a rural character and the estate has been well designed. The site currently provides an open aspect, with low activity, no commercial or retail activity, no car parks or fences; just grass and shrubs.
- Loss of amenity for residents due to the visual impact of the development which alter the character of the area, destroy its ambience and replace grass with buildings and car parks.
- Loss of safety with the loss of a safe play area for children, increased traffic hazards with Heavy and Light Goods Vehicles introduced to the estate.
- Access to the football pitches and the footpath would be restricted with increased walking time to town centre shops.
- Increase in noise levels and nuisance in an area with currently very low ambient noise levels due to increased traffic, servicing, car doors, youths, vandalism and alarms including during unsocial hours.
- The area currently has low traffic levels. Traffic would increase including at unsocial hours and at peak school run times. It is estimated that the store would generate 1100 extra car trips a day increasing traffic by between 50% and 135%. The roads are narrow and unsuitable for heavy vehicular traffic.
- Increased pollution from exhaust gases, dust and dirt, litter, rubbish, graffiti, storage of materials and threat of vermin.
- The proposal would reduce the viability of the existing town centre businesses. The development would not be viable without attracting non-estate shoppers. The residents on the estate do not want or need a shop on the estate which will further reduce viability. It is only 5 minutes walk to the town centre and there is a regular bus service. The town centre has excellent facilities and a number of traders have objected to the proposals.
- The implications of the store closing in the future should be considered.
- The proposal would be intrusive resulting in loss of privacy for adjoining residents.
- Loss of trees and habitat for wildlife.
- The ownership of the site has been queried.
- The site has not been designated for retail use in any of the Council's plans.
- Devaluation of property.
- Issues of drainage.

- Objections to the use of a site where there are footpaths used by the public (not shown on the definitive map) and that a public right of way should be designated and maintained through this site.

Copies of all letters of representation are retained on file for the inspection of Members.

REPORT

The development plan for the site comprises the Vale of Glamorgan Unitary Development Plan 2005 (UDP). The site is situated within the settlement boundary of Llantwit Major, as defined by the UDP. There is no specific reference to the application site within the UDP. The following policies of the UDP are considered to be directly relevant to the application:

Strategic Policy 2 which encourages sustainable practices and which favours proposals which are located to minimise the need to travel, especially by car.

Strategic Policy 8 which again favours developments in locations which are highly accessible by means of travel other than the private car.

Strategic Policy 9 states that “the vitality, attractiveness and viability of existing town, district and village shopping facilities will be protected and enhanced.”

Strategic Policy 10 states that existing centres will be the focus of new shopping development but out of town shopping development will be permitted if:

- There are no suitable town, district or edge of centre sites.
- The proposed development does not have an unacceptable impact on existing shopping centres or proposed retail areas identified in Part II; and
- The proposed development is accessible by means of travel other than the private car.

Policy SHOP12, relates to new retailing development outside district centres, and this policy is reproduced in its entirety below:

POLICY SHOP12 – NEW RETAILING DEVELOPMENT OUTSIDE DISTRICT SHOPPING CENTRES

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

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

- (iii) THE PROPOSAL WILL NOT HAVE AN UNACCEPTABLE EFFECT ON THE ACHIEVEMENT OF AN ACCEPTABLE SUPPLY OF BUSINESS / INDUSTRIAL LAND AS IDENTIFIED IN POLICY EMP1;
- (iv) THE PROPOSAL IS WELL LOCATED TO PUBLIC TRANSPORT, THE NEEDS OF THE NON-CAR TRAVELLER AND THE MAIN ROAD NETWORK;
- (v) THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE ADVERSE EFFECT ON TRAFFIC FLOWS AND PATTERNS, SAFETY, ENERGY USE OR OTHER EMISSIONS;
- (vi) CAR PARKING AND SERVICING FACILITIES ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vii) ADEQUATE UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED;
- (viii) THE PROPOSAL DOES NOT RESULT IN THE LOSS OF GRADES 1, 2 OR 3A AGRICULTURAL LAND OR HAVE AN UNACCEPTABLE EFFECT ON AREAS OF ECOLOGICAL, GEOLOGICAL, GEOMORPHOLOGICAL, WILDLIFE IMPORTANCE, LANDSCAPE PROTECTION OR ARCHAEOLOGICAL INTEREST.

Policy ENV25 is also relevant in that it seeks a high standard of design in new developments.

Planning Policy Wales March 2002 (PPW) contains policies that are considered to be material to the consideration of the application. On a general level, PPW also promotes the notion of sustainable development. In terms of retail policy, it promotes existing centres as the most appropriate locations for new retail development and encourages the enhancement of the viability of these centres.

Planning Policy Wales states that when determining applications for retail or other uses best located in a town centre, local authorities should take into account:

- Compatibility with the UDP strategy.
- Consideration of the need for the development.
- The sequential approach to site selection.
- The impact on existing centres.
- Accessibility by a variety of modes of travel; and
- The impact on overall travel patterns.

Planning Policy Wales goes on to state that “developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach, before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer, and in the case of appeal the Assembly will need to be convinced that this has been undertaken. This approach also requires flexibility and realism from Local Planning Authorities.”

TAN (W) 4 Retailing and town centres (1996) is also a material consideration with this application.

A planning statement has been submitted by the applicant in support of the application. The main points can be summarised as follows:

- Planning history and status of the site:

The use of the site for retail purposes was established upon the granting of outline planning permission in 1991 and the subsequent submission and agreement of a development brief. The provision of community and retail facilities would have been a material planning consideration when determining subsequent planning applications for residential development. It must have been envisaged at the time of granting planning permission that these facilities were required for sustainable reasons in that the site is relatively isolated from the town centre. An alternative siting of this development would be in conflict with the vision of the previous master plan for the area.

- Sustainability:

The proposal is sustainable in that it would provide a small scale shopping facility within walking distance of a neighbourhood that is lacking in such facilities. The town centre is some distance away and not easily accessible by foot. Whilst there is a bus service, it is considered likely that the development would reduce demand for travel, especially by car, which is the preferred mode of travel for shopping trips. The store would enhance the economic well being of the area by encouraging local spending and it would encourage community interaction.

- Impact of district centre vitality and viability:

The floor space is well below the 2500 square metre threshold provided by TAN 4 for developments that require an impact assessment on existing centres or require a sequential approach to site selection. The facility would serve a local need and is unlikely to be attractive to those whose needs are met by uses in the town centre. The location is only convenient to those in the neighbourhood and the store of the size proposed would not adversely affect the existing centre. The agent considers that the proposal would enhance the town centre strategy by encouraging individuals to shop for convenience goods locally as opposed to elsewhere. The proposal is considered to have unique circumstances and so would not set any precedent.

- The Sequential Test:

A district centre or edge of centre site is not suitable for the type of use proposed, which is a neighbourhood convenience store that is intended to serve a local need. The site has long been established as one suitable for retail use following the grant of outline planning permission. An alternative siting of this development would be in conflict with the vision of the previous master plan for the area. It is therefore not considered appropriate to adopt a sequential approach to this application.

- Impact on the character and appearance of the area:

The building has been significantly reduced in size compared to that originally proposed. The building would be single storey and materials would match surrounding development.

- Impact on the residential amenities of adjoining occupiers:

The massing of the building, due to its design has been reduced to minimise its impact, landscaping would soften its impact, vehicular activity would mostly be to the front of the building minimising disruption to adjoining occupiers. Store hours could be controlled by condition. Anti-social behaviour is unlikely to be a by-product of the development.

The Council's Assessment of the Application:

The proposed site comprises an out of centre location on a site which has not been allocated for retail or any other use in the adopted Vale of Glamorgan Unitary Development Plan 2005.

The site did form part of the strategy for the overall development of the area as part of the previous outline planning permission in 1991, which envisaged that the site would be used for community use and local shops. This previous consent dates back some 14 years and it should be clarified that any consent on the site for retail or community use is now no longer extant. However, this previous consent forms a material consideration of this application and it is considered that the agent is correct in his assertion that this precedent cannot be overlooked.

The main thrust of both national and local retail policies is to encourage the enhancement of existing shopping centres. It is considered that the store of the size proposed is unlikely to adversely impact upon the existing town centre in Llantwit Major. The existing town centre is relatively vibrant with vacancy levels being relatively low. The store would be relatively modest in size comprising a convenience store that by its nature is likely to cater predominately for the local population rather than directly competing with town centre stores. PPW states that outlets not part of established centres can play a vital economic and social role to local communities. It is agreed that it would not be appropriate in this instance to require a sequential approach to site selection to a development that inevitably needs to be located within its neighbourhood in order to serve its purpose.

The agent's argument that the proposal represents a sustainable form of development, providing services locally and so reducing the demand for travel, particularly by car, is considered to be indisputable and highly relevant given current policy guidance. To conclude therefore, given the history of the site and current planning policy guidance, it is considered that the development of the site for retail purposes would be acceptable in planning policy terms.

Highway Issues

Further to discussions with the Council, the developer has submitted revised drawings providing a layout with a one-way arrangement through the site. This would allow for larger delivery vehicles to access and egress the development without the need for any turning manoeuvres to be made within the site. The Head of Visible Services (Highways) has no objection to the proposals. It is considered that the road network is capable of catering for the increased traffic resulting from deliveries and customers to the store and sufficient parking facilities would be provided within the site.

Visual Impact

The site currently forms an informal open space, being grassed with a hedgerow, providing an attractive environment for local residents and contributing to the open nature of the immediate surroundings. However, it should be clarified that the site has never been allocated as open space, but comprises an undeveloped site historically earmarked for development. Whilst the site has been maintained to a high standard and currently forms an attractive area of open space, this cannot justify an argument that the development of this site is unacceptable solely on grounds relating to the loss of this open area of private land.

The revised drawings have significantly reduced the scale of the development from that shown on the illustrative plans initially submitted. The building is now considered to be of a suitable scale and design that would fit comfortably on the site with sufficient landscaping being provided to the boundaries to soften its impact in the street scene.

Impact On Neighbours

The development is likely to have an impact upon the amenities currently enjoyed by residents. Adjoining occupiers currently overlook an area of open land, and a store will inevitably create activity on the site, particularly by virtue of traffic and increased general activity. It is, however, considered that the proposal would not affect the amenities of residents to an unacceptable extent. The proposal is solely for a shop (Class A1 of the Use Classes Order) which would be an entirely compatible use within this residential area. The Council would be able to control any future proposals seeking to change the use or subdivide the building, with any use other than Class A1 requiring planning permission.

In response to the request by Environmental Health for additional information, the applicant has raised the following comments:

- The roller shutters due to their design and the fact that they would be electrically operated means that they would be barely audible.
- The plant room and the dry waste compactor would be internal to the building, reducing external noise value from the cooling units, fans and extractor units substantially.
- Hours of operation would be 6.00 a.m. to 10.00 p.m. seven days a week.
- Deliveries would amount to a total of 25 each week with only one delivery on Sundays.

Ecological Considerations

The development would result in the loss of a mature hedgerow on the site which formed part of an ancient hedgerow system extending to the south. The hedgerow is likely to provide a habitat for wildlife including a variety of birds, invertebrates and mammals. The Operational Manager (Parks and Ground Maintenance) has suggested that the section of hedgerow that continues south of the site on Council owned land should also be removed to allow for natural surveillance of the rear of the site which may otherwise provide a haven for anti-social behaviour and reduce the future security of the development. He further suggests that this hedgerow should be removed at the cost of the applicant, as the development is giving rise to the issue of security, and that as compensation for the loss of habitat, the developer should also contribute to the cost of planting community woodland further to the south and to the rear of properties in Samson Street. A Section 106 Agreement would need to be signed between the Council and the developer to this effect. The applicant has confirmed that he would be willing to enter into such an agreement.

There is a mature ash tree situated close to the southern boundary but outside the application site. The development, particularly due to the construction of the proposed access, is likely to have an adverse impact on the root system of this tree, which as a result may need to be ultimately removed. It is considered that whilst being of benefit to the local visual environment, the tree is not worthy of protection as it is not in good health.

Other Matters

There is a public footpath running to the south but outside the application site. The applicant is proposing to provide a footpath link through the site adjacent to the eastern boundary. However, the Operational Manager (Parks and Ground Maintenance) has objected to this, seeking to manage access to the football fields to the rear. Condition No. 10 is therefore attached.

Concern has been expressed by local residents regarding the potential for the development to become a focal point for youths. The Police Architectural Liaison Officer has raised a number of valid points which if addressed can minimise potential for youth nuisance and serve to increase the security of the development. Many of these issues, which include fencing, issues of design, traffic calming and landscaping can be addressed by requiring the agreement of details through a number of the planning conditions recommended to be attached to any consent.

Consideration of this application was deferred at the previous Committee meeting to enable Members to inspect the site. It is anticipated that this inspection will take place on 6th July, 2005.

03906

RECOMMENDATION

It is recommended that planning permission be granted, subject to the prior completion of a Section 106 Legal Agreement to require the developer to make a financial contribution to the Council towards the development of a community woodland in the open space to the south of the site, and also subject to the following conditions.

