

Planning Committee Meeting – 6th September 2007

2007/00030/FUL Received on 9 January 2007

Andrew R T Davies, Foxwood House, The Garn Farm, St. Hilary, Cowbridge, Vale of Glamorgan, CF71 7DP

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Foxwood House, The Garn Farm, St. Hilary

Removal of Condition No. 2 from planning permission 91/01151/FUL- Foxwood House. Transfer Condition No. 2 of planning permission 91/01151/FUL to Plot 3 at Garn Farm, St. Hilary -application number 2006/00752/FUL (agricultural occupancy)

SITE DESCRIPTION

The site relates to an agriculturally tied dwelling at Foxwood House at Garn Farm in St. Hilary. Foxwood House is positioned directly off the public village road and around 200m from the centre of the existing farmyard. With regard to the proposed barn conversion plot the barn sits immediately adjacent to the farmyard and 100m from the nearest public highway.

DESCRIPTION OF DEVELOPMENT

The application seeks permission to remove the agricultural tie from the existing Foxwood House and to transfer it to the newly approved barn conversion 3 06/00752/FUL. It is proposed that the resident of Foxwood House, Mr. A. Davies, will move into the newly tied property along with his family.

PLANNING HISTORY

2006/00752/FUL - Change of use of agricultural buildings to 3 No. dwellings. Approved 15 November 2006 subject to S106 Legal Agreement that ceased the intensified dairy farming that existed on site.

2006/00386/FUL - Demolish existing conservatory and build extension to existing house. Refused 5 May 2006. Appeal was made on the decision to refuse the application. The appeal was dismissed.

1999/00066/FUL - Extension to existing dwelling. Approved 26 February 1999.

1998/00497/FUL – Conversion of barns to 6 No. letting units tourist accommodation. Approved 24 May 2000.

1991/01151/FUL - Two Bungalows. Approved 14 January 1992.

1990/00335/OUT - Pair of semi detached bungalows for farm workers. Approved 20 November 1990.

CONSULTATIONS

Llancarfan Community Council were consulted on 18 January 2007. No comments have been received to date.

The Director of Legal and Regulatory Services (Environmental Health) were consulted on 18 January 2007 and replied that this department has no comment to make regarding the application.

The Council's Agricultural Consultant was consulted on 18 January 2007. See Appendix A attached for full report.

REPRESENTATIONS

The Garn and The Chase were consulted on 18 January 2007. No representations have been made to date.

REPORT

Planning Policies

The site lies within an attractive area of countryside to the east of St. Hilary. The relevant planning policy relates to that contained in Planning Policy Wales 2002 and the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The most relevant planning policies as contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are:

ENV1 – Development in the Countryside, ENV4 – Special Landscape Areas (ii) Lower Thaw Valley, ENV27 – Design of New Developments, HOUS3 – Dwellings in the Countryside, HOUS5 - Agricultural or Forestry Dwellings, HOUS6 - Agricultural Occupancy Conditions. In addition, consideration should be given to TAN6 - Agricultural and Rural Development

The most relevant issues of this application stem from the Policies HOUS5 and HOUS6.

HOUS5 states that the development of new dwellings beyond the identified settlement boundaries designated by Policies HOUS2 in association with agriculture or forestry will be permitted if:

- (i) An essential need, based on a functional and where appropriate financial necessity is clearly demonstrated.
- (ii) The scale, siting, design, landscaping and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape; and
- (iii) An acceptable access to the dwelling can be provided.

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

Furthermore, Policy HOUS6 indicates that applications for the removal of agricultural occupancy conditions will be considered on the basis of realistic assessments of the continuing need for their retention.

Issues

The site relates to an agriculturally tied dwelling at Foxwood House at Garn Farm in St. Hilary.

The history of the site relates specifically to the 2006/00752/FUL application approved to change the use of agricultural buildings to 3 residential dwellings. The approval was given subject to a S106 Legal Agreement that ceased the intensified dairy farming that existed on site. The Agreement has now been signed by both parties and as the dairy farming will cease. It is considered that the remaining farming enterprise will continue and the agricultural activity will be focused on a beef and arable production.

Other relevant planning history to the site pertains to the 2006/00286/FUL refusal to extend Foxwood House. The application was refused on the grounds that to further exceed the existing floor space of Foxwood House would take the dwelling beyond the functional needs of the holding and the house outside the reaches of an appropriate farm worker.

Initially the applicant proposed to transfer the agricultural occupancy to the smallest two bedroom barn conversion at the site. However, on the basis of the Agricultural consultants observations and an appraisal of the site it was concluded that although both dwellings could satisfy any need that emanated from the yard it was also clear that the existing dwelling could satisfy the wider local need more effectively because of the lack of access constraints and scale of the smaller barn conversion dwelling.

As such, under negotiation your officers considered that the loss of the existing Foxwood House would only be acceptable if one of the two larger barn conversions was proposed for the agricultural tie rather than the smaller two bedroomed barn conversion and the applicant himself moved with the tie rather than the proposed stock man. This approach is particularly relevant given that the applicant currently resides at the tied Foxwood House and has in the past attempted, unsuccessfully to extend that property.

The issues relating to the application include an assessment of whether Foxwood House satisfies the specific need of the holding at Garn Farm and whether the proposed barn conversion (3) would offer the equivalent accommodation to meet the needs of the existing enterprise.

The previous application to extend Foxwood House indicated that the applicants personal circumstances are changing and that the applicant required a larger property with more individual rooms in order to serve his growing family.

Foxwood House and the proposed barn are comparable in terms of size and are both adjacent to the agricultural holding concerned. In fact, the barn conversion known as Barn 3 as approved under 06/00752/FUL provides an almost identical floor space as Foxwood House of approximately 255.5 square metres, yet the barn is more beneficial for the applicant personally as the layout allows for more bedroom accommodation.

Therefore, it is considered that proposed barn 3 is capable to meet the needs of the applicant's personal requirements. Furthermore, the barns' location means the barn would be acceptable for the needs emanating from the immediate farm enterprise as well as the wider farming community should the owners circumstances change.

The initial proposal was to move an agricultural worker into the smaller barn and for the applicant to remain in Foxwood House with the tie removed. However, the applicant now wishes to move to the larger barn conversion and is content to have this dwelling tied to agricultural occupancy so that the condition can simply be moved from Foxwood House to the barn, enabling the disposal of Foxwood House.

This proposal would satisfy planning policies, nevertheless, the applicant contends that the barn conversion cannot be converted until the sale of Foxwood House. As such, due to these circumstances the Council and the applicant must enter into a S106 Legal Agreement to ensure that once Foxwood House is sold the barn is converted and occupied, the applicant being the first to occupy the barn. The S106 Agreement would also ensure the transfer of the agricultural tie from Foxwood House to the barn in question.

The recommendation is for approval.

CONCLUSION

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

Having regard to Policy HOUS6 - Agricultural Occupancy Conditions, it is considered that the proposed removal of the agricultural occupancy condition at the Foxwood House is acceptable provided that a similar condition is imposed upon the alternative nearby dwelling know as Barn conversion 3. As such, the proposal is considered to comply with Policies ENV27 – Design of New Developments, HOUS3 – Dwellings in the Countryside, HOUS5 - Agricultural or Forestry Dwellings, HOUS6 - Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION

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

- (a) The proposed Barn 3 be converted as described in planning application 06/00752/FUL to a habitable standard within 12 months of the sale and transfer of legal ownership of Foxwood House.
- (b) That the first beneficial occupation of the dwelling known as Barn 3 shall be by the applicant.
- (c) The occupation of the dwelling known as Barn 3 shall thereafter be limited to a person solely or mainly working or last working in the locality in agriculture or forestry or a widow or widower of such a person and to any resident dependents.
- (d) The planning Condition No. 2 of application ref: 1991/01151/FUL shall remain in force in respect of Foxwood House until such time as the property is sold and ownership transferred.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 07/00030/FUL Revision A received on 4 July 2007 and the development shall be carried out strictly in accordance with these details and in order to comply with Policy ENV27 of the Unitary Development Plan.

Reason:

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

3. The occupation of the dwelling known as Barn Conversion 3 of the approved scheme 06/00752/FUL, highlighted in pink on amended site location Plan Ref: 07/00030/FUL Revision A, shall be limited to a person solely or mainly working, or last working in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependants.

Reason:

The removal of the agricultural occupancy condition imposed upon the dwelling known as Foxwood House has not been justified through evidence in relation to need and can only be justified by the alternative provision of an agriculturally tied dwelling in accordance with Policies ENV1 and HOUS6 of the Unitary Development Plan.

4. Condition No. 2 of planning permission 1991/01151/FUL shall only be removed in respect of Foxwood House at the time of sale of Foxwood House and prior to any sale the requirements of the condition remain in place.

Reason:

In order to ensure the condition is not removed until such time as the property is sold and in order to comply with the terms of Policy ENV1 of the Unitary Development Plan.

5. The removal of Condition No. 2 of application ref: 1991/01151/FUL shall only relate to Foxwood House only and, the condition will remain in place in respect of the neighbouring dwelling approved under the above application number.

Reason:

In the interests of clarity and in order to accord with Policy ENV1 of the Unitary Development Plan.

NOTE:

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

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

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

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

2007/00109/FUL Received on 23 July 2007

Mr. G. Johnson, The Bungalow, Slon Lane, Ogmore By Sea, Vale of Glamorgan, CF32 0PN
Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend., CF31 1JW

The Bungalow, Slon Lane, Ogmore By Sea

First floor extension to single dwelling

SITE DESCRIPTION

The application relates to a single storey bungalow located to the rear of a property known as Slon Cottage off Slon Lane, Ogmore By Sea.

DESCRIPTION OF DEVELOPMENT

The applicant proposes to increase the size of the currently single storey structure through the introduction of a first floor with the ridge raised from 5m to 7.5 m. The eaves of the roof will be raised by 0.3 m and a glazed gable feature will be created in the rear elevation to accommodate patio doors. Velux type windows will be inserted in the front (east) elevation, which faces away from the sea.

The accommodation will allow for the provision of a 2 bedrooms at ground floor and 2 at first floor. The living room and kitchen will be located on the ground floor and a large lounge at first floor along with a centrally located balcony extension with obscure glazed screens at either end.

PLANNING HISTORY

None.

CONSULTATIONS

St. Brides Major Community Council comment as follows:

“Observations

The committee felt it is important that this application is determined by the full planning committee of the Vale Council and that it should not be officer delegated. The committee also requested that the Vale Council's planning committee call a site meeting so that they can see the problems with this development at first hand.

Objections

- (a) Adequate car parking and turn around space is not provided, in breach of UDP Policy HOUS8(v). There is a strong likelihood that the current congestion problems will be made worse by additional vehicles parking along Slon Lane.
- (b) Access to the property is via a narrow driveway (shared with a neighbouring property) which opens onto Slon Lane with limited vision splays. This access does not meet current safety standards and there is no land available to improve highway access. The proposed development would inevitably increase traffic to the site and the committee opposes any development that increases traffic flows using this substandard access onto Slon Lane.
- (c) The additional traffic that this development would generate, both during the construction phase and after completion, would have an unacceptable effect on the amenity of neighbouring properties in breach of UDP Policy HOUS8(ii). (In a recent precedent, a planning application on Slon Lane at Claremont Court was rejected for this reason.)
- (d) The proposed first-floor balcony would be an unacceptable intrusion into the privacy of neighbouring properties in breach of Policy HOUS8(ii).
- (e) The doubling of the size of the property would increase foul water flows into a main sewer which is currently over-capacity. A times of heavy rain the sewer overflows onto the common with sewage then running off onto a blue-flagged beach. The proposed development would therefore not comply with UDP Policies ENV27(iii) and ENV29(i). The committee also requests that the Vale planning department reports these concerns about inadequate utility services and the regular pollution events to Welsh Water.”

Hyder Consults has no objections subject to conditions.

REPRESENTATIONS

Neighboring residential properties were consulted on 5 February, 2 May following amendments, 20 June, and 25 July following further amendments. In total 8 letters of objection have been received in respect of the proposal objecting to the parking and manouvering arrangements, the height of the extension, possible overlooking and referring to the original construction of the cottage as an annex to Fox Hollows next door. A representative sample of these letters is reproduced at Appendix A.

REPORT

Planning Policies

The relevant planning policies in relation to this development are as follows :

ENV27 - PROPOSALS FOR NEW DEVELOPMENT MUST HAVE FULL REGARD TO THE CONTEXT OF THE LOCAL NATURAL AND BUILT ENVIRONMENT AND ITS SPECIAL FEATURES

ENV5 - THE SPECIAL ENVIRONMENTAL QUALITIES OF THE GLAMORGAN HERITAGE COAST WILL BE CONSERVED AND ENHANCED. WITH THE EXCEPTION OF LIMITED INFORMAL RECREATION FACILITIES AT CWM COLHUW, OGMORE-BY-SEA AND DUNRAVEN, THE REMAINDER OF THE AREA WILL BE TREATED AS A REMOTE ZONE WITH PRIORITY BEING GIVEN TO AGRICULTURE, LANDSCAPE AND NATURE CONSERVATION.

Issues

The proposed extension will involve raising the ridge of the bungalow by some 2.5 metres to allow accommodation to be provided within the roof space. In addition a glazed gable extension is proposed to the rear elevation to allow the rear first floor lounge to be full height. Members will note that a number of objections have been received from neighbouring properties concerning the access and parking at the site and possible overdevelopment. In addition it has been suggested that the bungalow was only built as an annex to the property Fox Hollows, next door. Unfortunately there is no planning history for the bungalow and therefore no way of confirming this, however given the current owners have owned the dwelling for in excess of 13 years, its use as an separate residential property will have been established.

The properties, which surround the bungalow, are of varied design with dormer bungalows, houses and flat roofed properties being located in close proximity. Accordingly the provision of accommodation in the roof of the dwelling would not be an unusual feature. Furthermore the windows to the rear of the dwelling would not overlook any adjoining properties and would only have some limited views of their gardens. The proposed balcony to the rear has been screened at either side to ensure that no further overlooking will occur. In addition, to the front of the dwelling only roof lights have been inserted and this combined with the distance of at least 21 metres from the property to the front, should ensure the protection of privacy. The property itself has a sufficient amenity space and backs on to the open common.

The property is currently accessed down a very narrow shared drive with the property Fox Hollows and while this situation is not ideal it should be noted that at least 3 off street parking spaces are currently provided to be used by the dwelling. These arrangements exist and given the limited nature of the extension, it is not considered that any objections could be substantiated on these grounds.

Accordingly the extension proposed is considered acceptable.

CONCLUSION

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

Having regard to Policies ENV5 and ENV27, the proposal is considered to have no adverse impact upon the appearance of the existing property, the private amenities of the adjoining neighbours, the wider street scene or the Heritage Coast. Therefore, the proposal is considered to comply with Policies ENV5 and ENV27 of the of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice and guidance set out in the adopted Supplementary Planning Guidance Amenity Standards.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 06.19/2c received on 23 July 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

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

4. The window in the first floor south elevation to the shower room, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. The screening glazing panels to the sides of the first floor balcony to the shower room, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2007/00113/FUL Received on 26 January 2007

Graham James Property Holdings Ltd., C/o Agent.
EPT Partnership, Ty Cefn, Rectory Road, Canton, Cardiff., CF5 1QL

Former Hyper Value site between 34/35, High Street and 106/107, Queen Street, Barry

Removal of existing redundant building and replace with 6 no. three bedroom houses and 2 no. four bedroom houses to infill the existing terraced houses fronting High Street and Queen Street

SITE DESCRIPTION

The site comprises a vacant building most recently used as a retail sales premises but prior to that as a Chapel. The area is mixed commercial and residential on High Street and primarily residential to Queen Street.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the building and to erect eight residential units. The site will have a primary frontage to both Queen Street and to High Street. Vehicular access will be gained from Queen Street between and under the properties fronting that road.