REFUSE

Reason(s):

1. The proposal, by reason of its scale, form and siting would introduce an undesirable and unwelcome commercial development to an attractive site in a quiet residential area which would also lead to additional traffic movements and general noise and disturbance. The proposal would therefore be detrimental to the residential and visual amenities of the surrounding area, and as such is considered to be contrary to the provisions of Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

04/01943/FUL

Received on 1st December, 2004

Mr. S. Morris, 42, Collard Crescent, Barry, Vale of Glamorgan.
(A. J. Design Associates, P. O. Box 21, Barry, Vale of Glamorgan. CF62 4YL)

LAND ON THE SOUTH SIDE OF ST. JOHN'S HILL, BEGGARS POUND, ST. ATHAN

Two detached cottages with off-road parking

SITE DESCRIPTION

The application site comprises an area of land located on the south side of St. John's Hill. The southern boundary of the site comprises an embankment to the existing houses on the higher ground of Roberts Close.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of 2 No. detached two bedroom dwellinghouses with integral garaging. The two residential dwellings will be sited at an angle to the road with the footprint of the main two-storey element measuring 7m x 6m, plus a lean-to kitchen measuring 2.8m x 4.75m, and the single garage with accommodation in the pitched roof with dormers measuring 5.5m x 3.05m. The proposed dwellings will be of a traditional design with natural lias limestone to the main front elevation and roughcast render to other elevations; and natural thatch reed to the main roof with natural slate to the kitchen and garage roofs. In addition to the single garage each plot will be provided with an on-site parking space and turning facility and separate direct access onto St. John's Hill.

As regards the boundary treatment and landscaping of the site, the front boundary with the highway will comprise a 900mm stone wall with 1.8m feather edge fencing between and to the rear of the plots. The proposal indicates the retention of the majority of the trees on the embankment with a site stability report indicating landscaping works to stabilise the ground against erosion.

PLANNING HISTORY

Cord 276/72 – Bungalow and garage. Approved 6th July, 1972.

01/01361/FUL – Detached four bedroom dwelling and detached double garage. Approved on 3rd May, 2002 subject to the following conditions:

- “1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The vehicular access, on-site turning facilities and boundary wall with the highway, indicated on Drawing No. 01 received on 5th November, 2001 shall be laid out, constructed and surfaced before the first beneficial occupation of the dwelling hereby permitted. The access and turning facility shall be maintained at all times within the curtilage of the site for use exclusively in connection with the dwellinghouse.
3. The double garage hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage(s) shall be available at all times for the parking of private motor vehicles associated with the dwellinghouse.
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.
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 a 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.
6. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
7. Before the commencement of development full details, including structural calculations and an indication of proposals to safeguard the trees to be retained under the agreed tree survey and details of all retaining walls 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 and in conjunction with the levels details indicated on drawings reference SK.01 and SK.02, received on 25th February, 2002.
8. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications. “

03/00077/FUL – Two detached cottages. Refused on 3rd April, 2003 on the following grounds:

- “1. The proposal represents unacceptable overdevelopment of a restricted site that would result in a cramped form of development adversely affecting the general amenities of the area and detracting from highway safety contrary to Policy H9 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989; Policies HOUS9 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998; Supplementary Planning Guidance on Amenity Standards and Planning Policy Wales March 2002.”

03/00624/OUT – Two dwellings. Refused on 31st July, 2003 on the following grounds:

- “1. In the opinion of the Local Planning Authority the restricted nature of the site is such that it cannot accommodate two dwellings that would satisfy the necessary access, car parking and amenity space requirements and be of such a scale, form and character that it would not adversely affect the amenities of the surrounding area. The proposal is therefore contrary to Policy H9 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989; Policies HOUS9 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003); Supplementary Planning Guidance on Amenity Standards and Planning Policy Wales March 2002.”

A subsequent appeal was allowed on 18th May, 2004. A copy of the decision notice is attached at Appendix A.

CONSULTATIONS

St. Athan Community Council – Comments on initial submission:

“My Council objects to this application, on the grounds of overdevelopment, it considers that this plot of land is not suitable for more than one dwelling, as previously stated in Application No. 03/00624/OUT.

Also concern has been expressed by residents of Roberts Close with regard to the “Bunding” of the land at the bottom of their gardens.”

Comments on subsequent submissions:

“My Council has no objections to the amended plans.”

Environment Agency – Submitted their standard advice Guidance Note for Developers only.

Welsh Water – No objections – suggested standard conditions and advice.

Ministry of Defence – No safeguarding objections to this proposal.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 16th December, 2004 and re-notified of amended plans/additional information on 21st February, 4th April and 19th May, 2005. In addition a site notice was posted on 21st December, 2004. Letters of objection/concern in respect of the initial submission were received from the occupiers of No. 8 Roberts Close, Wheelwright Cottage, Brook Cottage and Brynteg. Concerns relate to the stability of the embankment, traffic hazards and problems during construction, invasion of privacy and the proposal not being in keeping with the village.

Further representations were received following revised plans/additional information from the occupiers of Nos. 4 and 8 Roberts Close, Wheelwright Cottage and Brynteg. Similar concerns are raised along with a query regarding land ownership.

Whilst all of the representations are available on file for inspection, copies are attached of the representations from Wheelwright Cottage and Brynteg as being generally indicative of the points raised (see Appendix B).

In addition, a copy of representations made to the Planning Inspectorate by Jane Hutt A.M. have been submitted for consideration and are attached at Appendix C.

REPORT

The site is located within the residential settlement boundary for St. Athan as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005. Relevant policies include the following.

Policy HOUS9 allows for residential development subject to certain criteria including scale and form, and impact on amenity, traffic and character of the area.

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

In addition, the Council has approved car parking guidelines and adopted Supplementary Planning Guidance on Amenity Standards.

In addition to the above policies, the Council must also take into account any other material considerations in the assessment of the application. In this case a significant material consideration is the Planning Inspectorate's appeal decision to allow outline consent for two dwellings on the site. In the light of that decision, the Council cannot reject the principle of the development of the site for two dwellings. As such, concerns raised by neighbours in relation to increased traffic generation cannot be considered at this stage. The Council can, however, consider the acceptability or otherwise of the specific details of siting, design, external appearance, means of access and landscaping and on these issues the following points are noted.

Concerns have been raised in relation to the design and appearance of the dwellings and the impact on the character of the area. It is noted, however, that the appeal Inspector dismissed the Council's arguments in relation to this point. He stated that:

“Even if the development results in dwellings with an angled relationship to the road, as suggested on the illustrative plan accompanying the application, I am not convinced that this would necessarily look out of place.”

As regards the specific design and finishes, the Inspector noted that:

“There is a wide variety and informality in the appearance of the dwellings in the locality.”

As regards the issue of amenity space and privacy, it is noted that the submitted scheme meets the Council’s standards.

On the issue of vehicular access and parking, the Council’s Highway Engineer has confirmed that he is satisfied with the submitted scheme. It is noted that a number of the neighbouring residents have requested that the Council impose conditions controlling hours of working, obstruction and clearance of St. John’s Hill and responsibility for keeping main drains and sewers free during building works. Such controls are not normally imposed in the grant of planning permission on such developments. This is primarily due to the fact that there are a variety of other legislative controls over on-site construction works and obstructions to public highways and is therefore not a matter for planning control.

A number of initial objections related to the proposals for the treatment of the southern embankment to Roberts Close. The applicant initially proposed a crib retaining wall system, however the Council were not satisfied that sufficient details had been submitted to assess such a scheme and, in particular, the availability of space within this very restricted site.

Eventually the applicant decided to pursue an alternative method of retaining the bank and has submitted a Site Stability Report that supports the use of Slope Stability Works as a method of stabilising ground against erosion by using natural vegetation to hold soil together. A method statement has been submitted with the report which is considered acceptable by the Council’s Tree Officer, Landscape Architect and Operational Manager Building Control.

Finally on the question raised over the ownership of land it is noted that the latest amended plans have omitted the area of land in dispute from the application site.

In conclusion, and in light of the above, it is considered that there are no justifiable grounds in planning terms to reject the details now submitted and the following recommendation is therefore made.

03949

RECOMMENDATION

APPROVE subject to the following condition(s):

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

2. This consent shall relate to the amended plans received on the 16th May, 2005, and insofar as it relates to elevational details and external finishes the amended plans received on 14th February, 2005.
3. The vehicular access, on-site turning facilities and boundary wall with the highway, indicated on the Amended Block Plan received on 16th May, 2005, shall be laid out, constructed and surfaced before the first beneficial occupation of the dwelling to which the access relates. The access and turning facilities shall thereafter be retained and maintained at all times within the curtilage of the site for use exclusively in connection with the dwellings hereby permitted.
4. The garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage(s) shall be available at all times for the parking of private motor vehicles associated with the dwellinghouses.
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(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
6. 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 dwelling(s) hereby approved without the prior written consent of the Local Planning Authority.
7. The proposed Slope Stability Works shall be undertaken entirely in accordance with the details outlined in the Site Stability Report dated May 2005 and the timescales indicated.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the approved plans.
3. In the interests of highway safety.

4. To ensure that adequate off-street parking and garaging facilities are retained for the dwelling-houses.
5. To enable the Local Planning Authority to control the scale of development.
6. To enable the Local Planning Authority to control the scale of development.
7. To ensure the future stability of the embankment in the interests of public safety.
8. To ensure satisfactory maintenance of the landscaped area.

NOTE:

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

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

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

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

05/00060/REG3

Received on 12th January, 2005

Vale of Glamorgan Council, Docks Offices, Barry Docks, Barry, Cf63 4RT
(Caroe and Partners, Penniless Porch, Market Place, Wells, Somerset. BA5 2RB
)

DYFFRYN GARDENS, ST. NICHOLAS

Replacement visitor facilities and associates works in accordance with Minute No: C1274 (31/03/2004)

The property is a Grade II* Listed Building.

The application was advertised on 15th January, 2005.

SITE DESCRIPTION

The application site relates to Dyffryn Gardens, St. Nicholas and land and facilities to the north and west of the Grade II* Listed Dyffryn House. The application site is approximately 82,000m².

DESCRIPTION OF DEVELOPMENT

Planning Permission is sought to remove the existing shop/ticket booth shed and fences adjacent to the car park and erect a new restaurant, shop and ticket building to the south-west of the East Lodge (283m²). The existing single storey garage will be removed to make way for the new visitor facilities and the East Lodge two storey building is to be repaired and converted into offices and meeting rooms at 1st floor level and toilets and a wheelchair store at ground level. A picnic area is proposed to the north of East Lodge and a children's play area is proposed for the area to the north of the new visitor buildings. The existing car park will be reduced in size with overflow parking in a field and new access to the west. The existing path to the East Lodge will be replaced with a drive and a footpath to link the car park to the visitor centre. The existing tearooms, glasshouse and pond are to be removed from in front of the Grade II* Listed Dyffryn House.

To the west of Dyffryn House, it is proposed to restore the Bothies for interpretation and as accommodation for the Croquet Club. The modern boilerhouse and flue additions will be removed and the existing St. Michael's Cottage will be upgraded for staff accommodation and offices. Other works include the removal of the existing dilapidated two-storey accommodation and a polytunnel at the rear of St. Michael's Cottage and the erection of a new education and training building with toilets (174m²). The new education/training facility will be a single storey building with a mono-pitch roof. Other developments include the upgrading of existing staff and storage buildings, the erection of new horticultural storage and equipment sheds (469m²) to replace the existing outdated sheds and glasshouses, the erection of a new marquee and Kederhouse-type structure and the siting of a staff car park at the rear of the education and toilet block.

Other associated works include the soft and hard landscaping of the site and works to the culvert. The scheme is part of a Heritage Lottery funded park restoration project.

PLANNING HISTORY

05/00117/LBC – Various works within the site. Yet to be determined.

01/00212/LBC – Demolition of main display range, propagation unit and long acre glasshouses. Approved 23rd April, 2001.

98/00833/REG3 – Excavation and construction of a lake on the site of a previous lake. Approved 24th September, 1998.

98/00011/LBC – Dyffryn House, new escape stairs. Approved 29th March, 1999.

97/01318/LBC – New lift shaft.

94/00444/OBS – Demolish and rebuild 2 pergolas and repairs to Loggia and Temple. Approved 17th June, 1994.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council - Were consulted on 27th January, 2005. "No objections."

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Consulted 27th January, 2005. Her comments are as follows:

"Great crested newts are known to be present on the Dyffryn Gardens site, breeding in ponds which lie within 500m of the development proposals. 500m is the recognised foraging range of a great crested newt. 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). This legislation makes it an offence to damage or destroy a breeding site or resting place, to either intentionally or recklessly damage, destroy or obstruct access to a place used for shelter and protection, or to intentionally or recklessly disturb great crested newts within a place used for shelter or protection. Since the development proposals are within 500m of known breeding ponds, it is likely that a development licence for works will be required from the National Assembly of Wales. In order to ensure that "test 3" is met before planning permission is granted, it is recommended that:

A method statement for the proposed works, including any necessary protection or mitigation measures, be drawn up by a licensed great crested newt worker in order to minimise any impacts on the great crested newt population. The method statement should be submitted to the Local Planning Authority and the Countryside Council for Wales prior to the granting of planning consent and consent should be granted only in receipt of advice from the Countryside Council for Wales that "test 3" (as explained above) is met.

The proposals include the removal of a number of trees and the demolition/conversion of buildings which may offer potential roost sites for bats. Buildings within the Dyffryn Gardens site support known bat roosts. Species recorded to be roosting within buildings on site include the rare lesser and greater horseshoe bats. British bats and their breeding sites and resting places are protected by law through UK Legislation under the Wildlife and Countryside Act (1981) (as amended) and through European Legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost. It is recommended that an initial assessment of all mature trees and buildings proposed for demolition/conversion work be conducted by a licensed bat surveyor to ascertain which have may potential bat use. A full bat survey of these buildings/trees should then be conducted by the licensed surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

Since there are known bat roosts on site at Dyffryn Gardens it is possible, though perhaps unlikely, that a development licence for works will be required from the National Assembly Wales. In order to ensure that “test 3” is met before planning permission is granted, it is recommended that:

A statement also be drawn up by the licensed bat surveyor for the proposed works which identifies and assesses the impacts, if any, on known bat roosts, including the horseshoe bat roosts (including impacts on foraging grounds/routes). In the event that any impacts are identified the statement should include a method statement, including any necessary protection or mitigation measures, in order to minimise impacts on bat populations. The statement should be submitted to the Local Planning Authority and the Countryside Council for Wales prior to the granting of planning consent and consent should be granted only in receipt of advice from the Countryside Council for Wales that “test 3” (as explained above) is met.