The development will comprise two storey development to Queen Street and a two and three storey development to High Street.

Six parking spaces will be provided on site. An enclosed secure bicycle store is indicated. Amenity space will be provided to six of the units.

Design and Sustainability Statements accompany the application.

The application was reported to Planning Committee in July, and consideration was deferred pending a site visit which will take place on the 6 September 2007.

PLANNING HISTORY

81/00531/FUL – Change of use to Youth Centre including coffee bar. Approved.

82/00772/FUL – Change of use to retail. Approved.

CONSULTATIONS

Barry Town Council. See Appendix A1. Comments in respect of amended plans Appendix A2.

Director of Legal and Regulatory Services (Environmental Health (Pollution)). See Appendix B.

Glamorgan Gwent Archaeological Trust. See Appendix C.

The Head of Visible Services (Highway Development) in respect of the amended plans advises. "As the proposals only provide six parking spaces, the development will be deficient in parking by ten vehicle spaces, which will exasperate (sic) the existing on street parking demand. Therefore the Highway Authority object to the development proposals, based on inadequate parking provision".

Dwr Cymru/Welsh Water. See Appendix D.

Environment Agency Wales. "No objection".

The Council's Ecologist. Comments awaited, consulted 6 February 2007.

REPRESENTATIONS

The application was advertised on site and by neighbour notification.

A petition signed by 382 persons. A copy of the objections of the petition are attached as Appendix E.

Five letters of representation, in relation to the original and amended scheme, in total have been received and are attached as Appendix F.

REPORT

Planning Policies

The site lies within the residential settlement boundary of Barry and falls to be considered under the following Policies in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

POLICY 2 – SUSTAINABLE DEVELOPMENT

ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA FOR POLICY HOUS2 SETTLEMENT

POLICY 2 – SUSTAINABLE PRACTICES

TRAN10 - PARKING

Issues

The site lies within the identified District Shopping Area but is not within a primary shopping frontage. The principle of residential development is not , therefore, objected to.

The loss of the Chapel building to the street scene and its value for its own architectural merit has been fully considered. The building itself is of no particular architectural merit. It has a primary frontage onto High Street with ancillary buildings of very poor design and quality forming the frontage to Queen Street. It is considered that its loss is not so significant that refusal on this ground could be justified. The redevelopment of the Queen Street frontage following the line of the established residential properties and with a recessed opening to access the rear parking area would visually improve this part of Queen Street.

The use of red/buff brick detailing to street/frontage elevations with render to the rear whilst not identical to the stone finished properties in the area would not be untypical of finishes in the area generally. It is not considered that the scale or design of development at this location would adversely affect the setting or character of the street in general and would in fact remove an unsightly rear service entrance.

The development to High Street has sought to break up the frontage and although being larger scale does seem to replicate the general street scene in scale. The development along High Street near to the site is broken at intervals by gabled three storey roof development. The Chapel building itself is larger scale than the terraced dwellings.

The comments of the Environmental Health Officer are noted but not concurred with as there are residential developments above shops, and in individual residential units on both High Street and Queen Street in the vicinity of A3 uses as existing.

The issue of amenity space falls to be considered in relation to planning policy and in the light of the adopted Supplementary Planning Guidance 'Amenity Standards'. The requirement is that the development should provide such space. The development would be significantly deficient in terms of the provision of amenity space. Two units would have no amenity space. It is noted that adjoining residential properties on Queen Street and on High Street have similarly deficient provision of amenity space. Having regard to the character of the area it is difficult to argue that the development would be out of keeping. As development in a relatively tight knit urban environment the small areas of amenity space would be relatively private and well related to the units they serve. The distances between the developments back to back would be commensurate with, if not slightly better than that found in the existing development at Queen Street/High Street. The development is therefore similar in character to that existing within the wider environment.

However, given the general shortfall of amenity space and in particular the lack of amenity space to 2 of the units, it is considered that the developer should pay a financial contribution to enhance public open space in the vicinity of the site. This has been raised with the developer.

The site lies within close proximity to good public transport links (bus and rail), services and amenities. The provision of six spaces (including parking for the disabled) would be deficient as objected to by the Highway Development Officer. Information in the way of car parking surveys have been undertaken by the applicant and in addition provision is made within the development for secure, covered bicycle storage.

Planning Policy Wales Paragraph 9.2 states:

“Policies will be needed to cover the physical scale and design of new buildings, access, density and off-street parking, taking account of particular residential areas and of changing needs. Higher densities should be encouraged on easily accessible sites, where appropriate, but these will need to be carefully designed to ensure a high quality environment. In particular, local planning authorities should adopt a flexible approach to car parking standards”.

Planning Policy Wales further advises (para. 9.1.1) that the objectives of housing policy should be to ensure that homes are in good condition, in safe neighbourhoods and sustainable communities and that a greater choice for people over the type of housing and locations given. The development includes 2 small single bedroom units and larger units, thus it is considered affords some choice at “first time” buyer end of the market albeit price could not be controlled by the Local Planning Authority.

Refusal on amenity and parking grounds has been fully and carefully considered, however given the location of the site, the character of development in the area and the information presented with the application it is considered that on the basis of the specifics of this site and the scheme a recommendation for approval is made.

CONCLUSION

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

Having regards to Policies HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, ENV27 – Design of New Developments and TRAN10 – Parking the development will reflect the form of residential development in the area and provides adequate car parking and is of an acceptable scale, form and design such that the visual amenities, general amenity and privacy of nearby occupiers would not be significantly adversely affected.

RECOMMENDATION

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

- (a) pay a financial contribution of £20,000 to enhance public open space in the vicinity of the site;
- (b) meet the Council's standard charge set at 20% of the planning application fee, for monitoring the implementation of the Agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans 1004/1001A and site location plan and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. All means of enclosure associated with the development shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial unit of any unit on site, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being brought into beneficial use.

Reason:

In the interests of the visual amenities of the area and to ensure privacy for existing and future occupiers and to meet the requirements of Policies HOUS8 and ENV27 of the Unitary Development Plan.

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

Reason:

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

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 1004/1001A and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

6. The bicycle storage areas shown on Drawing No. 1004/1001/A shall be provided at the time of the development and prior to the first beneficial occupation of any unit hereby approved and shall thereafter be so retained at all times to serve the development as a whole as hereby approved.

Reason:

To ensure the provision of bicycle parking to serve all units and in the interests of sustainability.

7. Prior to their use on site samples of the bricks, external surface finishes and slate roofing shall be submitted to the Local Planning Authority for their approval in writing and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

8. Details of the finished floor level and access through the site in relation to street level shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the slab level or access and the development shall be carried out in accordance with the agreed levels.

Reason:

To ensure a satisfactory form of development in the street scene and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. The development shall be carried out in accordance with the sustainability checklist submitted with the application and details of any solar heating shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason:

To safeguard the environment and to meet the requirements of Policies 2 and ENV27 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**
3. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

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

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

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

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

2007/00273/FUL Received on 26 February 2007

Mr. M. J. P. Board, Moorlands Farm, Penllyn, Vale of Glamorgan., CF71 7RQ
Mr. M. J. P. Board, Moorlands Farm, Penllyn, Vale of Glamorgan., CF71 7RQ

Rear garden of Moorlands Farm, Penllyn

Construction of a two storey outbuilding to provide a workshop, garden store, gymnasium and office as ancillary accommodation to the main dwelling

SITE DESCRIPTION

The site relates to a large detached dwellinghouse located outside Penllyn settlement boundary in the Upper Thaw Valley Special landscape Area. The property is adjoined by two other large detached properties and has a large rear curtilage with a number of small storage outbuildings.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the demolition of the storage buildings in the curtilage and the erection of a large annex outbuilding to accommodate storage needs as well as a workshop, gym and shower facilities. The annex measures 6.5m wide x 12m length and 5.8m high to the ridge.

PLANNING HISTORY

None.

CONSULTATIONS

Penllyn Community Council were consulted on 6 March 2007, no comments have been received to date.

The Head of Visible Services (Highway Development) were consulted on 6 March 2007, no comments have been received to date.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 6 March 2007. No comments have been received to date.

REPRESENTATIONS

Moorlands Hall and Barry Meadow were consulted on 6 March 2007. No representations have been received to date.

REPORT

The site relates to a large detached dwellinghouse located outside Penllyn settlement boundary in the Upper Thaw Valley Special landscape Area. The property is adjoined by two other large detached properties and has a large rear curtilage with a number of small storage outbuildings.

Planning Policies

In assessing this application consideration must be given to local planning policies and the following are considered relevant in assessing this application.

Policies ENV27 - Design of New Developments, HOUS7 - Extension and Replacement of Dwellings in the Countryside and ENV4- Special Landscape Areas of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Adopted 'Amenity Standards' Supplementary Planning Guidance.

Policy HOUS7 - Extension and Replacement of Dwellings in the Countryside states the replacement or extension of dwellings in the countryside will be strictly controlled. Proposals will be permitted if all of the following criteria are met.

- (i) The extended dwelling is not disproportionate in size to the original dwelling.
- (ii) Adequate utility and infrastructure services exist, are readily available or can be economically provided.
- (iii) The replacement dwelling or dwelling as extended does not require an unacceptable extension of the existing residential curtilage.
- (iv) In respect of replacement dwellings, parking and amenity space is provided in accordance with the council's approved guidelines.
- (v) The scale, siting, design, materials, landscaping and external appearance of the replacement dwelling or extension is compatible with any existing related structures and the surrounding landscape; and
- (vi) In the case of replacement dwellings for derelict buildings, the residential use of the building has not been abandoned.

Furthermore, it is important to note Policy ENV4 - Special Landscape Areas as the site lies within an area identified for its special landscape value. Thus it is recognised that the design of development can have a significant impact on the quality of the rural landscape

Issues

In regard of this application the main issues relate to the proposed annex's scale, design, siting and impact upon the adjoining neighbours as well as the wider visual amenities of the Special Landscape Area.

It should be noted that there will no impact upon the private amenities of the adjoining neighbouring properties. The proposed annexe is sited within the curtilage with heavy tree cover lining the boundary between the adjoining neighbours at Moorlands Hall. As a consequence there is no concern over unneighbourliness, privacy or light issues.

With regard to the wider visual amenities of the proposals it is considered that the outbuilding will be partly obscured. Nevertheless, we are considering a development situated within a Special Landscape area and an annex outbuilding that is large in scale and would be detached and some distance from the main outbuilding. It is considered that the erection of the outbuilding will increase the sprawl of buildings within the curtilage of the dwelling house into a previously undeveloped garden area and as a consequence cause a detrimental impact visually from fields to the west of the site on the surrounding open countryside and Special Landscape Area.

In addition, the scale of the building and its accommodation can be seen as an annex that is capable of being used for independent living. The outbuilding has been amended to 12m length x 6.5m depth with the majority of the building being at a one and half storey, 5.8m high. Furthermore, the building is sufficiently far from the main dwelling house and detached garage (approx 14m) and could be accessed via the existing driveway making it capable to function as a separate independent dwelling. As such, the Council would be giving approval for a building that could be tantamount to a new dwelling in the open countryside

The use of the building can be controlled to some extent through conditions; however, it is considered that it would be far more acceptable to control through good design and appropriate siting. Therefore it is considered that the building would be more acceptable if the scale and siting were amended.

The applicant is not willing to amend the scheme substantially and therefore having considered the scale and siting of the outbuilding and its potential impact the recommendation is for refusal.

CONCLUSION

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

In summary, it is considered that the proposed annex's scale, design and siting is tantamount to a new dwelling in the open countryside that would detract from the rural character of the existing main dwelling house's garden curtilage and the surrounding open countryside and Special Landscape Area.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed annex by reason of its scale, design and siting is tantamount to a new dwelling in the open countryside that would detract from the rural character of the existing main dwelling house, its garden curtilage and the surrounding Special Landscape Area. As such, the proposal is considered contrary to Policies ENV27- Design of New Developments, HOUS7- Extension and Replacement of Dwellings in the Countryside and ENV4- Special Landscape Area of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/00361/FUL Received on 12 March 2007

Mr. Shakur Ahmed, 47-61, City Road, Cardiff, CF24 3BL
William Saunders Partnership, 47-48, St. Mary Street, Cardiff, CF10 1AD

Welford Farm, Rhoose

Conversion of vacant barn into 2 storey house

SITE DESCRIPTION

The application site relates to two existing detached stone barns and associated yard which are located in a prominent position at Welford Farm fronting Port Road (A4226) between Barry and Rhoose. The application site originally formed part of a farmyard of Welford Farm. To the west of the application site is Welford Farmhouse, which is in separate ownership and is used as a bed and breakfast. To the north of the application site is an agricultural field and to the east is the remaining part of a concrete yard with agricultural land beyond.

The main building to the front of the site is an 'L' shaped single storey stone barn with a hipped roof. This building was originally a "U" shaped, although one of the wings no longer exists. The building measures 23 metres by 24 metres, with a height of 4 metres to eaves level and 7 metres to ridge level. The building is currently vacant and it would appear to have been last used for housing livestock and feed and for general purpose farm requirements. The barn is constructed from stone and lime mortar, with similar internal partitions. Parts of the external elevations of the building still have some of the original limewash rendering. Window and door openings were formed in masonry arches although many have been infilled and modified. The main roof is of slate, where the lower section building is covered with corrugated steel sheeting.

The smaller barn to the rear is 8.5 metres wide and a depth of 6 metres. The building has low level stone elevations with part concrete block above and a shallow corrugated pent roof.

DESCRIPTION OF DEVELOPMENT

Following approval of planning application ref: 2003/00205/FUL for the residential conversion of the barn, this application seeks to make amendments to the approved scheme by way of minor alterations to the facade dating, and modifications to internal layout.

The main 'L' shaped barn will be converted into residential accommodation to provide a large open-plan living area with kitchen and utility room and living room, lounge, at ground floor and at first floor level 5 No. bedrooms and a separate bathroom. The conversion works will include the provision of new windows and doors in the existing openings and a number of the original bricked up opening wall also be re-instated. Notably there will be a large glazed set of French doors in the large existing arched opening on the side (western south) elevation.

The renovation and conversion will include the provision of conservation style roof lights and the existing roof is to be re slated. New windows and doors are to be treated stained timber windows. The remaining parts of limewashed render are to be removed and the stone cleaned repaired and painted.

The detached building nearest the barn will be refurbished with a pitched roof and used as storage in connection with the converted barn.

The barn will be served by a garden, which will incorporate part of the existing yard, and extend to the rear as far as the garage block, being some 62 metres in length. The curtilage will be a width of 50 metres which will include part of the existing open yard to the east of the main building.

The application has been supported by a bat and barn owl survey.

PLANNING HISTORY

84/0101 – General agricultural fodder store. Approved 21 February 1984 subject to conditions (not implemented).

84/00541 – Farm buildings to house animals. Approved 3 July 1984, subject to conditions (not implemented).

88/0187 – Refurbishment of derelict farm buildings and extension to form 100 bed hotel, 50 beds in phase 1 with restaurant and bars 50 beds in phase 2. Approved 14 June 1998, subject to conditions (not implemented).

03/00205/FUL – Conversion of redundant stone barns into residential use. Approved 23 October 2003, subject to conditions.

05/00573/FUL – Reconstruction of previously demolished West Wing of the original barn yard and internal alterations as a variation of approval. Appeal against non determination and appeal dismissed 9 November 2005.

05/1103/FUL - Reconstruction of previously demolished West Wing of the original barn yard and internal alterations as a variation of approval 03/00205/FUL.
Withdrawn 20 July 2005.

CONSULTATIONS

Environment Agency Wales has no objection and standard advice note.