Phase 1 Countryside Council for Wales vegetation data shows a small area of species-rich grassland which may be affected by the development proposals. It is recommended that efforts be made to avoid or minimise any impacts on this area of grassland and that it, if possible, it be retained and managed for biodiversity as part of the new development scheme.

It is recommended that planting along stream banks uses native species appropriate to the local ecology and, wherever possible, of local provenance.

The buildings/vegetation proposed for removal/conversion on this application may potentially be used by nesting birds. 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, and that It is recommended that to comply with the law, an informative/condition be included in any consent which states that work affecting the buildings and vegetation should be done outside the nesting season which is generally recognised to be from March to September inclusive, unless a survey is first conducted which ascertains absence of nesting birds.

The development proposals include habitat (woodland) which may potentially be used by badgers. Badgers and their setts are protected under The Protection of Badgers Act 1992.

It is recommended that the application site be surveyed to ascertain absence prior to the granting of consent.”

Countryside Council for Wales – Were consulted on 10th May, 2005. Following a request for a bat survey before the determination of the application, Countryside Council for Wales were sent a copy of the survey for Dyffryn Gardens. Their comments on the conclusions and recommendations have yet to be received.

Glamorgan Gwent Archaeological Trust – Were consulted on 27th January, 2005, and comment as follows:

“Documentary evidence shows that there was a major house at Dyffryn from the middle of the sixteenth century and the alternative name for this house “Columbar” suggests that a large dovecot or columbarium was part of the complex. The post–medieval house appears to have been located on the site of the present mansion (built in 1893-4) although the location of associated features is not known. A park surrounding the house is shown on the Ordnance Survey plans of 1811 and the large walled garden to the west of the house is shown on the detailed Ordnance Survey plans of 1878. The existing gardens were constructed in the early 20th Century by Reginald Cory to the design of Thomas Mawson although there have been some alterations to their layout. Gardens are organic developments with alterations being made regularly. Consequently the alterations proposed in the current application can be seen to be part of the continuous development of the gardens and we therefore do not oppose the positive determination of the current application. However, it is possible that features associated with the earlier gardens could be revealed during the works required for the development. Therefore, it is our opinion that the applicant should be asked to commission an archaeologist to review all of their proposed works in order to prepare a programme of archaeological investigation that would identify any areas where archaeological evidence may survive and be effected by the proposed modifications and implement an appropriate methodology for the investigation and recording. In order not to cause a delay to the proposed alterations, the implementation and submission of this review and programme of investigation can be secured by attachment of a suitable condition to any planning consent granted by your members. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular No. 60/96, Section 23:

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

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

Dyffryn Gardens is a Grade I registered historic garden, therefore Cadw should be consulted on this application.”

CADW Ancient Monuments and Historic Gardens – Were consulted on 27th January, 2005. "I can confirm that there are no scheduled ancient monuments or historic landscapes affected by this proposal. However, this proposal does lie within the historic park and garden known as "Dyffryn", which is included in the Register of Historic Parks and Gardens of Interest in Wales. The proposed development lies within the Grade I registered historic and garden of Dyffryn. Planning Policy Wales (2002, para. 6.5.23, states that 'Local Planning Authorities should protect parks and gardens and their settings on the first part [parks and gardens] of the 'Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales'. The proposal for the new visitor facilities and glasshouses are part of a comprehensive restoration scheme of Dyffryn, largely funded by the Heritage Lottery Fund. It is the view of CADW that these proposals are well researched and sensitive to the historic character of Dyffryn. They accord well with restoration works to the remainder of the site. They combine the removal of the unsightly and inappropriate elements with the introduction of well laid out and well designed new features, most of which are necessary visitor facilities. CADW has no concerns over these proposals. Outside the area of planning application there is a feature on the Masterplan – dense screen planting comprising yew, oak and pine, subject to detail survey and new use of house, which should be re-examined as and when a new use is found for the house. There may be other areas of archaeological interest in the vicinity of this development and we would advise you to consult the Local Sites and Monuments Record held by the Glamorgan Gwent Archaeological Trust if you have not already done so. These views are without prejudice to the National Assembly for Wales' consideration of the matter, should it come before it formally for determination."

The Head of Visible Services (Highway Development) – Was consulted on 27th January, 2005. "The Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:-

There shall be no overall reduction in parking provision at the site, once the new access to the visitors centre is complete. Ideally, the new parking to be constructed off the new access road should be in addition to the existing parking provision. The gardens are very popular and during the larger events held there, parking provision struggles to cope with demand."

The Head of Visible Services (Operational Manager Engineering Design) – "A watercourse crosses the site. The Developer will be required to maintain the flows within the watercourse and should be requested to submit details of the proposals to maintain the flows for approval prior to the commencement of any works on site. Any works on the watercourse will require the approval of the Environment Agency, as well as this Council as Land Drainage Authority and the Developer should submit appropriate details for the necessary approvals prior to the commencement of works. It is noted that surface water run-off is to discharge to soakaways and rain water storage tanks. The applicant should be requested to submit details of these proposals for my further comment." Following the submission of details these comments were received:

“Whilst Environment Agency consent has been applied for, the works also require consent from the Council as Land Drainage Authority and to this end the proposals have been examined. I am happy with the initial submission and discussions and should the works proceed have asked to be provided with method statements to ensure that the watercourse flows are maintained and to ensure that contingencies are in place in the event of storms during the construction period.”

The Tourism and Marketing Manager - Was consulted on 27th January, 2005.

“From a tourism perspective I feel that improvements to the visitor facilities will be of a great benefit to Dyffryn Gardens and increase visitor enjoyment.”

Dwr Cymru/Welsh Water – Were consulted on 27th January, 2005. “Sewerage – As the applicant intends utilising private drainage facilities, we as Network Development Consultants on behalf of Dwr Cymru/Welsh Water have no comment to make on the above Planning Application. Water Supply – The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991, Dwr Cymru/Welsh Water has rights of access to its apparatus at all times. I enclose our conditions for Development near Water mains. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.” A copy of conditions for development near water mains was included with their comments.

Environment Agency – Were consulted on 27th January, 2005, and comments as follows.

“Whilst it is noted that the application site lies within Zones C2 and B of the development advice maps (dam) referred to under TAN15 Development and Flood Risk (July, 2004) the Environment Agency has concerns only in relation to a small portion of the site, this being the East Lodge (identified to lie adjacent to the eastern site boundary). This part of the development lies within Zone B of the dam. Furthermore, the level survey (Drawing No. C&P.005.08 Rev. 1, Visitor Centre Landscape) has not established if East Lodge is within the extreme (0.12%) flood envelope and whether the consequences of flooding for such an event can be managed down to an acceptable level. Therefore, and in accordance with TAN 15, the Environment Agency would recommend that the applicant be required to provide an assessment of flooding consequences for this part of the development. The criteria for the assessment is given under Section 7 and Appendix 1 of TAN15. This assessment should then be forwarded by the Local Planning Authority to the Environment Agency for detailed advice on flooding effects.

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

The Environment Agency - Were forwarded a copy of the flood risk report on 13th April, 2005 and have provided the following additional comments on the assessment:

“The details contained within the assessment of flooding consequences (by Buro Happold, dated April 2005) is considered to be acceptable. The proposal should be implemented in accordance with the assessment of flooding consequences.”

REPRESENTATIONS

The application was advertised in the press and on site on 14th March, 2005 and no objections have been received.

REPORT

The proposed works form part (Phase 2) of the overall Heritage Lottery funded Dyffryn Gardens Project. The new buildings and works are in keeping with the historic park and are suitably screened through existing and proposed landscaping. The development of modern buildings will result in the removal of existing dilapidated accommodation and are provided as part of the regeneration of the gardens. The new facilities and overflow car park will also increase the capacity of the tourist attraction.

The application site lies within the open countryside and the Duffryn Basin and Ridge Slopes Special Landscape Area. The Council's policies seek to ensure that the design of new development does not have a harmful effect on the SLA, the special character and appearance of the Listed Building and the general surroundings. Therefore, it is considered that the scheme is in accordance with Policies ENVXXX (Special Landscape Areas), ENV15 (Protection of the Built and Historic Environment), ENV25 (Design of New Development) and TOUR5 (Non-residential Tourist Attractions) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

The Council's Engineering Design Team as well as the Environment Agency have examined the proposed works to the various watercourses on the site. They are both satisfied that the improvements should not increase the risk of flooding on the site provided that the proposal is implemented in accordance with the assessment of flooding consequences, in accordance with TAN15 Development and Flood Risk (July 2004). The works included within this application should not affect the water main crossing the site.

The bat survey has yielded positive results in terms of evidence of the use of the buildings within Dyffryn Gardens by roosting bats. The licensed bat surveyor has advised that no works should be undertaken which might affect the use of the buildings by roosting bats until a derogation has been obtained from the Welsh Assembly Government (WAG). It is considered that the three tests specified in Article 16 of the Habitats directive have been satisfied in that the derogation is in the public interest, there is no alternative to the derogation and it is not detrimental to the maintenance of the bat population within the site.

An extensive list of recommendations was included within the report and these should be carried out by the developer following receipt of a development licence in order to maintain the populations in Dyffryn Gardens. A condition will also be attached to the recommendation to ensure that works affecting the buildings and vegetation should be done outside the nesting season which is generally recognised to be from March to September inclusive. A badger survey has been carried out and it has been confirmed that no setts are within or close to the development area. An amendment to the existing newt licence has been agreed.

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.
2. The permission hereby granted shall relate to the details contained in the letter received by the Local Planning Authority on 11th April, 2005 and 5th May, 2005.
3. Details of the materials and colour of the external finishes of the proposed restaurant, shop, ticket building, education and training shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
4. The work shall be carried out in accordance with recommendations within the bat survey report received on 6th June, 2005.
5. The work shall be carried out in accordance with the assessment of flooding consequences by Buro Happold received on 12th April, 2005.
6. 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.
7. No works affecting the buildings and vegetation within Dyffryn Gardens shall be carried out during the nesting season between March and September unless a survey is first conducted and submitted to the Local Planning Authority which ascertains the absence of nesting birds.
8. 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.
9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To safeguard local visual amenities.
4. To comply with the Wildlife and Countryside Act 1981.
5. To ensure a satisfactory form of development and for the prevention of flooding.
6. To ensure satisfactory maintenance of the landscaped area.
7. To comply with the Wildlife and Countryside Act 1981.
8. For the avoidance of doubt and to comply with the Habitats Directive.
9. 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.

NOTE:

- 1. 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.**
- 2. 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.**
- 3. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1988 (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.**

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

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

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

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

05/00137/REG3

Received on 7th June, 2005

The Vale of Glamorgan Council, Civic Offices, Holton Road, Barry. CF63 4RU
(The VOG - Property Division, Civic Offices, Holton Road, Barry. CF63 4RU)

NEW BARN FARM, NEW BARN, FLEMINGSTON, ST ATHAN

Conversion of two barn buildings to form single dwelling by provision of a new single storey link. All existing stone walls and feature opening to be retained.

SITE DESCRIPTION

The site is located in the countryside to the north of St. Athan. The application relates to two buildings of stone construction, one being single storey and the other two storey. The buildings are currently in a poor condition.

DESCRIPTION OF DEVELOPMENT

It is proposed to convert the barns to form a single dwelling. The building would accommodate five bedrooms, three bathrooms, a kitchen, dining room and a lounge. The proposal would involve following works:

- The demolition of a number of existing structures on the site.
- Alterations to the existing buildings as follows:

Three existing door openings would be blocked up and a new window created to the south elevation of the single storey extension. An external staircase to the north elevation would be removed. A blocked opening to the north elevation would be reopened to create a door and two windows. A new window opening would be created to the south elevation of the two storey building. A new roof would be constructed to the two storey building.
- The construction of a pitched roof extension to link the two buildings. The link would comprise stone and glass walls with slate and part glass roof.

Amenity space would be provided around the building together with a parking and turning area.

PLANNING HISTORY

None.

CONSULTATIONS

The Head of Visible Services (Highways) - Has no objection subject to adequate parking and turning facilities, the hard surfacing of the access and the provision of 2.4m by 90m vision splays in both directions.

St. Athan Community Council - Has no objection.

Environment Agency - Has no objection.

Welsh Water - Has stated that a public foul pumping station is located within the site which may generate noise and odours.

British Gas - Has been consulted but no comments have been received to date.

Building Control Section - Has no objection.

REPRESENTATIONS

Neighbouring occupiers have been consulted. Representations have been received from the occupiers of Nos. 6 and 20 New Barn, and a copy of the letters are attached as Appendix A.

REPORT

The development plan for the site comprises the Vale of Glamorgan Unitary Development Plan 2005 (UDP). The site is situated in the countryside, outside the settlement boundary of St Athan, as defined by the UDP. The site is also located within the Lower Thaw Valley Special Landscape Area.

Policy ENV7 'Small scale rural conversions' of the UDP aims to ensure that rural buildings are converted in a manner that retains their integrity and rural character. This policy requires that the conversion retains the architectural or historic features present in the building, that the conversion can be achieved without substantial reconstruction or extension and that work can be undertaken without unacceptably altering the appearance and rural character of the building.

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

From the structural survey submitted as part of the application, there does not appear to be any structural reasons as to why these buildings are not suitable for conversion.

Further to requests, the plans have been revised omitting proposed dormers to the front elevation and revising the porches to the front and rear to lean to structures rather than the pitched roof structures originally proposed. A proposed double garage to the side of the building has also been omitted from the scheme. A revised site plan has also been submitted reducing the extent of the application site to define the residential curtilage of the proposed dwelling.