Highway Development - Further to the recent site inspection undertaken in relation to the above application, I would comment as follows:

- “1. As the red line boundary does not abut to the adopted highway, conformation is required that there is a right of access from the adopted highway into to the development site.
2. Conformation is required as to the exact use of the adjoining field to the north of the site, and who will have right of access via the gates located to the side of the garage within the development site.
3. The vehicle access shown on the submitted site plan (Drawing. No. 9325(2)1) is required to be relocated away from the corner of the site to prevent vehicle conflicts from users of the adjacent site.
4. The proposed boundary walls inclusive of piers, adjacent to the vehicular access shall be no greater than 900mm in height for a distance of 2.0m each side of the access.

Therefore, a site layout plan to a suitable scale, addressing the above, is required to be submitted to the Highway Authority for consideration.”

The Director of Legal and Regulatory Services (Environmental Health) responded with no comment to make.

Building Control Section have advised that a report on the structural condition of the premises did not accompany the details, and that the barn was subject to a dangerous structure where the side elevation walls collapsed and were reduced in height some time ago.

REPRESENTATIONS

Welford Farm House were consulted and a site notice was also posted and to date no letters of representation have been received.

REPORT

Planning Policies

The relevant Policy in assessing the proposal is Policy ENV8 – Small Scale Rural Conversions contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011. This policy states that proposals which involve small scale rural development including conversions of rural buildings to new uses will be permitted if they comply with relevant criteria. In the case of the conversion of a rural building to residential use, the following criteria contained within the above policy are applicable:

- (iii) the building is structurally sound and the conversion can be achieved without substantial reconstruction of the external walls, or extension to the building. However, each proposal will be assessed as a matter of fact and degree, depending on the particular circumstances of the case;
- (iv) conversion work can be undertaken without unacceptably altering the appearance and rural character of the building;
- (v) where residential use is considered acceptable, amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape;
- (vi) vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside;
- (vii) satisfactory parking provision can be made within the curtilage of the site;
- (x) the proposal is not incompatible with activities carried out on adjoining land. Applicants may be requested to enter into a legal agreement to control the activities of other land in their ownership;
- (xi) utility and infrastructure services can be provided without unacceptable visual intrusion and without detriment to the environment.

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

Policy TRAN10 – Parking, states that the provision of parking facilities will be in accordance with the approved parking guidelines, and will be related to the type of land use, its density and location; accessibility to existing and potential public transport facilities; and the capacity of the highway network.

Consideration should also be given to the adopted Conversion of Rural Buildings Supplementary Planning Guidance.

Issues

Given that the principle of the development has been approved, the main consideration in this application is whether the changes proposed to the façade and other detailed design elements are acceptable in terms of the impact on the rural building and the wider character of the countryside.

Whilst no structural report has been submitted with the application, the structural integrity of the barn was fully considered under application ref: 03/00205/FUL, where it was considered that the condition of the barn and the works proposed would not result in a significant degree of rebuild. Furthermore it should be noted that the previous consent is still extant and can be implemented. On this basis it is not considered necessary for the application to be supported by a structural report. However given the deteriorating condition of the building and the concerns of the Building Control Section, it is proposed to condition any grant of planning permission for a further two years, after which time if the proposal has not commenced a re-assessment of its structural condition will have been made.

As in the previous application, the proposed scheme will reintroduce the original openings and will retain the character of the original barn. The barn will be repaired and repointed as necessary which will include the provision of a new roof. It is considered that the works undertaken will not unacceptably alter the appearance and rural character of the building. The scheme proposes to remove all existing lime wash and render from the stone walls, whilst there is no objection to the cleaning and repair of the stone work where necessary, the walls should not be repainted but finished in a limewash in keeping with the original character of the barn.

The main variation of this scheme from the previous scheme is that due to the high external ground levels, the scheme proposes to reduce the external and internal floor levels in order to provide the appropriate ceiling heights within the barn. The degree of works to reduce the levels are minimal and do not require any retaining works. Accordingly the minor reduction in the external ground levels will not be apparent when viewed from outside the site and is considered acceptable.

All other elements such as vehicular access and curtilage have been amended where necessary and now accords with the previous application.

CONCLUSION

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

Having regard to Policies ENV8 – Small Scale Rural Conversions, ENV27 - Design of New Developments and TRAN10 – Parking, the proposed residential conversion of the barn is considered acceptable in that the conversion can be achieved without substantial reconstruction of the external walls, or extension to the building and would not unacceptably alter the appearance and rural character of the building or the wider character of the countryside.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

Given the structural integrity of the barn and to comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. This consent shall relate to the plans registered on 12 March 2007 other than where amended by plans reference 07/00360/FUL/A received on 16 July 2007.

Reason:

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

3. Notwithstanding the submitted details and prior to their use on site, further details of windows, roof lights, doors and eaves (including cross sections) to a scale of 1:10 or 1:20 as appropriate shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason :

To ensure that the visual amenities of the barn are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

4. Prior to their use on site, samples of ridge and hip tiles, slates and rainwater goods shall be submitted and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

To ensure that the visual amenities of the barn are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

5. Prior to the commencement of development, the applicant shall submit a full method statement detailing the cleaning, repair, repointing and where necessary the reinstatement of stone elevations.

Reason :

To ensure that the visual amenities of the barn are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted plans and details, the method statement required in Condition No. 5 shall specify the use of lime wash finish to external elevations and not painted elevations as specified.

Reason :

To ensure that the visual amenities of the barn are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

7. No part of the development hereby approved shall not be brought into beneficial use until such time as the access, parking and turning areas have been laid out in full accordance with the approved details and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 and TRAN 10 of the Unitary Development Plan.

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

Reason:

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

9. Full details of a scheme for foul sewage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and no part of the development shall be put into beneficial use until the drainage works have been completed in full accordance with the agreed details.

Reason:

To ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV8 and ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

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

2007/00504/FUL Received on 5 April 2007

JCW Construction, 7, Wick Road, Ewenny, Vale of Glamorgan., CF35 5BL
Quorum Associates, 89, Eastgate, Cowbridge, Vale of Glamorgan., CF71 7AA

Little West, Southerndown

Conversion of existing building to two apartments

SITE DESCRIPTION

The site comprises a two-storey, flat-roofed garage block and flat, located within the curtilage of Little West, the former nursing home currently in the process of conversion and extension into 8 No. apartments.

The site is located in a highly prominent location adjacent to the coastal road between Southerndown and Ogmere-by-Sea, and within the Glamorgan Heritage Coast.

DESCRIPTION OF DEVELOPMENT

The scheme proposes to alter the existing two-storey garage block and flat through the addition of a new pitched roof to the structure, following the lowering of the eaves by 500mm, and by the replacement of the existing ground floor conservatory with a flat-roofed structure (partially retaining the existing side walls) with in part a balcony and part-flat roofed conservatory structure above.

The majority of the building's external walls will be retained, albeit the scheme requires an element of rebuilding and making good due to, for example, a new entrance staircase to the side elevation.

The scheme, as amended following negotiation, now incorporates five parking spaces immediately to the north of the building (with turning area), and a further 12 spaces, plus 5 overflow spaces in grasscrete, to serve the development as a whole (i.e. including the conversion of the main house).

PLANNING HISTORY

The site has an extensive recent planning history, including:

2006/01015/FUL - Conversion of existing building and construction of eight apartments. Approved 19 October 2006.

2006/00441/FUL - Garage building at Little West, Southerndown. Alterations and extensions to provide three residential apartments and associated parking space. Refused 19 October 2006. Appeal dismissed.

2005/00519/FUL - Little West, Southerndown. Alteration and conversion of the building to provide 8 No. 2 bedroom apartments. Refused 7 July 2005 but allowed on appeal.

CONSULTATIONS

St. Brides Major Community Council has provided no representations to date.

Environment Agency Wales offers no objections.

Glamorgan Heritage Coast Officer has provided no representations to date.

Hyder Consults/Welsh Water offer no comments as the scheme utilises private drainage facilities.

The Head of Visible Services (Highway Development) requested additional details and amended plans to satisfy site layout requirements. Amended plans have been submitted to satisfy the issues raised.

The Director of Legal and Regulatory Services (Environmental Health (Pollution)) offer no comments.

REPRESENTATIONS

Nos. 1 and 2 Little West Bungalows were consulted on 19 April 2007 and re-consulted on 8 August 2007. A Site Notice was also displayed on 19 April. To date no representations have been received.

REPORT

Planning Policies

National Guidance in the form of Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006), advises, at paragraph 9.3.3 that Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity.

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

ENV5	THE GLAMORGAN HERITAGE COAST
ENV1	DEVELOPMENT IN THE COUNTRYSIDE
ENV27	DESIGN OF NEW DEVELOPMENTS
HOUS3	DWELLINGS IN THE COUNTRYSIDE

Issues

The main issue concerns whether the proposed development has overcome the objections to the previous appeal scheme, and whether it would as a consequence appropriately respect the recognised special qualities of the Glamorgan Heritage Coast.

The site is located within the Glamorgan Heritage Coast and amounts to a small pocket of development within an otherwise largely undeveloped, remote countryside zone. Moreover, the site is highly prominent both in local views from the highway and public footpath networks, and from a distance from the coastal path/ beach road to the south. The site also has a close relationship both with the common land opposite, and the agricultural land which surrounds it, which adds significantly to the remote nature of the site.

As identified above, a previous scheme for the extension of the building to three storeys was dismissed at appeal, essentially on the basis that it would represent new dwellings in the countryside by reason of the extensive rebuilding and extension of the building in question. The scheme as submitted raised similar concerns, albeit at two-storeys only, but has since been amended to reduce the eaves level by 500mm, by the retention of the majority of the external walls, and by omitting the proposed front gable and replacing it with a conservatory structure. The form of the windows has also been amended to reflect the vertical emphasis of windows on the main building, the design of which were upheld at appeal.

Whereas the appeal scheme resulted in both the addition of significant bulk to the overall building, and a significant change to its character, subsuming the scale and form of the existing building, as amended, I am satisfied that the scheme no longer represents the rebuilding or substantial extension of the structure in question, while the scheme would replace the existing flat-roofed structure with a scale and form of development which would complement the Little West conversion and within which the building is especially prominent.

In terms of the site layout, the site layout has also been amended to provide for an appropriate form and number of parking spaces to serve the development, such that I am satisfied that not only would it be acceptable in highway terms, but also the number and location of parking provision would protect the qualities of the area, subject to detailing of materials/ finishes of the spaces.

CONCLUSION

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

Having regard to Policies ENV1, ENV5, ENV27 and HOUS3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposed development would amount to the sensitive conversion of the building, and would not cause any demonstrable harm to the special environmental qualities of the Glamorgan Heritage Coast.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 2500/2/02B and 04A received on 18 June 2007; 2500/sp/02B received on 11 July 2007; and 2500/2/03E received on 3 August 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. No development shall take place until details and construction schedules for the following matters have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out, and subsequently retained, in accordance with these approved details and schedules:

- (i) materials to be used in the construction of the external surfaces of the buildings;
- (ii) bicycle storage;
- (iii) refuse bin storage;
- (iv) boundary treatment;
- (v) balcony details;
- (vi) layout of hard surfaces;
- (vii) car parking areas surrounding the building; and
- (viii) access from the highway.

Reason:

To preserve the character and appearance of the Glamorgan Heritage Coast, as required by Policy ENV5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order)(with or without modification), no fence wall or gate or other means of enclosure shall be erected constructed or altered without the written approval of the Local Planning Authority.

Reason:

To preserve the character and appearance of the Glamorgan Heritage Coast, as required by Policy ENV5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

5. No external lighting or floodlighting shall be installed or operated within the curtilage of the building, or on the building, without the written approval of the Local Planning Authority.

Reason:

To preserve the character and appearance of the Glamorgan Heritage Coast, as required by Policy ENV5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

6. The existing internal and external walls shown on drawing ref. 2500/2/04A, received on 18 June 2007, shall be retained at all times during the construction of the development hereby approved, and this permission shall not infer acceptance or approval of any additional demolition of such existing walls unless otherwise approved in writing by the Local Planning Authority.

Reason:

Since the consent hereby granted relates to the acceptable conversion of the existing building, and any additional demolition may render such a scheme as involving excessive reconstruction, thus failing to accord with Policies ENV5, ENV1 and HOUS3 of the adopted Unitary Development Plan.

NOTE:

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

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

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

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

2007/00538/FUL Received on 17 April 2007

Grant Berger, 27B, Courtney Road, Barry, Vale of Glamorgan., CF63 3QG
Stedman Architectural, 18, Turberville Place, Cardiff., CF11 9NX

Green Lane, Dinas Powys

Demolish existing barn and erect new dwelling of sustainable design

SITE DESCRIPTION

The site relates to a parcel of agricultural land situated to the east of the Dinas Powys – Barry A4055.

The site extends to approximately 1.25 – 1.5 ha is accessed via an unadopted “lane” which also serves as access to the Cog Moors Sewage Treatment Works.

Footpath No. 15 passes to the south and immediately along the eastern boundary of the site.

The site is mainly grass with stables built near the entrance gate.

DESCRIPTION OF DEVELOPMENT

The application seeks planning consent for the erection of a 4 bed, 2 storey dwelling with pitched roof finished in sawn timber, zinc roof, box agricultural sheeting, render (painted post box red). Photovoltaic Roof panels will be used. The dwelling will have a footprint measuring approximately 23.5m x 8.3m with a height of 6.6m and 7.2m to flue.

A detached car port garage and bicycle store and compost area measuring 20m x 5.5m approximately finished in sawn timber stained.

The application has been submitted with a sustainable design report.

PLANNING HISTORY

2007/00334/FUL - Walk in shelter for horses. Approved as retention 2 May 2007.

CONSULTATIONS

Dinas Powys Community Council – Objection: We consider that to allow this property to be built in an agricultural area would set an undesirable precedent.”

Environment Agency Wales have no objection and provide advisory notes.

Dwr Cymru/Welsh Water. See Appendix A.

Highway Development. No comments have been received.

The Head of Economic Development and Leisure (Public Rights of Way Officer). No comments have been received.

The Director of Legal and Regulatory Services (Environmental Health). No comments have been received.

Glamorgan Gwent Archaeological Trust have no objection to the determination of this application.

Hyder Consults has no comment.

Ecology. See Appendix B.

Countryside Council for Wales were consulted on 20 June 2007.

REPRESENTATIONS

The application was advertised on site and in the press as it affected a Public Right of Way and as a Departure from the Development Plan on 22 May 2007. No comments have been received.

REPORT

The site falls to be assessed under local and national guidance including that contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and Planning Policy Wales 2002.

Planning Policies

RELEVANT POLICIES IN THE UNITARY DEVELOPMENT PLAN INCLUDE:

STRATEGIC POLICY 1 AND 2 ENVIRONMENT.

8 TRANSPORTATION.

POLICIES:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV2 – AGRICULTURAL LAND

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV16 – PROTECTED SPECIES

ENV27 – DESIGN OF NEW DEVELOPMENT

HOUS3 – DWELLINGS IN THE COUNTRYSIDE

TRAN10 - PARKING

CONSIDERATION SHOULD ALSO BE GIVEN TO THE ADOPTED SUPPLEMENTARY PLANNING GUIDANCE INCLUDING "AMENITY STANDARDS", SUSTAINABLE DEVELOPMENT", "DESIGN IN THE LANDSCAPE", TREES AND DEVELOPMENT".

Issues

The site lies outside any recognised settlement and therefore falls to be considered under Policy for Development of Dwellings in the Countryside. The application has not been submitted with any agricultural justification and therefore falls to be assessed under general housing.

The application has been submitted with a sustainability appraisal. The agent has advised that the development should be considered as an exception to the Policies governing development in the Countryside given the intention to design a dwelling that as a minimum meets "very good" ecohomes standards with a target of 4**** "excellent."