It is proposed to construct a glazed extension to link the two buildings, which is considered to have a scale and design that is sensitive to the character of the barns. Overall, it is considered that the amended proposals are now in keeping with the existing buildings and accord with the requirements of Policy ENV7 of the UDP.

Amenity space to serve the proposed dwelling would be provided without causing any incursion into the countryside. Adequate off road parking can also be provided to serve the property.

Two bat and bird surveys have been carried out with the following findings. No bat roosts have been found but barn owl roosts are present within the stone buildings. The survey recommends that nest sites should be provided within the main stone building and the existing oval openings near the top of each gable wall should be used as openings. Works must not cause disturbance to owls once nesting has commenced.

On the above basis, the following recommendations is made.

03947

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.
2. The permission hereby granted shall relate to the amended plans, reference 05/00137/FUL, received by the Local Planning Authority on 7th and 10th June, 2005.
3. Prior to the beneficial occupation of the barn hereby approved, all the buildings and associated structures shown to be demolished on Drawing No. AL(00)01A shall be fully demolished and all resulting material shall be fully removed from the site.
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(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
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 a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling(s) hereby approved without the prior written consent of the Local Planning Authority.
6. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

7. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
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.
10. Samples and details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
11. Details of the windows, roof lights, doors, eaves, rainwater goods and type of mortar shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
12. The roof lights shall be of the conservation type.
13. All the proposed mitigation measures for barn owls as recommended by the submitted survey undertaken by Smith Ecology Limited dated 16th May, 2005 shall be fully implemented in accordance with the details hereby approved prior to any works taking place in the parts of the dairy/milking parlour that are used by barn owls.
14. In the event that any protected species are detected during development works, all works must cease until appropriate measures have been implemented in consultation with the Countryside Council for Wales.
15. No works involved in the development hereby permitted shall be carried out during the bird nesting season between 1st March and 31st August unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure an orderly form of development.
4. To enable the Local Planning Authority to control the scale of development.
5. To enable the Local Planning Authority to control the scale of development.
6. To safeguard local visual amenities.
7. To ensure satisfactory drainage of the site.
8. To safeguard local visual amenities.
9. To ensure satisfactory maintenance of the landscaped area.
10. To safeguard local visual amenities.
11. To protect the character of the barns.
12. To protect the character of the barns.
13. In the interests of nature conservation.
14. In the interests of nature conservation.
15. In the interests of nature conservation.

NOTE:

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

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

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the

unauthorised development and may render you liable to formal enforcement action.

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

05/00224/FUL

Received on 11th February, 2005

Nigel Arnold. C/o Agent
(Nigel Arnold Architect, 1, The Washington, Stanwell Road, Penarth, Vale of Glamorgan. CF64 2AD)

LAND OFF MERTHYR DYFAN ROAD, BARRY

Construction of 5 No. detached two storey houses, with detached garages

SITE DESCRIPTION

The site relates to an area of overgrown land situated within the settlement of Barry. The site is comprised of a narrowing strip of land approximately 39m x 14.6m and wider, squarer area of land to the rear of existing dwellings on Merthyr Dyfan Road, this being a maximum of 70m x 58m, to the east of this site lies Bryn Hafren Secondary School.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent to erect 5 No. detached dwellings served off a single point of access from Merthyr Dyfan Road crossing the narrowing strip of land within the site.

The dwellings are of two storey design finished with walls of render and roofs of slate. Staffordshire Blue brick will also be used to the walls as detailing in the recessed porch areas and in the plinths.

PLANNING HISTORY

No planning applications relevant to this site although it is noted that the front of the site was formerly occupied by a bungalow, demolished some years ago.

CONSULTATIONS

Barry Town Council – Were consulted 3rd March, 2005. No objection subject to the Local Planning Authority being satisfied:

1. That the privacy of the occupants of the surrounding residential properties would be fully protected.
2. With the proposals for landscaping and planting.

Welsh Water – See comments attached as Appendix A and two letters to the applicant from Welsh Water are attached as Appendices B1 and B2.

Environment Agency – Standard advice applies.

The Head of Visible Services (Highway Development) – See Appendix C.

The Director of Legal and Regulatory Services (Contamination Land Officer) – Has no comment to make.

Head of Strategic Planning and Performance – “It does not seem that there are any implications for the nearby schools other than increased pupil numbers from the 5 No. houses, which should not have a major impact.

REPRESENTATIONS

Neighbours notified on 3rd March, 2005 and letters of representation have been received from 3 addresses. Copies of the correspondence received are attached as Appendix D.

REPORT

The development site lies within the settlement boundary for Barry as identified in the adopted Vale of Glamorgan Unitary Development Plan 2005.

The development therefore falls to be considered under planning policies for development within residential settlement boundaries. In particular Policies HOUS2, HOUS9 and ENV25 of the Unitary Development Plan are considered relevant.

The development for 5 No. units off a private drive layout should be assessed in relation to scale, density, design and relationship to neighbouring development. Access and drainage are also relevant. Within the immediate vicinity of the site lies a number of 2 storey and single storey dwellings including the more recent development of Glynbridge Close situated to the rear of properties at Merthyr Dyfan Road. The site lies to the south of properties at Glynbridge Close and to the east of Merthyr Dyfan Road properties. There is also a post office adjoining the site on Merthyr Dyfan Road and a Secondary School to the rear of the site. (Bryn Hafren).

The dwelling nearest to Glynbridge Close properties will lie between 15 and 17m from the rear of those properties. Whilst there will be some overshadowing of the rear most part of the rear gardens to these properties, it is considered that this will not be so excessive as to warrant refusal. The nearest dwelling to the rear of the Merthyr Dyfan Road properties will lie approximately alongside the rear of the post office which buildings extend virtually to the extremities of its own site. Again, it is considered that the layout of this part of the site does not materially affect the amenities of residents on Merthyr Dyfan Road. Privacy will require windows adjacent to these boundaries at first floor to be obscurely glazed.

Adequate access can be provided to the site between Nos. 9 and 13 Merthyr Dyfan Road with potential for landscaping to either side of this access road. There are several trees on site and whilst those to the rear could be retained the large tree to the front of the site requires tree surgery and any landscaping scheme should seek to replace this tree.

The dwellings have both parking spaces in garages and on drives, and amenity space to meet the Local Planning Authority's adopted standards.

The main remaining issue is that of drainage for foul water. Welsh Water object to connection to the foul water system before April, 2007. Welsh Water have suggested at Appendix A, a condition that occupation of the dwellings does not take place until completion of the upgrading works scheduled for completion by 31st March, 2007. The comments from Welsh Water and local residents clearly indicate a problem with the current foul water system and as such approval without limitation on this development would exacerbate the situation. The applicants have indicated that they would wish to connect on a temporary basis to a cesspit. Advice contained in WO Circular 10/99 'Planning requirement in respect of the use of Non-Main sewerage incorporating Septic Tanks in new development' is that where connection to a mains sewer system is possible then this should be the case. The provision of cesspit drainage is not generally acceptable in an urban location. Whilst the application, if approved, with a temporary cesspit may only rely on this method of drainage for approximately 1 year the Local Planning Authority has no control over the Welsh Water programme of upgrading and any delays which may occur. For this reason it is recommended that the condition requires drainage be as recommended at Condition No. 2. below and that planning consent be granted.

03952

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. None of the dwellings hereby approved shall be occupied until temporary sewerage treatment plant has been installed in accordance with the approved details and the dwellings shall only be served by the temporary sewage treatment works until 1st June, 2007 and the dwellings shall connect to the main sewer within 2 months of the completion of the essential improvement works to the public sewage system unless the Local Planning Authority gives written consent to any variation.
3. Prior to the commencement of development, details of percolation tests for the proposed sewage treatment plant shall be submitted to and approved in writing by the Local Planning Authority.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

5. 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.
6. The access and turning areas shall be provided on site in accordance with the layout as approved on Drawing No. 25001: 05 A received by the Local Planning Authority on 16th April, 2005 prior to the first beneficial occupation of any dwelling hereby approved and shall thereafter be so retained at all times to serve the dwellings hereby approved.
7. Prior to the commencement of excavation for foundations for the dwellings hereby approved, details of the finished floor levels in relation to existing ground levels and finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in full accordance with the approved details.
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 dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
9. The windows serving the en-suite bathrooms at 1st floor level and the kitchen and family rooms at ground floor levels in the side elevations of the dwellings hereby approved shall be fitted with obscure glazing at the time of construction and shall thereafter be so maintained at all times.
10. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no additional windows shall be inserted in the dwellings hereby approved without the prior consent to the Local Planning Authority.
11. The site shall be enclosed by 1.8m high timber fencing as detailed in green on Drawing No. 25001: 05 'A' attached to this consent prior to the first occupation of on any dwelling hereby approved and shall thereafter be so maintained at all times unless the Local Planning Authority gives written consent to any variation.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To prevent hydraulic overloading of the public sewerage system to protect the health and safety of existing and future residents and to ensure no detriment to the environment.

3. To ensure an acceptable form of foul water drainage to serve the proposed development.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.
6. To ensure satisfactory access and turning movements to serve the development.
7. To safeguard the amenities of adjoining occupiers and to ensure an acceptable form of development.
8. In the interest of visual amenity.
9. To safeguard the privacy and amenities of existing and future occupiers,
10. To safeguard the privacy and amenities of existing and future occupiers.
11. To safeguard the privacy and amenities of existing and future occupiers.

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's attention is drawn to the need to ensure that no species, or their habitats, protected under the Wildlife and Countryside Act 1981 EC Directive (Habitats and Species Directive 92/43EC).**

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

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

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

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

05/00258/FUL

Received on 15th February, 2005

Cathays Cottage Company Ltd, c/o Agent
(Wyn Thomas Gordon Lewis Ltd., 21, Park Place, Cardiff. CF1 3DQ)

8, PARK ROAD, BARRY

Replacement of existing house, subdivided into 8 flats, with a new building containing 16 residential flats

SITE DESCRIPTION

The site relates to a substantial traditional Victorian dwelling in a row of Victorian and Edwardian villas, many now subdivided into flats (8 number in the application site property). The property is situated on the northern side of Park Road, generally characterised by traditional dwellings and opposite more recently constructed residential properties.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the existing dwelling and to erect a replacement block of 16 flats.

The replacement building will have a pitched roof of dark grey, interlocking concrete tiles, with some areas of flat roof grey colouring. Dormer windows will have lead roofing. External walls will be a combination of red facing brick, white, smooth self coloured render with areas of horizontal softwood cladding. Bays, window sills, copings and dressings will be of cast stone and of either Bathstone or Yorkstone buff colour. Balconies will have external steelwork railings of galvanised metal.

The floor plan indicates a maximum width of building of approximately 22.6m, a depth of 28.4m and a height of 13.3m to front gable, 13.7m to rear ridge viewed from Park Road over front elevation. Accommodation will be over 4 floors, including rooms in the roof. The building will lie approximately 12m from the front boundary, 13m from the rear boundary and 8.2m and 6m from the boundaries with Nos. 9 and 7 Park Road respectively.

19 car parking spaces are indicated as being served off either the rear lane or existing access off Park Road.

A copy of a supporting statement received from the applicant's agent is attached as Appendix A.

PLANNING HISTORY

None directly relevant to the site, however Committee's attention is drawn to the recent appeal decision in relation to planning application 04/01419/FUL Highfield Close, Barry, a copy of which is attached as Appendix B.

CONSULTATIONS

Barry Town Council – See Appendix C.

Welsh Water – See Appendix D.

Environment Agency – Standard advice applies.

The Head of Visible Services (Highway Development) – See Appendix E.

REPRESENTATIONS

23 letters of representation have been received and include comments relating to:

- inadequate parking provision with possible access off the rear lane from Dunraven Street;
- adverse effects on neighbouring properties' residential amenities, including light and noise pollution, overlooking and loss of light;
- unsympathetic in scale, design and use of materials to the existing Edwardian/Victorian character of the area;
- inadequate drainage;
- the development represents town cramming;
- the development exceeds the existing height of No. 8 Park Road and any increase to height in the skyline would not be acceptable;
- loss of the characterful Edwardian building;
- access and servicing by larger vehicles, e.g. refuse truck, will result in a highway danger.

4 letters are reproduced at Appendix F being generally representative of the views expressed.

REPORT

The site lies within that part of Park Road identified in the Barry Development Guidelines approved as Supplementary Planning Guidance (SPG) in January 1999 as an Area of Special Identity. The site is situated on the north side of Park Road within a row of relatively large, detached and semi-detached residential properties of the Victorian/Edwardian period, all standing within substantial curtilages.

The proposal entails the total demolition of the existing building and its replacement with a larger block of apartments.

The character of this part of Park Road most closely aligned with the appeal site is that of the large villas in substantial plots. As noted above, the character which the SPG seeks to retain is that of the number of villas of this period remaining along Park Road on the north side. Consideration must be given, therefore, as to whether the demolition of this building set within the 'heart' of this row and its replacement with a modern block of larger scale and height will, in itself, disrupt this long established character.

In assessing development, regard should also be paid to the policy context as set out in the Vale of Glamorgan Unitary Development Plan adopted 2005. In particular Policies HOUS2 (Additional Residential Development), HOUS9 (Residential Development Within Settlement Boundaries), HOUS12 (Residential Privacy and Space) and ENV25 (Design of New Development). Also the Council's adopted guidelines for the provision of car parking and the SPG 'Amenity Standards' are relevant here.

It is considered that the starting point for assessment of the scheme is the desirability of retaining the existing building and its contribution to the character of this part of Park Road. There is a clearly distinctive character and the application site, whilst it could benefit from some sympathetic refurbishment (having been unsympathetically extended to the rear), does contribute to that character as a whole. The building is situated approximately centrally on this side of Park Road. The site itself is characterised not only by the scale of the building but the open space setting to it and its neighbour created by its substantial curtilage. There is no information to suggest that the property is uninhabitable, in a derelict state or structurally unsound.