The starting point is considered to be the location of the development outside any recognised settlement and thus not in an area with established facilities and services and where reliance on the car will be likely to be greater than it would within settlement with facilities. The proposed dwelling will entail the development of a site that would in all other respects not be considered appropriate for residential development. The development is therefore unwarranted and unjustified in this rural location.

The site will be clearly visible in the landscape from the public footpath which skirts the site on two of its boundaries.

The access to the site is over an unadopted lane not within the ownership or control of the applicant and indeed has not been incorporated into the application site edged red. In reality therefore there is no vehicular access to the site from the adopted highway which lies approximately 400m to the north west of the site. This access lane is also used by vehicles serving the Cog Moors Sewage Treatment Works.

The issue of sustainable development is a material consideration and whilst the credentials for sustainability to which the house could be built appear good the primary point to consider is whether allowing a dwelling in the countryside outside a settlement is in itself the most sustainable form of development. It is considered that in line with the Council's adopted Supplementary Planning Guidance "Sustainable Development" "careful consideration should be given to choosing a location for development as this can have a significant impact on the sustainability of the proposal, as can the choice of land for development. In this respect developers are encouraged to reuse brownfield land or existing buildings" (Part 9, Page 11).

The developer was required to undertake Barn Owl and Bat Surveys prior to determination. Whilst some initial assessment work has been undertaken the developer was unwilling to fund full surveys without an indication that the development would be approved. The Local Planning Authority is not, therefore, in a position to fully ascertain that the development would not adversely affect any protected species or their habitats.

CONCLUSION

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

Having regard to Policies for the control of development outside settlements the development is considered to be unjustified development in this rural location and the sustainable design and build would not in itself be sufficient grounds for overriding established local and national policy in this respect.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an unacceptable and unjustified form of residential development outside a defined settlement boundary which would be detrimental to the character and appearance of the countryside and would therefore be contrary to the aims and objectives of Policies ENV1 `Development in the Countryside`, ENV10 `Conservation of the Countryside`, ENV27 `Design of New Developments`, HOUS3 `Dwellings in the Countryside` of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and adopted Supplementary Planning Guidance `Sustainable Development`.
2. The applicant has failed to demonstrate access to the public highway or to provide sufficient information to enable the Local Planning Authority to ascertain that protected species or their habitats will be safeguarded and therefore fails to meet Policies ENV27 `Design of New Developments` and ENV19 `Protected Species` of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/00650/FUL Received on 11 June 2007

Cardiff International Airport, Rhoose, Vale of Glamorgan., CF62 3BD
McAlister Armstrong & Partners Ltd, Carrol House, 463, Ormeau Road, Belfast.,
BT7 3GR

Cardiff International Airport, Vale of Glamorgan

Proposed new baggage reclaim extension and departure lounge extension

SITE DESCRIPTION

The site comprises land lying within the operational boundary of Cardiff International Airport in Rhoose.

DESCRIPTION OF DEVELOPMENT

This is a retrospective application relating to the extension to the baggage reclaim/ departure lounge facilities at Cardiff international Airport, submitted due to variations between the 'as-built' scheme and that previously approved by planning permission 2005/01621/FUL

The main changes to the scheme are as follows:

- Addition of detached pump room building (relocated from roof of previous approval), and detached sprinkler tank, both sited between the extension and the existing cargo building.
- Increase in depth of extension from 37.2m to 44.8m.
- Decrease in width from 29m to 28m.
- Addition of cantilevered canopy to east elevation.
- Changes to fenestration, including amended windows sizes/ design.

The extensions are sited on the airside of the airport adjacent to the aircraft stands, flanked by the existing terminal along the south and western sides, the site being restricted by the existing cargo building.

The building has been finished with metallic silver cladding, with green external glazing. The building is of a similar height, scale and finish to the existing airport building, with a floorspace at ground and first floors of approx 1235 sq.m. The height varies due to ground levels to between 11.2m and 12.3m. Drainage is as per previously approved, namely with no increase in surface water run-off.

The application has been accompanied by a sustainability appraisal and a design and access statement. This identifies that this stage of the expansion of the airport is entirely consistent with the aims of the airport Masterplan to 2030.

PLANNING HISTORY

The site as a whole has been the subject of extensive applications, the most relevant of which are as follows:

2005/01621/FUL - Proposed new passenger walkway, pre-board zones, extensions to the baggage hall and departure area and reconfiguration of set-down area. Approved 16 December 2005.

2007/00261/FUL - Proposed new passenger walkway, pre board zones and apron offices. Approved 11 April 2007.

CONSULTATIONS

Environment Agency Wales advise that they are not aware of flooding problems, and note that the applicant must ensure sufficient surface water drainage is of sufficient capacity to accept additional run-off.

Civil Aviation Authority - no safeguarding objections.

The Director of Legal and Regulatory Services (Environmental Health) has no comments.

Dwr Cymru/Welsh Water has no objections subject to foul water and surface water conditions.

REPRESENTATIONS

The application was advertised as a major application through a Site Notice and advertisement in the press on 15 June 2007. To date no representations have been received.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

TRAN8 - CARDIFF INTERNATIONAL AIRPORT

ENV27 - DESIGN OF NEW DEVELOPMENTS

In particular, TRAN 8 states that “the continued use and development of Cardiff International Airport to cater for all types of air traffic will be favoured”.

Issues

The principle of extending the airport in the position and general form proposed by this application has already been accepted by virtue of planning permission 2005/01621/FUL. Accordingly, the main issue for this application concerns purely whether the alterations and enlargement of the extensions would cause materially greater harm than the approval and, if so, whether it would cause demonstrable harm to any matters of acknowledged importance.

Given the relatively minor nature of the enlargement from the previous scheme, and the immaterial changes to the fenestration, it is considered that the amendments to the previously-approved scheme would not materially increase the physical impact of the airport building in this locality, not least since they are airside and form part of the wider agglomeration of airport infrastructure. In addition, Policy TRAN 8 continues to positively favour airport development, such that these changes, and the addition of the sprinkler tank and separate pump room, would be acceptable within the terms of that Policy.

No drainage condition is required due to such matters having been agreed by the earlier application. No other conditions are required due to this relating to the retention of the facilities.

Accordingly, the regularisation of the extensions and ancillary buildings as proposed would not cause demonstrable harm to the visual amenities of the locality, or other interests of acknowledged importance, such that they accord with the objectives of Policy TRAN 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

CONCLUSION

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

Having regard to Policies TRAN 8 and ENV27, it is concluded that the proposed extensions to accommodate the enlarged baggage reclaim / departure lounge facilities, would accord with the objectives of encouraging the development of the airport and will have no demonstrable impact upon visual amenity of other interests of acknowledged importance.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. NO CONDITIONS

2007/00870/FUL Received on 22 June 2007

Leekes Limited, Mwyndy Business Park, Pontyclun., Rhondda Cynon Taff., CF72 9PN

Leekes Limited, Mwyndy Business Park, Pontyclun., Rhondda Cynon Taff., CF72 9PN

Land at Vale of Glamorgan Hotel, Golf and Leisure Club, Hensol

National training facilities for rugby and football including a two storey sports pavilion, six pitches and a running track

SITE DESCRIPTION

The site lies between the Grade I Listed Castle, formerly in use as a conference centre and hospital, the grounds to the castle (which are of historic interest) and is sited on former 'agricultural' land between the Castle grounds and more recent Hotel, Leisure Club and Golf course.

The site is located towards the northern boundary of the Vale of Glamorgan administrative district and close to Junction 34 of the M4 motorway.

To the east of the site there is a small group of residential properties, to the north of which the main access into the former hospital site is proposed. The application site comprises in the main, the part of the site previously granted permission under reference 2005/00087/FUL to construct 36 new building units of time share holiday accommodation.