Committee's attention is drawn to the recent appeal decision in respect of development at Highfield Close, a copy of which is attached at Appendix B for Committee's information. It will be noted that the Inspector in that decision considered that the redevelopment of that site by a block of 20 apartments would "be of a size, scale and form completely out of character with the older housing, which it would considerably exceed in size and assertiveness. Its introduction into the block of Victorian/Edwardian development along the north side of Park Road would considerably disrupt the long established character of that development, changing the balance between newer and more traditional built form" (paragraph 11). It should be noted that the scheme for development of Highfields Close was of a different design and detail to that now proposed and whilst the broad principles of the Inspector's arguments about a scheme's acceptability are clearly applicable to this site the final conclusions may not necessarily be so. The merits of the design of this current scheme should be fully assessed before reaching a conclusion.

In detailing the development the applicants' agents have used gables, broken footprint, bay windows and elevation details and materials particularly to endeavour to replicate some of the details and character of the original building along this part of Park Road. It is considered however that the overall scale of the new building with its increased mass and 'built form to site' area ratio represents an over-scaled development which will be overly dominant to immediate adjoining dwellings and to the street scene in general.

The building's street elevation is almost double the width and the height of the original building, which is already higher than its neighbours, will be further increased by approximately 1.4m (front ridge line) and 2.5m (rear ridge line).

It is considered that redevelopment of the site in the manner now proposed will detract from the established character of this part of the road identified in the Barry Development Guidelines and thus would be contrary to Policies ENV25, HOUS2 and HOUS9 of the Unitary Development Plan.

The development will bring the building and thus windows nearer to, and more dominant upon, adjoining properties and in particular it is considered that the amenities of No. 7 Park Road whose most private, rear garden would be overlooked by large, balconette living room windows and bedroom windows over two floors at a distance of approximately 13m. Currently there are smaller, less intrusive windows in the elevation of the flats on site and these are approximately 15.2m away.

Having considered all aspects of the scheme, including access, parking and amenity space, it is considered that the development would be acceptable in terms of parking and access (subject to detail and conditions) however a shortfall in amenity space exists. 44 persons could occupy the flats requiring 880 sq.m of amenity. The scheme provides in the region of 660 sq.m of which approximately 84 sq.m is sloping land. Whilst the SPG allows for a reduction in such communal amenity space provision for larger developments, i.e. approximately 770 sq.m for this scale of development, there is still a shortfall. Whilst it is considered that this shortfall alone would not in itself be sufficient grounds to refuse the development, in combination with the objections to the scale of development and the principle of the loss of the original building, the following recommendation is made.

03957

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal would not only result in the unacceptable loss of a building which contributes to the general character of the street scene but result in an inappropriate new development which, by reason of its size, scale and form, would represent an intrusive element in the street scene out of character with adjoining development, to the detriment of the amenities of the area. The development would therefore be contrary to Policies ENV25, HOUS2 and HOUS9 of the Vale of Glamorgan Unitary Development Plan adopted 2005, and Supplementary Planning Guidance 'Barry Development Guidelines' January 1999.

05/00361/OUT

Received on 4th March, 2005

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

LAND ADJACENT TO LOUGHER MOOR, MORFA LANE, LLANTWIT MAJOR

Erection of self-catering serviced holiday chalet

SITE DESCRIPTION

The application site is located off Morfa Lane, to the north and west of Llantwit Major. Lougher Moor has a site area of approximately 4 hectares (10 acres) and lies close to a separate holding known as Floodgate Farm. The dwelling at Lougher Moor is adjoined by former farm buildings which have been converted to three self-contained holiday lets, recognised by the Welsh Tourist Board as 5 star accommodation. The rest of the site has been extensively landscaped and laid out in a manner conducive to holiday accommodation and tourism.

DESCRIPTION OF DEVELOPMENT

This proposal is for the erection of a self-catering holiday chalet on a site approximately 20 metres away from the dwelling house and the other attached converted holiday units. Whilst the application has been submitted in outline only, the original request was for a "2 storey, No. 4 bedroomed holiday chalet". Following recent discussions, the applicants have agreed that any consent should relate only to a "2 bed, single storey building". All matters are reserved for subsequent, detailed approval.

PLANNING HISTORY

93/00395/FUL – Change of use from 3 No. holiday dwellings to 1 No. residential unit. Refused 28th September, 1993.

90/00718/FUL – Convert redundant farm buildings to 3 No. self-contained holiday chalets. Approved 3rd October, 1990.

90/00939/FUL – Conversion of redundant farm buildings to a dwelling. Approved 3rd October, 1990.

CONSULTATIONS

Llantwit Major Town Council – Comments awaited.

Glamorgan Gwent Archaeological Trust – Comment as follows:

“The Regional Sites and Monuments Record shows the current application is within an area of high archaeological sensitivity, being 0.5km away from the Caermead Roman Villa and Bronze Age barrow. However, the foundations required for the proposed Holiday Chalet are likely to be shallow and not penetrate to a depth where archaeological features will be encountered. Therefore, as the archaeological advisers to your Members, we have no objection to the determination of this application.

The record is not definitive, however, and archaeological material may be disturbed during the course of the work. In this event, please contact this Division of this Trust.”

Environment Agency – Comment as follows:

“The Agency has no knowledge of flooding in the vicinity of the proposed development site. The views of your own Drainage Engineers Department should be obtained as they may have knowledge of existing flooding problems in the area (from sources such as culverts, drains and small watercourses etc.) and would also be able to advise in respect of surface water disposal (i.e. that the disposal of surface water will not cause or exacerbate any flooding within the locality).

There are a number of small watercourses on the proposed development site. The design of any development must take account of the existing water features and retain them as open channels. Works within the channel of a watercourse that affect the flow may require Land Drainage consent and proposals such as culverting that involves the loss of open channel will not normally receive consent.”

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

“Further to a site inspection carried out on 4th April, 2005 in relation to the above application, the Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

It is noted that no alteration to the existing access or creation of a new access from the highway is required as part of this planning application.

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

The proposal must not compromise the turning and parking provision already existing at this site.”

REPRESENTATIONS

The nearest occupiers at Nos. 1 and 2 Morfa Cottages and also Floodgate Farm were notified on 13th April, 2005, but no representations have been received to date.

REPORT

The relevant development plan for this area is the adopted Vale of Glamorgan Unitary Development Plan 2005. The application site lies within the open countryside approximately 500 metres outside the residential settlement boundary around Llantwit Major. Accordingly, the relevant Unitary Development Plan Policies are considered to be as follows:

POLICY ENV1 - DEVELOPMENT IN THE COUNTRYSIDE WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

On the basis that the proposed holiday chalet is intended for tourism/recreation purposes, it is considered that the proposal is in tune with criterion (ii) above. Criterion (iv) refers to other development plan polices which may be relevant, and in this case the most relevant policy is considered to be Policy TOUR4 which is fully set out below: -

POLICY TOUR4 – CARAVAN, CHALET AND TENT SITES

FURTHER DEVELOPMENT OR EXPANSION OF STATIC AND TOURING CARAVAN SITES, CHALET AND TENT SITES IN THE COASTAL ZONE WILL NOT BE PERMITTED.

PROPOSALS FOR ADDITIONAL SITES OUTSIDE THE BOUNDARY OF THE GLAMORGAN HERITAGE COAST AND OTHER PARTS OF THE COASTAL ZONE WILL BE PERMITTED IF;

- (i) THE SCALE OF THE PROPOSAL OR ANY PROPOSED EXTENSION IS IN KEEPING WITH SURROUNDING USES;
- (ii) THE PROPOSAL DOES NOT UNACCEPTABLY AFFECT THE INTERESTS OF AGRICULTURE, CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE, LANDSCAPE OR ARCHAEOLOGICAL IMPORTANCE;
- (iii) THE PROPSOAL DOES NOT HAVE AN UNACCEPTABLE EFFECT UPON THE AMENITY AND CHARACTER OF THE EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS, OR VISUAL INTRUSION;
- (iv) THE PROPOSAL MEETS HIGH STANDARDS OF LAYOUT, LANDSCAPING, AND DESIGN AND HAS SAFE VEHICULAR ACCESS;
- (v) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE REASONABLY ACCESSIBLE, OR CAN BE READILY AND ECONOMICALLY PROVIDED;
- (vi) SUITABLE ACCESS IS PROVIDED FOR DIS
- (vii) ABLED PERSONS AND THOSE WITH IMPAIRED MOVEMENT;
- (viii) PARKING IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES: AND
- (ix) THE SITE IS NOT IN AN AREA WHERE THERE IS A RISK OF FLOODING.

IN THE CASE OF STATIC SITES ALL CARAVANS AND CHALETS MUST BE FINISHED IN SUITABLE COUNTRYSIDE COLOURS TO BE AGREED WITH THE LOCAL PLANNING AUTHORITY PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, (THE BRITISH STANDARDS INSTITUTION DOCUMENT, REFERENCE PP6491 1980, SETS OUT THE PREFERRED RANGE OF BODY AND TRIM COLOURS FOR PERMANENT RESIDENTIAL AND HOLIDAY CARAVANS.)

With regard to the above policy, it should be noted that the application was first submitted on the basis of a " 2 storey, No. 4 bedroomed holiday chalet" (see Appendix A attached). However, it was considered that such a sizeable structure would not fit easily within the definition of a chalet and the applicants were therefore requested to amend the description of the proposal. The applicants have subsequently agreed to a revised description which now relates to " a No. 2 bed single storey building." On this basis, the amended scheme is considered to be acceptable. As the proposal has been submitted in outline only, conditions can be attached which would restrict the size of the chalet and the nature and times of occupancy etc.

In terms of visual impact, the proposal (particularly if confined to single-storey only) should have very little impact upon the surrounding area. The intended location of the chalet is extensively landscaped and planted and, other than the other holiday accommodation and dwelling at this site, there are no other properties close by, other than Floodgate Farm which is approximately 75 metres away from the intended location. The proposal would therefore have very little impact on the character and appearance of the surrounding countryside.

Finally, consideration also needs to be given to the existing holiday businesses at this site which is recognised by the Welsh Tourist Board as "five star self catering accommodation" (see Appendix B). The additional facility applied for should therefore enable the existing operation at the site to operate even more successfully as a rural enterprise based on tourism and recreational uses.

On the basis of the above, an outline approval is recommended subject to the conditions set out below.

03956

RECOMMENDATION

APPROVE subject to the following condition(s):

1. 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.
2. 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.

3. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto 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.
4. The details of the holiday chalet as required by Condition No. 3 above shall relate only to a single-storey chalet building with a maximum building footprint of 75 square metres.
5. The submitted details shall ensure that the external elevations of the chalet buildings shall be of a timber cladding material.
6. The chalet hereby approved shall only be used for holiday accommodation and shall not be occupied as a sole or main residence, or as any other use falling within Class C3 of the Town and Country Planning (Use Classes Order) 1987, as amended.
7. The developer and any successors in title shall keep a register of all occupiers of the chalet, their names and main residential addresses and the period of occupancy of the chalet, and the register shall be made available for inspection by the Local Planning Authority within one week of the Local Planning Authority's written request to inspect the register.
8. Prior to the commencement of development, details of the finished floor levels of the chalet in relation to existing and proposed ground levels, including full cross-sections of the development and site, 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.
9. Development shall not begin until a scheme indicating the provision to be made for disabled people to gain access to the chalet and a car parking area has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
10. The landscaping details to be submitted 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(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. To limit the size of the building for holiday use only and in the interests of rural amenity.

5. In the interest of visual amenity.
6. This consent relates only to the approval of a chalet for holiday accommodation purposes only.
7. This consent relates only to the approval of a chalet for holiday accommodation purposes only.
8. To ensure a satisfactory form of development and in the interest of visual amenity.
9. To ensure a satisfactory form of development.
10. In the interest of visual amenity and to ensure a satisfactory form of development.

NOTE:

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

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

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

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

05/00464/FUL

Received on 21st March, 2005

Mr. and Mrs. M. Cuddy, Cuddy Group, Tank Farm Road, Llandarcy. SA10 6EN
(S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea. SA1
5TN)

TYN-Y-CAEAU FARM, PRIMROSE HILL, COWBRIDGE

Erection of stables and garaging, construction of manege, provision of access
track and associated external works

SITE DESCRIPTION

The application site relates to agricultural land and part of the curtilage adjacent to
an existing detached dwelling house called Tyn y Cae (formerly known as Tyn y
Cae Farm) located at the end of a single width track some 500 metres from
Primrose Hill to the east of Cowbridge.

DESCRIPTION OF DEVELOPMENT

The proposal as now amended relates to the construction of a detached garage block, stable block and menage. The detached garage block will measure 14 metres in length by a depth of 6 metres, with an eaves level of 2.6 metres and a ridge height of 4.4 metres. The garage will have four open fronted parking bays with stone curved heads over and supporting stone pillars. The other elevations of the garage will be finished in render to match the existing dwelling and will have a natural slate roof. The garage will be located immediately to the east of the existing outbuilding and to the south of the main dwelling.

The proposed stable block is "U" shaped measuring a length of 24 metres by a maximum depth of 14 metres. The stables will have a shallow pitched roof 2.4 metres to eaves level and 3.9 metres to ridge level. A total of 6 No. loose boxes are proposed with a tack room and implement store. The stable block will be constructed from concrete blocks with shiplap timber boarding on the main elevations and slate roof. The stable will be sited against the existing hedgeline which delineates part of the curtilage of the dwelling.

The menage as amended will be sited to the south east of the main house in a separate field paddock and will measure 50 metres by 30 metres and will be enclosed by a low level post and rail fence.

PLANNING HISTORY

The site has been subject to the following planning applications:

05/00249/FUL - Extension to utility area, creation of basement, front porch, rear dormer windows and changes to various existing openings, (amendment to planning permission 04/01618/FUL. Approved 24th March, 2005, subject to conditions.

04/01618/FUL – Reconstruction of side building, front first floor extensions, additions of mono pitch roof and re-roofing of rear conservatory (amendment to 04/01062/FUL). Approved 12th November, 2004, subject to conditions.

04/01062/FUL – Extensions and alterations to dwelling. Approved 10th September, 2004, subject to conditions.

04/01061/FUL – Erection of stables and garaging, construction of menage, access track and associated external works. Application withdrawn.

CONSULTATIONS

Cowbridge Town Council – Were consulted on 6th April, 2005 and have raised no objection to the application.

The Director of Legal and Regulatory Services (Principal Environmental Health Officer Pollution) – Was consulted and has no comment to make.

Glamorgan Gwent Archaeological Trust – Were consulted and have stated that the farm complex is of post-medieval date and there is no information to suggest that the site was built on the site of a previous settlement. Therefore there is no objection to the positive determination of the application.

The Head of Visible Services (Highways) - Has raised no objection to the application in principle, subject to a turning facility and parking provision in accordance with the South Wales Parking Guidelines.

REPRESENTATIONS

Adjacent occupiers were notified on 6th April, 2005 and to date no letters of representation have been received.

REPORT

The application relates to two distinct elements, the construction of a horse related development consisting of a stable block and manege and a domestic development by way of a detached garage block, which are considered under separate policies.

The relevant policy in assessing horse related development is that contained in Policy ENV8 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Policy ENV8 permits horse related developments, including stables, field shelters, riding schools, stud farms and livery stables, subject to the compliance with a number of criteria of which criteria Nos. (i) and (ii) are considered relevant in assessing this application.

- (i) Result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3 (a) or prejudice viable agricultural units.

In respect of the above, an up to date Agricultural Land Classification map does not exist for this area, therefore it is difficult to ascertain the quality of the land. However, the land itself is not currently in agricultural use and the proposal would not result in the loss of usable agricultural land or have any impact on the viability of any agricultural unit, as no agricultural holding exists.

The site lies within the Lower Thaw Valley Special Landscape Area which is defined under Policy ENVXXX. This policy states that new development within or closely related to special landscape areas will be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the special landscape area.

The original scheme showed the stable block to be sited further eastwards projecting beyond the building line of the proposed garage block. Following discussions the siting has been revised where the stable block is now sited immediately adjacent to the existing hedge line which defines part of the curtilage of the dwelling and partly within the curtilage of the dwelling. Furthermore the stable block has also been reduced in length from 28 metres to 24 metres. As such the stable block relates to the existing buildings at the site and does not appear as a separate form of development within the open countryside. It is also well screened by the existing dwelling and outbuildings and does not adversely affect the special landscape character of the area. With regard to the manege, its length has been reduced by 10 metres and the manege is sited within a relatively small enclosed field and is screened from the west and south by the adjacent woodland. Given that the construction of the manege will only result in the laying of a soft base and will be enclosed by a low level fence it will not be visible from the wider part of the Special Landscape Area.

With regard to proposed materials and finishes, the amended plans show that the stables will be clad with timber, which is considered an appropriate finish for such a stable use. The roof is shown to be finished in slate to match both the proposed new garage and existing dwelling. Due to the close proximity of the stable block to the proposed new garage, existing outbuilding and the curtilage of the main house, the proposed stable relates more to these buildings at the site than to its rural location. Accordingly, the use of a slate is considered acceptable.

Consideration should also be given as to whether the proposed number of ponies/horses to be stabled at the site can be grazed on the land available in line with the British Horse Society Guidelines for the keeping of horses. These guidelines suggest that between 1.5 acres and 2 acres of pasture can accommodate a single horse through the summer months. The area of land which would be used in connection with the stables is in excess of 9 acres which would support the grazing of a maximum of 6 No. horses based on the minimum standard. Therefore given that the 6 No. stables are proposed it is considered that the level of stabling proposed is commensurate with the grazing land available.

In relation to the proposed garage block, this is to be sited parallel and adjacent to the existing outbuilding which is used ancillary to the main house, where part of the land on which the garage is sited is within the curtilage of the site. Whilst the garage is relatively large accommodating four vehicles, the scale is considered commensurate with the scale of the main dwelling house, and the size of the curtilage. The materials and finishes proposed will match those of the main dwelling being render and slate. The garage will be screened by the outbuildings to the west and the dwelling to the north. Given that the garage will be partly sited within the curtilage of the dwelling it is not considered that it will have any detrimental impact on the adjacent countryside or special landscape quality of the area.

The application details also includes the extension of the existing driveway to the south eastern side of the dwelling to provide vehicular access to the proposed new garage block and stables. However the proposed access is shown to be a width of 15 metres and would encroach into the countryside to the east of the dwelling. It is considered that such an extension into the countryside is unjustified and would be detrimental to the special landscape quality of the area. Therefore it is considered necessary to condition any consent to request amended details of the access, with a reduced width.

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

03956

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference 05/04/19/3 Rev B and 05/04/19/6 Rev B received by the Local Planning Authority on 18th May, 2005 and 22nd June, 2005, respectively.
3. The stables hereby approved shall not be used for any commercial or business use whatsoever.
4. Notwithstanding the submitted plans, this consent does not relate to the proposed tarmac access serving the garage and stables hereby approved. Full details of an amended access which shall be reduced in width (including details of means of enclosure of the access to the adjacent agricultural fields), shall be submitted to and approved in writing by the Local Planning Authority and the agreed access and enclosure shall thereafter be laid out and constructed and thereafter maintained in full accordance with the agreed details.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to maintain control over the nature of the use in a countryside location.
4. In the interests of visual amenity of this rural location in order to protect the special landscape character of the area.

NOTE:

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

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

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

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

05/00472/FUL

Received on 23rd March, 2005

Fitz Project Management, 63, Colcot Road, Barry, Vale of Glamorgan. CF62 8HL
(Fitz Project Management, 63, Colcot Road, Barry, Vale of Glamorgan. CF62 8HL
)

LONGLANDS QUARRY, CORNTOWN ROAD, NR. BRIDGEND

Revision of Condition 25 to approval 97/01242/FUL to approve revised blasting procedures in line with current industry practice

SITE DESCRIPTION

This application relates to Longlands Quarry, located on the south side of the B4524 road approximately 0.5 km east of Corntown.

DESCRIPTION OF DEVELOPMENT

A full application to amend Condition No. 25 of planning permission ref. 97/01242/FUL to revise controls over blasting.

PLANNING HISTORY

97/01242/FUL - Application under the Environment Act 1995 for updated working conditions prior to quarry re-opening. Approved 12th June, 1998.

98/00019/FUL - Inert waste recycling centre. Allowed on appeal 1998.

Various other applications for amendments to conditions and ancillary quarry

plant have been considered since 1998, but none are directly relevant to this application.

CONSULTATIONS

Ewenny Community Council - Object to the proposed increased explosive charges on the grounds that local residents already complain about detrimental effects caused by the present charge. Comments attached as Appendix A.

Colwinston Community Council – Request that permission be deferred to allow a 6 month or 20 blast trial period, with five of the trial blasts being at no more than the present permitted charge and with 7 days' prior notification of blasting to be given to the Community Councils and a further opportunity to comment being given after the monitoring period. Comments attached as Appendix E.

The Director of Legal and Regulatory Services (Environmental Health) - Has been closely involved in the consideration of the application and his comments are referred to in the body of the report.

The Environment Agency, HM Inspector of Mines and Quarries and Bridgend County Borough Council (as neighbouring planning authority) - have been consulted but have made no comment.

REPRESENTATIONS

Occupiers of 32 of the closest dwellings in Corntown have been notified directly, and four site notices have been displayed in the locality. 14 letters of objection have been received, mainly on the grounds that ground vibration and air overpressure from blasting using the existing permitted explosive charges causes nuisance and that the proposed increase in charge would exacerbate these problems. Three typical letters are attached as Appendices B, C and D and the remainder are retained on file for inspection on request.

REPORT

Condition No. 25 of planning permission ref. 97/01242/FUL states:

'Blasting shall be limited as follows unless the written approval of the Mineral Planning Authority has first been obtained:

- (a) The maximum instantaneous explosive charge for each blast located closer than 250 metres from any dwelling or the Golden Mile Inn shall be agreed with the Mineral Planning Authority before each such blasting operation takes place.
- (b) A maximum instantaneous explosive charge of 45 kg shall not be exceeded in any other part of the area to which this permission relates.
- (c) There shall be a delay of at least 8 milliseconds between the firing of successive blast units by the use of appropriately arranged detonating relays or short delay detonators.
- (d) Any exposed detonating cord shall be covered to a depth of at least 460 mm with quarry dust prior to detonation.
- (e) No more than 20 blast units shall be fired per session during primary blasting.
- (f) All blasting operations shall be designed to ensure that ground vibration as a result of blasting operations shall not exceed 8.5 mm/sec at any dwelling or the Golden Mile Inn in 95% of all blasts measured over any period of six months and that no blast shall exceed a level of 10 mm/sec, the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface; and so that the air overpressure from such operations shall not exceed 128 dB(L) measured at any dwelling or the Golden Mile Inn.
- (g) Stemming equivalent to the burden shall be used at the top of each hole.
- (h) At all times, blasting shall be designed so that materials are not projected beyond the boundaries of the undertaking.
- (i) The times at which drilling and blasting shall be carried out shall be agreed in writing with the Mineral Planning Authority before any drilling or blasting takes place at the quarry (*drilling subsequently agreed as 0730 to 1730 Monday to Friday and 0800 to 1300 on Saturdays: blasting agreed as 1000 to 1200 and 1400 to 1600 Monday to Friday*).

- (j) The peak particle velocity and air overpressure resulting from each blasting operation shall be monitored at locations to be agreed in advance by the Mineral Planning Authority: such locations shall be selected so as to properly assess the impact of blasting at nearby dwellings.
- (k) A warning siren shall be sounded immediately prior to any blasting operation taking place, and again after blasting has been completed.
- (l) The Mineral Planning Authority shall be given access to blasting records on request and shall be given at least 24 hours notice of blasting operations on request.
- (m) A copy of the above requirements shall be deposited with the quarry manager for inspection by any person requiring access to such information in the course of their duties at the quarry and shall be brought to the attention of every shotfirer who from time to time may undertake blasting operations at the quarry.
- (n) These controls shall be reviewed with the Mineral Planning Authority after the first ten blasting operations, and any variations that are necessary shall be agreed in writing with the Mineral Planning Authority before any further blasting takes place. *(a review was considered by the Planning Committee in September, 2002 when it was resolved not to approve any amendments and that the existing controls should remain for a further 12 months).*

The current application seeks the following amendments to that condition:

- (i) Amend Condition No. 25 (b) to permit a maximum instantaneous explosive charge of 85 kg instead of 45 kg in areas further than 250 metres from any dwelling or the Golden Mile Inn (no change is requested in the Condition 25 (a) area).
- (ii) Amend Condition No. 25 (c) to permit the use of 'Nonel' blast initiation systems in place of detonating relays etc.
- (iii) Amend Condition No. 25 (e) to permit 35 blast units to be fired in each primary blast rather than 20.
- (iv) Amend Condition No. 25 (g) to permit the use of a 'safe working amount' of stemming (the dust inserted at the top of each drill hole) rather than it having to be equivalent to the burden (the distance between the drill hole and the quarry face).

The proposals are considered in turn below.

Condition No. 25 (b): maximum explosive charge

The amount of explosive detonated at one time (the 'maximum instantaneous charge' or MIC) must be carefully calculated for any blast so as to ensure that the explosive does its work efficiently in breaking stone from the quarry face whilst minimising levels of ground vibration and air overpressure (the 'sonic boom' effect that can cause loose windows or tiles to rattle) so as to avoid causing nuisance to local residents. Up to date guidance on acceptable levels of ground vibration is given in Minerals Technical Advice Note 1: Aggregates, published by the Welsh Assembly Government in March, 2004 (MTAN 1). Para. 83 of MTAN 1 advises that ground vibration from blasting should not exceed a peak particle velocity (ppv) of 6 millimetres per second (mm/s) at sensitive locations in 95% of blasts, with no individual blast exceeding a ppv of 10 mm/s. These limits are more restrictive than both previous Government guidance and the current planning condition and mark an increasing awareness of the environmental impact of blasting.

When the updated planning conditions for Longlands Quarry were determined in 1998, a very cautious MIC of 45 kg was imposed. As no information was available from the previous period of the quarry's operation in the 1950's, the 45 kg limit was based on the precautionary principle that blasting at Longlands would cause effects no worse than those monitored over the previous 25 years at any of the working quarries in the Vale.

Thirty blasts at the quarry, using a variety of explosive charges, have been monitored by the Council's Senior Planner Minerals and by the quarry company's own consultants since mineral extraction resumed in 2000. None of the blasts in the area subject of this condition (i.e. more than 250 metres from dwellings or the Golden Mile Inn) have caused ground vibration in excess of 4.4 mm/s at any monitoring location, although five recordings at the Golden Mile Inn have shown higher figures at distances closer than 250 metres.

Complaints about the unacceptable effects of blasting have been received after more than half the monitored blasts, from residents as far away as Parklands, Corntown (1 km from the quarry), but only a minority of blasts have resulted in more than two complaints. It has not proved possible to determine any link between the particular characteristics of a given blast and the complaints received apart from adverse weather conditions in a handful of cases. Experience over many years has shown that ground vibration can be felt at levels as low as 1 mm/s, and that complaints become more likely where blasting regularly exceeds 3 mm/s. However, the threshold of cosmetic damage to frail properties has been shown by international research to be in the order of 50 mm/s, and whilst the much lower levels monitored in this case can be definitely noticeable on occasions they are many times below the levels where there is any risk to structures.

The applicants contend that an increase in the MIC is necessary to allow modern emulsion explosives to be used and to ensure efficient breakage of the stone from the quarry face. It must be borne in mind that using an insufficient amount of explosive can prevent the stone from breaking away from the face cleanly, thereby causing increased vibration, and that an increase in charge does not therefore necessarily create increased vibration. A technical assessment of possible increased explosive charges (retained on file for Members' inspection) based on the monitoring carried out to date has been submitted, which demonstrates that, using an MIC of 85 kg, the 6mm/s criterion would not be exceeded in 95% of blasts at distances of over 270 metres from sensitive properties. The base data and calculations used in reaching that conclusion are not in dispute, and it has to be concluded that the amended explosive charge as proposed would meet the latest MTAN 1 guidance.

Air overpressure is much more difficult to predict and control, and MTAN 1 advises that planning conditions to control it are unlikely to be enforceable. That guidance advises that careful blast design should be able to resolve excessive air overpressure levels, and such details are controlled by the Quarries Regulations 1999.

Despite the number of complaints and objections received, it would therefore be difficult to justify refusal of this proposal as the change would meet the latest Government guidance, but as a precaution Condition 25 (a) should also be amended to require prior approval of all blasts within 270 metres of dwellings or the Golden Mile Inn. Due to the position of the quarry faces moving steadily away from the Inn, very few future blasts are likely to fall within this precautionary distance. However, I am not optimistic that complaints will be eliminated by these changes.

Condition No. 25 (c): initiation systems

As currently drafted, this condition appears to imply that the necessary delays between the firing of successive blast holes must be achieved by the use of detonating relays and short delay detonators. The current industry standard, which is used almost exclusively in Vale of Glamorgan quarries, is now the 'None!' system, a chemical method of firing that does away with the need for separate relays and detonators whilst retaining the essential delays between successive blast holes which minimise ground vibration. An amendment to the condition as requested would therefore bring the controls in line with modern practice without any detrimental effect on amenity.

Condition No. 25 (e): number of blast units

The increase from 20 to 35 blast units (the individual quantities of explosive that are detonated successively to form a primary blast) will substantially reduce the need for primary blasting (which at present takes place about once every six weeks) whilst increasing the duration of each blast by only 0.12 second. This will not be readily discernable. The original restriction was imposed due to the small risk of two units being detonated at the same time using the old detonating relay system, but that risk has been minimised with changing technology and there is no reason not to permit an increase.

Condition No. 25(g): stemming

The existing control is a 'rule of thumb' method of ensuring that sufficient quarry dust is placed on top of the explosive in the borehole to prevent vertical ejection of material and to minimise air overpressure. The Quarries Regulations 1999 require accurate surveys and blast specifications to be drawn up before every blasting operation, and the applicants contend that the necessary amount of stemming may be either greater or smaller than the burden depending on the characteristics of the blast, the profile of the quarry face and the nature of the rock. Planning controls should not attempt to cover matters controlled by other legislation, and in the very technical case of blasting, where safety is paramount, it would be unreasonable to be excessively prescriptive. In the light of the requirements of the Quarries Regulations, I therefore recommend that the condition be amended.

It should be noted that in recommending this application for approval, based solely on the requested amendments to Condition No. 25, any fresh decision notice should, for the avoidance of doubt include and reiterate all other conditions as originally imposed on any previous former approvals.

Accordingly, a full updated list of the relevant conditions (some of which will need to be slightly reworded because discharge of some of the previous requirements has already taken place) is attached. With the necessary re-numbering, the former Condition No. 25 becomes Condition No. 21.

03912

RECOMMENDATION

APPROVE subject to the following condition(s):

Definition of Permission and Time Limits

1. No operations authorised by this permission, with the exception of restoration and after-treatment works approved in accordance with Condition Nos. 26 and 27 below, shall take place after 22nd February, 2042.
2. Without the prior written approval of the Mineral Planning Authority, no further stone extraction shall take place in those parts of the permitted area shown edged and hatched in green on the plan attached to this decision notice.
3. No excavation shall take place below a level of 40 metres above Ordnance Datum except in accordance with the scheme of groundwater monitoring and mitigation approved on 30th October, 2002, and no excavation shall take place below a level of 25 metres above Ordnance Datum until a further scheme including a detailed assessment of quarry dewatering on the features identified in the water features survey submitted with the application for the determination of new working conditions in December 1997, and seasonal high and low groundwater data from boreholes that provide representative water levels within the Carboniferous limestone within which the quarry is situated and proposing:
 - (a) measures for the monitoring of ground water throughout the duration of mineral extraction below 25 metres AOD; and

- (b) mitigation measures to be taken should any depletion or derogation occur to the aquifer,

has been submitted in writing to and approved in writing by the Mineral Planning Authority.

4. Without the prior written approval of the Mineral Planning Authority, the total annual quantity of stone despatched from the quarry shall not exceed 214,000 tonnes in any calendar year and the quarry operator shall supply a statement in writing of the quantity of stone despatched from the site in the previous calendar year in confidence to the Mineral Planning Authority no later than 31st March in each succeeding year.

Access, traffic and protection of the highway

5. No new accesses shall be formed to the quarry without the prior written approval of the Mineral Planning Authority.
6. The scheme for the improvement of the access to the quarry approved on 28th July, 1999 (as amended on 14th October, 2001) shall be retained throughout the duration of mineral extraction at the quarry. and shall be amended only with the prior written approval of the Mineral Planning Authority.
7. The scheme for the cleaning of the wheels of vehicles leaving the site approved on 4th October, 2000, or any variation thereto that may first be approved in writing by the Mineral Planning Authority, shall be retained in operation throughout the duration of mineral extraction at the site.
8. The length of internal haul road from the wheel cleaning facilities referred to in Condition No. 7 above to the public highway shall be maintained in tarmac or a similar material throughout the duration of mineral extraction at the site.
9. Without the prior written approval of the Mineral Planning Authority, no more than 100 loaded vehicles shall leave the site during any full working day and no more than 50 loaded vehicles shall leave the site on a Saturday.
10. All loaded lorries leaving the site (with the exception of those carrying stone of 100 mm diameter or greater) shall be sheeted before leaving the quarry.
11. The gates at the quarry entrance approved on 28th July, 1999 (as subsequently amended) shall be retained in operation throughout the duration of mineral extraction at the site and shall be kept closed and locked during all periods that the site is unattended.

Working Programme

12. The perimeter screen bunds approved on 27th October, 1999 and 16th September, 2004 shall be constructed as required by those approvals and shall be soiled and seeded with grass in the first planting season following their construction and shall thereafter be retained in position throughout the duration of mineral extraction.

13. The excavated area shall be surrounded by a fence proof against the passage of persons or animals, which shall be maintained throughout the duration of mineral extraction and subsequent restoration of the site.
14. All overburden and soil shall be removed and stored in accordance with the scheme approved on 4th October, 2000 or such variation thereof that may first be approved in writing by the Mineral Planning Authority.
15. The pond within the quarry bowl shall be retained and protected in accordance with the scheme approved on 24th August, 1998 or such variation thereof that may first be approved in writing by the Mineral Planning Authority.
16. Except in emergencies or as may be otherwise agreed in writing with the Mineral Planning Authority:
 - (a) No operations other than maintenance shall be carried out except between the following times:

7.00 a.m. to 6.00 p.m. Mondays to Fridays; and
7.00 a.m. to 1.00 p.m. Saturdays.
 - (b) No servicing, maintenance or testing of plant shall take place between 10.00 p.m. and 7.00 a.m. on any day.
 - (c) Operations for the formation and any subsequent removal of material from any baffle mounds or soil/overburden storage areas shall not be carried out except between the following times:

8.00 a.m. to 6.00 p.m. Mondays to Fridays; and
8.00 a.m. to 1.00 p.m. Saturdays;.
 - (d) Drilling shall be not carried out except between the hours of:

7.30 a.m. to 5.30 p.m. Mondays to Fridays; and
8.00 a.m. to 1.00 p.m. Saturdays.
 - (e) Blasting shall be carried out only between the hours of 10.00 a.m. to 12.00 noon and 2.00 p.m. to 4.00 p.m. on Mondays to Fridays only.
 - (f) No operations other than maintenance shall take place on Sundays or Public Holidays.

Environmental Protection

17. The schemes of noise and dust suppression approved on 4th October, 2000 (as amended), or any variation thereto that may first be approved in writing by the Mineral Planning Authority, shall be retained in operation throughout the duration of mineral extraction and subsequent restoration of the site.

18. The working scheme approved on 4th October, 2000, or any variation thereto that may first be approved in writing by the Mineral Planning Authority, shall be retained in operation throughout the duration of mineral extraction and subsequent restoration of the site.
19. The working scheme referred to in Condition No. 18 above shall be reviewed with the Mineral Planning Authority at intervals not exceeding five years and shall be updated as necessary following each review.
20. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.
21. Blasting shall be limited as follows unless the written approval of the Mineral Planning Authority has first been obtained:
 - (a) The maximum instantaneous explosive charge for each blast located closer than 270 metres from any dwelling or the Golden Mile Inn shall be agreed with the Mineral Planning Authority before each such blasting operation takes place.
 - (b) For a temporary period expiring on 7th July, 2006, a maximum instantaneous charge of 85kg shall not be exceeded in any part of the area to which this permission relates. Unless the prior written approval of the Mineral Planning Authority has been obtained, at the end of that temporary period blasting shall revert to a maximum instantaneous charge of 45kg.
 - (c) Primary blasting shall be carried out using suitable initiation systems with individual detonations designed to fire with a minimum delay interval of 8 milliseconds.
 - (d) Any exposed detonating cord shall be covered to a depth of at least 460 mm with quarry dust prior to detonation.
 - (e) No more than 35 blast units shall be fired per session during primary blasting.
 - (f) All blasting operations shall be designed to ensure that ground vibration as a result of blasting operations shall not exceed 6 mm/sec at any dwelling or the Golden Mile Inn in 95% of all blasts measured over any period of six months and that no blast shall exceed a level of 10 mm/sec, the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
 - (g) A safe working amount of stemming shall be used at the top of each hole.
 - (h) At all times, blasting shall be designed so that materials are not projected beyond the boundaries of the undertaking.

- (i) Unless otherwise agreed in writing by the Mineral Planning Authority drilling shall take place only between the hours of 0730 to 1730 Monday to Friday and 0800 to 1300 on Saturdays, and blasting operations shall take place only between 1000 to 1200 and 1400 to 1600 Monday to Friday.
 - (j) The peak particle velocity and air overpressure resulting from each blasting operation shall be monitored at locations to be agreed in advance by the Mineral Planning Authority: such locations shall be selected so as to properly assess the impact of blasting at nearby dwellings.
 - (k) A warning siren shall be sounded immediately prior to any blasting operation taking place, and again after blasting has been completed.
 - (l) The Mineral Planning Authority shall be given access to blasting records on request and shall be given at least 24 hours notice of blasting operations on request.
 - (m) A copy of the above requirements shall be deposited with the quarry manager for inspection by any person requiring access to such information in the course of their duties at the quarry and shall be brought to the attention of every shotfirer who from time to time may undertake blasting operations at the quarry.
22. Except with the prior written approval of the Mineral Planning Authority, secondary breaking shall be by mechanical means only.
23. All waste material arising from mineral extraction shall be deposited within the excavated area of the quarry in locations to be first approved in writing by the Mineral Planning Authority.
24. Except as may be provided for in the restoration scheme to be approved under Condition Nos. 26 and 27 below, no working quarry face shall exceed 17 metres in height with no final perimeter face to exceed 15 metres in height, and no quarry face shall approach closer than 10m metres to the face above it.
25. The scheme for the conservation of the butterfly colony located on the top of the southern face of the quarry approved on 4th October, 2000 shall be implemented and maintained as necessary throughout the duration of quarrying operations at the site.

Landscaping and Restoration

26. Within two months of the permanent cessation of mineral extraction, or within two months following any period of twelve consecutive months when mineral extraction has not taken place to any substantial extent, a detailed scheme of restoration shall be submitted in writing for the approval of the Mineral Planning Authority; this Detailed Restoration Scheme shall embody the general principles of the Interim Restoration Scheme approved on 4th October, 2000 and shall have specific regard to the contours and landform existing at the time, the drainage of the site, final ground levels and landscaping of the restored site, appropriate aftercare provisions and the removal of all redundant plant and buildings.
27. The Detailed Restoration Scheme approved under Condition No. 26 above, with the exception of any continuing after-care requirements, shall be implemented and completed within five years of its approval or such longer period as may be specified by the Mineral Planning Authority.
28. Notwithstanding the provisions of Part 19 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending or revoking that Order, no building, fixed plant or machinery shall be placed within the area of this permission without the prior grant of planning permission by the Mineral Planning Authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. In order to precisely define the area to which this permission relates and in the interests of the amenity of local residents.
3. In order to protect ground water resources.
4. In the interests of the protection of the local environment and the amenity of local residents.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. In the interests of highway safety and local amenity.
9. In the interests of highway safety.
10. In the interests of highway safety.
11. In the interests of highway safety and to avoid unauthorised fly-tipping.
12. In the interests of visual and acoustic amenity.
13. In the interests of the safety of the occupiers of adjoining land.

14. To ensure sufficient material is available for the restoration of the site.
15. In the interests of nature conservation and groundwater protection.
16. In the interests of the amenity of local residents.
17. Interests of the amenity of local residents.
18. To ensure that mineral extraction is properly planned, controlled and carried out in the interests of visual amenity and environmental protection.
19. To ensure that mineral extraction is properly planned, controlled and carried out in the interests of visual amenity and environmental protection.
20. To protect against the pollution of watercourses and supplies in the interests of the amenity of the surrounding area and in the interests of agriculture.
21. To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to give reasonable warning of blasting operations in the interests of public safety and amenity.
22. To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris.
23. To assist in the ultimate restoration of the site.
24. So as not to prejudice the eventual restoration of the quarry.
25. In the interests of wildlife conservation.
26. To ensure the eventual restoration of the site in the interests of local amenity.
27. To ensure the eventual restoration of the site in the interests of local amenity.
28. To ensure adequate control in the interests of visual and residential amenity and to ensure that the location and design of such plant, machinery or buildings shall not prejudice the restoration works required by conditions 26 and 27 of this permission.

NOTE:

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

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

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

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

05/00519/FUL

Received on 1st April, 2005

JCW Construction Limited, The Jays, 7, Wick Road, Ewenny, Vale of Glamorgan. Cf35 5BL
(CDN Planning Limited, 77, Herbert Street, Pontardawe, Swansea. SA8 4ED)

LITTLE WEST, SOUTHERNDOWN

Alteration and conversion of the building to provide 8 no. 2 bedroom apartments

SITE DESCRIPTION

The site relates to a relatively substantial building with accommodation over 3 floors and which has formerly been in use as an hotel and nursing home. The building has been extended including an unsympathetic conservatory to the front elevation and flat roof additions and external metal staircases to side, rear and front elevations. The site is situated adjacent to the coastal road between Southerndown and Ogmore by Sea. There are 2 bungalows adjacent to the site but the property is otherwise surrounded by agricultural land.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert, with extensions, the property into 8, two bedroom apartments. The development will entail demolition of the conservatory and flat roof additions with the new build generally within the footprint but with the addition of 2 floors above the front/side flat roof area and ridge levels raised on the side/rear elevations. Materials of construction are not indicated. Drainage is stated as "mains sewer as existing". A car park area for 17 cars is proposed.

PLANNING HISTORY

None available and none since 1996 re-organisation.

CONSULTATIONS

The Director of Legal and Regulatory Services (Environmental Health Officer : Contaminated Land Officer) – No comment.

St. Brides Major Community Council – “No objections to these plans providing the application does not interfere with neighbouring properties and is in keeping with the proposed plan.”

The Head of Visible Services (Highway Development) – “No objection in principle, subject to the applicant satisfying the following conditions:

- The proposal must not compromise the turning and parking provision already existing at this site.
- The existing visibility is acceptable at the access. It is noted that no alteration to the existing access or location of a new access from the highway is required as part of the application.”

The Director of Legal and Regulatory Services (Environmental Health Officer : Housing) – See Appendix A.

Welsh Water – See Appendix B.

Environment Agency – Standard advice applies.

REPRESENTATIONS

Two letters of representation have been received and are attached as Appendix C.

REPORT

The site falls within the Heritage Coast and lies outside the boundaries of any settlement. The relevant policy context is therefore that contained within the adopted Vale of Glamorgan Unitary Development Plan 2005 with particular reference to Policies ENV1 (Development in the Countryside) whereby development not essential for agriculture, forestry, minerals, utilities or infrastructure, appropriate recreational use or those covered by Policy ENV7 for the re-use or adaptation of existing buildings particularly to assist the rural economy or schemes supported by other policies, will not be permitted; ENV4 (The Glamorgan Heritage Coast) whereby its special environmental qualities will be conserved and enhanced and where generally it will be treated as a remote zone with priority being given to agriculture, landscape and nature conservation; ENV25 (Design of new development) requiring schemes to be of a high standard of design with full regard paid to the context of the local natural and built environment and its special features listing 9 criteria against which schemes are to be assessed including ensuring that it complements or enhances the local character of buildings and spaces and that it minimises the detrimental impact on adjacent areas; HOUS2 (Additional residential development) will be limited to within settlements and subject to meeting criteria listed in Policies HOUS9; HOUS10 (Conversion of large dwellings with qualifying criteria); and HOUS7 (Controlling alterations to existing dwellings in the countryside).

The site is situated within a visually prominent part of the Heritage Coast and within that part of the Coast designated as a Remote Zone by Policy ENV4. Whilst the original building is of some architectural/historic merit although not listed, it has been un-sympathetically extended in recent years. However, whilst the scheme before the Local Planning Authority will see the removal of some of these additions, the scale of the new build is considered to be unacceptable in this part of the Heritage Coast. The additions to the primary elevations, including additions to the front bay over 3 floors, window detailing to create large areas of glazing, removal of chimneys, elevated ridge at rear extension above the original ridge line, continuous ridge over 3 storey side addition and multiple ridges to rear extensions result in the addition of significant bulk to the overall building and a significant change to its character.

Accordingly, the proposed extensions would not only be of significant size, they would materially alter the character of this original building to an apartment block, completely alien in this rural, coastal setting, and having an urban appearance. The above resulting bulk and massing would unacceptably increase the impact of built development within the Heritage Coast.

Whilst the building has been in a commercial/residential use and its conversion to a multiple residential use could be considered subject to consideration of the sustainability of allowing additional residential development in a relatively isolated location in terms of transportation, facilities and services. The scale of this development is not acceptable and therefore the following recommendation is made.

03960

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal by virtue of the scale, design and form of the additions to the building will represent an unacceptable and insensitive form of development which would substantially increase the impact of built development on the site and detracts from the undeveloped, unspoilt nature of the Heritage Coast remote zone. The proposal would therefore be contrary to policies for the control of development in the Heritage Coast and rural areas in general, including Policies ENV1, ENV2, HOUS2, HOUS3 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

05/00611/FUL

Received on 18th April, 2005

Marc Davies, 8, Magellan Close, Woodfield Heights, Barry, Vale of Glamorgan.
CF62 9HB
(Marc Davies, 8, Magellan Close, Woodfield Heights, Barry, Vale of Glamorgan.
CF62 9HB)

THE OLD COAL MERCHANTS, GAEN STREET, BARRY

Change of use to garden centre/florist business to include existing building

SITE DESCRIPTION

The application site relates to a former coal yard located on a roundabout at the junction of Pontypridd Road, Gaen Street, Park Crescent and Jenner Road in Barry. The access to the building is via Gaen Street, a terraced residential one-way street.

DESCRIPTION OF DEVELOPMENT

The application is for the change of use of the building and land at the site to a garden centre/florist. The change of use has already taken place where the existing building is being refurbished internally to accommodate a florist and sales counter and the outdoor area is used as an open display area for plants.

PLANNING HISTORY

90/00789/OUT - 2 No. dwellings. Refused 4th September, 1990.

94/00780/FUL - Car sales. Refused 15th November, 1994. Enforcement appeal dismissed.

96/00403/FUL - Workshop and offices. Refused 28th June, 1996.

98/01241/FUL - Shop and offices above. Approved 17th June, 1999.

00/00195/FUL - Shop and office above. Withdrawn 17th May, 2000.

00/01297/FUL – Development of shop and ancillary offices. Approved 9th March, 2001.

CONSULTATIONS

Barry Town Council - Raised a “strong objection as the use of the site as a garden centre/florists exacerbates the difficult traffic on–street parking situation, which has existed in this locality for many years.

Of particular concern is the increased level of calling traffic attracted into Gaen Street, part of the local one-way system. This combined with a total lack of on-site parking: space for deliveries and manoeuvring of vehicles within the site to allow for forward entrance and exit, increases the general levels of traffic congestion to the detriment of highway safety.

The extensive use of the public pavement for the display of pots, plants and other items for sale is detrimental to pedestrian safety.”

The Head of Visible Services (Highway Engineer) - Has raised an objection to the proposals based on the following comments:

“It should be noted that during the site visit, it was observed that this location was being used as a garden centre, without suitable on site parking requirements. This type of development generates considerable traffic and therefore, we must object on highway safety concerns.

It is not possible to provide a turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines within the curtilage of the site/for each unit, which must be retained thereafter.

Delivery vehicles must park on the street and block the public highway. The proposal would compromise the parking and/or turning provision already existing at this location.”

REPRESENTATIONS

Neighbours were notified on 28th April, 2005. To date, two letters of objection have been received, one of which is attached as Appendix A. The objections are summarised below :

- i. Increase in parking congestion on Gaen Street which is a one way street.
- ii. The loading and unloading of goods is carried out on the highway.
- iii. The use of the pavement for the display of goods.

REPORT

The site is known as the old coal merchants and has been vacant for some considerable time although the site has been used intermittently with short term uses. Planning permission was granted under planning ref. 00/01297/FUL for the redevelopment of the site, with demolition of the existing building and the construction of a shop and ancillary offices. The scheme included the provision of six off street parking spaces in line with the Parking Guidelines. Whilst the most recent consent is still extant, the site is now used as a garden centre and this application seeks retrospective planning permission for the retention of the use.

The site is located to the north of Park Crescent on a main roundabout junction outside the defined local retail centre, where there is a general mix of residential and commercial /retail uses. As considered in the previous application, the use of the site for a retail use is considered acceptable. The use as a florists shop with external plants for sale is considered to fall with an A1 Use as opposed to an open garden centre which would be classified as having a sui generis use.

In policy terms, this application should be assessed against Policy SHOP12 which relates to new retailing development outside district shopping centres as set out in the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy states that proposals for new retail development outside existing town and district shopping centres will be permitted if all criteria are met. In the case of the assessment of this application the following criteria are considered relevant.

- (iv) The proposal is well located to public transport, the needs of the non-car traveller and the main road network.
- (v) The highway network is capable of accommodating the traffic generated by the proposal without an unacceptable adverse effect on traffic flows; and patterns, safety, energy use or other emissions.
- (vi) Car parking and servicing facilities are in accordance with the Council's approved guidelines.

Further to the above criteria, consideration should also be given to the impact of the use on adjacent neighbouring occupiers in terms of noise and disturbance, and secondly, the highway implications in terms of safety, parking and deliveries. With regards to noise and disturbance on adjacent occupiers, no adverse comments have been received from the Council's Regulatory Services Division. However it is accepted that there will be some degree of noise and disturbance generated from the site during deliveries and general activities undertaken at the garden centre. However, such noise would likely to be less than the last main use of the site as a coal merchants.

The main concern relates to the traffic generation from the site, deliveries and parking, all of which have to take place on Gaen Street and the adjacent roads, as the site cannot accommodate any off street parking or delivery space. The Highway Engineer has objected to the application on the grounds of the considerable traffic generation, lack of off street parking and obstruction to the public highway. It should be noted that the previous scheme for redevelopment of the site provided off-street spaces in accordance with the Parking Guidelines.

The current use as a garden centre and florists, has resulted in a significantly higher level of traffic generation to and from the site, when compared to the former coal yard use, where majority of the traffic generation is from visiting members of the public. All parking has to take place on Gaen Street and the surrounding streets which reduces the capacity of the occupiers of dwellings on Gaen Street to park on street. Furthermore the site is in close proximity to Romilly Junior School where during peak times there is additional traffic congestion and on street parking due to the dropping of and collection of children which further reduces the capacity for on street parking in the area.

To conclude, the current use has resulted in a significant intensification in the use of the site where the resulting traffic generation and on-street parking pressures, given its location to a principle junction, is considered detrimental to highway safety and as such the following recommendation is made. In addition, and in the event of Committee accepting the recommendation to refuse the application, enforcement action should also be authorised, given that the use is already in existence.

03950

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse planning permission for the change of use of the site to a garden centre/florist business, the Director of Legal and Regulatory Service be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990, to ensure the cessation of the use of the site as a garden centre and florist business.

REFUSE

Reason(s):

1. The change of use to garden centre and florist has resulted in a significant increase in the intensity of the use of the site in relation to increased traffic generation, congestion and on-street parking which would compromise highway safety given the location of the site in close proximity to a major junction. As such the change of use is considered contrary to Policy SHOP12 (New retailing development outside district shopping centres) as set out in the adopted Vale of Glamorgan Unitary Development Plan 2005.

05/00726/REG3

Received on 6th May, 2005

Vale of Glamorgan Council, Dock Offices, Barry, Vale of Glamorgan. CF63 4RT
(Malcolm Drysdale, Principal Landscape Arch., Vale of Glamorgan Council, Dock
Offices, Barry. CF63 4RT)

QUEENS ROAD, PENARTH

Upgrading of derelict site as extension to existing public open space

SITE DESCRIPTION

The site relates to a sloping area of overgrown land situated between existing public open space and terraced properties on Queens Road. The site has a road frontage to both Queens Road and Lord Street. A sub-station lies between the site and the existing public open space.

DESCRIPTION OF DEVELOPMENT

To upgrade and clear the land to create an area of public open space including regrading, retaining works, buildings and seating areas. Landscaping of the site will include grassed areas with bulb planting, trees and shrub planting with hard surfaces including ramped access and seating areas.

PLANNING HISTORY

None.

CONSULTATIONS

Penarth Town Council - Comments that the application should be approved.

REPRESENTATIONS

Adjoining properties have been notified and one representation has been received to date stating:

"I am delighted this application has been made and that the Council has allocated the resources to upgrade and bring into community use the long derelict site. I fully support this application". (No. 9 Lord Street).

REPORT

The development will visually improve an overgrown parcel of land situated in a relatively prominent location at the junction of Queens Street and Lord Street. The proposal to incorporate the land into an area of existing public open space will increase the provision of a public facility as well as tidying and bringing into beneficial use an area of otherwise wasteland. This parcel of land has been the subject of fly tipping and anti social behaviour. Information submitted with the application identifies that the scheme has been the subject of consultation with local residents through the 'Old Penarth Community Forum'. The following recommendation is, therefore, made.

03953

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.
2. 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(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure satisfactory maintenance of the landscaped area.

NOTE:

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

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

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development.

This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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