DESCRIPTION OF DEVELOPMENT

The proposal comprises the following:

- A sports pavilion to be occupied by the Welsh Rugby Union (WRU) and to include self contained fitness areas, clinics, changing rooms, conference/briefing rooms, catering/cafeteria, and relaxation/meeting areas.
- Three grass and one artificial full size rugby pitches to the immediate north and north west of the pavilion.
- A further full-size grass football pitch to the immediate north of the existing FAW football pitches located to the immediate west of the Mill Pond.
- A three-lane running track incorporating a six-lane sprint facility.
- A parking area and circulation space for 136 cars, plus 10 disabled spaces.
- Access pathways surrounding each pitch providing links to grassed skill zones, the main pavilion, and the parking areas.
- A small sports pitch-viewing pavilion/shelter overlooking the existing FAW training pitch.

The facility will utilise the existing access drive into the Hotel and will be directly accessed from a new spur providing access and egress from both north (the main route to the local and strategic highway network) and south (the hotel, leisure club, golf club and sports barn). All access and parking areas will be hard surfaced and appropriately landscaped with grass, shrub and tree planting to a specification and design to be agreed.

It is proposed to construct a grassed and planted bund running along the north eastern edge of the site which will act as a landscape and visual buffer between the training/sporting facilities themselves and the approved residential apartment complexes to be secured by the conversion of the existing former ward blocks. Such conversion is already permitted by virtue of planning permission number 2005/00087/FUL granted on 22 December 2006.

The pavilion is to be of three-storey construction with pitched roof having a maximum ridge height of 9.1 metres above adjacent ground levels. The building is to be steel framed, clad with cavity insulated masonry walls.

The grass pitches will be constructed to required international performance standards. The artificial surfaces will be of comparable international standard and will complement the pitches recently reconstructed to the north east of the site, adjacent to the Mill Pond and in particular, the training barn that provides a full half pitch facility with an artificial surface, to the south east of the application site within the existing resort complex.

PLANNING HISTORY

Application 2005/00087/FUL mixed use redevelopment of the Hensol Hospital site. The development can be summarised as follows:

1. Conversion of Hensol Castle with an extension to the north to create a 43 bedroom hotel with spa, being 25 bedrooms in the castle and 15 in the new build Spa.
2. To convert the 9 No. ward buildings into 54 No. apartments comprising 6 No. apartments per ward building. Extensions to create balconies and conservatories of contemporary design are proposed.
3. To convert the Concert Hall into 5 No. apartments, with a large central foyer.
4. To construct 36 No. new building units of time share holiday accommodation in the field to the north of the existing hotel complex at the "Vale of Glamorgan" with this being referred to as "holiday accommodation". The units comprise a mix of single storey and two storey development finished in "Bradstone" stone, slate, timber cladding and render with elements of a contemporary palette of materials e.g. zinc capped roofing. A communal car parking area of 79 No. spaces will be provided accessed off the existing access to the hotel/golf club. A single storey facility building (office/store) is also proposed.
5. Conversion of ward blocks to the north of the Castle and the buildings in the walled garden into staff accommodation. This will generally entail conversion with some demolition and rebuild in the form of a new block between existing buildings. Rebuild materials and design are to be sympathetic to the existing red brick buildings.
6. Restoration of the Walled Garden including 3 No. glass houses to be used as a kitchen garden and as "sensory" garden ancillary to the proposed Spa use.
7. Demolitions will amount to an area of 9,391 sq.m in total dispersed around the site but including all the nurses' training unit classrooms and buildings, 5 No. bungalows and resettlement department, physiotherapy buildings etc., all post 1947 buildings. Overall new build development is noted as amounting to 8,601sq.m in total.

This application was approved 22 December 2006.

Applications for Listed Building Consent Refs: 05/00088 and 05/00297LBC for the works to the Grade I Listed Castle and curtilage buildings were also approved on this site.

06/00027/FUL – Re-lay playing pitches to improve drainage. Approved 28 July 2006.

CONSULTATIONS

Pendoylan Community Council comment that 'Pendoylan Community Council has considered the proposal to develop a sports pavilion with training pitches for WRU on the site of the re-development of the Hensol Hospital site. The Council are pleased to note the new plans, which replace a previous larger more intrusive development proposal at a different site.

Whilst generally supportive of the proposal the Community Council is extremely concerned that another large development in Hensol is to be undertaken with no improvement to the roads in that area, in particular the two junctions between the road from the Motorway to Pendoylan and the Vale Hotel.

The Community Council is aware that increased volume at these junctions and the speed of traffic is causing serious concern to the residents in the area'.

Sports Council for Wales. No response to date.

` The Head of Economic Development and Leisure (Countryside Ecology). Comments have been received relating to the ecological value of the site in terms of bats, nesting birds, otters and reptiles, and the fact that ' the ecological value of the site was assessed under the previous submission for the development of Hensol Castle. Recognition is made of the fact that the previous surveys and that the previous permission included both a Legal Agreement obligation and conditions relating to the arrangement of the site (of which this site forms a part).

The Director of Legal and Regulatory Services (Environmental Health) comments relate to the need to design of any artificial lighting is to be in accordance with guidance issued by the Institute of Lighting Engineers for the avoidance of nuisance.

Environment Agency Wales has no objections subject to conditions regarding foul and surface water drains.

Hyder Consults. No response to date.

The Head of Visible Services (Highway Development). Concerns were raised about possible end users and ensuring that the use is tied to the WRU and Cardiff City Football Club only. Coach parking provision will also be required. In addition the parking area is in the vicinity of the location of a previously proposed overspill parking area identified in planning application 2006/00400/FUL and 2005/00087/FUL.

In answer to the above comments the applicant has responded in a letter attached at Appendix A. In summary the applicant advises that the sites will only be used by the Cardiff Blues RFC, Welsh Rugby Union, Cardiff City Football Club and the Football Association of Wales. In addition a coach drop off point is provided and subsequently the coaches would be parked in the existing coach parking area at the Hotel.

Countryside Council for Wales. No response to date.

Glamorgan Gwent Archaeological Trust. No response to date.

Cadw comments as follows:

In summary, it is confirmed that the development does not affect any scheduled monuments or historic landscapes, although it does lie in the historic park of Hensol Castle. The response recognises that the proposals lie in two separate areas of the park (to the east of the house and to its south):

Cadw considers the following two issues to be of concern:

1. The football pavilion (not to be confused with the WRU Training Centre Pavilion) located to the east of the house alongside the proposed football pitches is located in a sensitive area (historically and visually), lying in the core of the park, and there is concern at the impact of this pavilion on the setting of the park.
2. To the south there is concern at the proposed earth banks/bunds that separate the pitches from the ward blocks and remainder of the development. Cadw view these as being alien in appearance.

(The full response is attached as Appendix B).

Historic Gardens Society comments awaited.

REPRESENTATIONS

The application has been advertised on site and in the press and nearby residents have been notified on 27th June 2007, to date no replies have received

REPORT

Planning Policies

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

ENV1 Development in the Countryside : With criteria including (iii) the re-use adaptation of existing buildings particularly to assist the diversification of the rural economy ; (iv) development which is approved under other Policies of the plan.

- ENV4 Special Landscape Areas : Where it will not adversely effect the landscape, character or features or visual amenities of the Special Landscape Area (i) Ely Valley and Ridge Slopes.
- ENV7 Water Resources : River, other inland waters and underground water resources will be safeguarded. Developments which improve the water environment or help to prevent flooding will be favoured. Development will be permitted where it would not : (i) have an unacceptable effect on the quality or quantity of water resources or on fisheries, nature or heritage conservation, recreation or other amenity interests related to such waters, and (ii) be potentially at risk from flooding or increase the risk of flooding locally or elsewhere to an unacceptable level.
- ENV10 Conservation in the Countryside : With measures to maintain and improve the Countryside, its features and resources, particularly in areas of high quality landscape.
- ENV11 Protection of Landscape Features : Development will be permitted if it does not unacceptably affect features of importance to landscape or nature conservation.
- ENV12 Woodland Management : Improvement management and extension of woodlands, tree cover and hedgerows will be favoured.
- ENV15 Local Sites of Nature Conservation Significance : Where development is likely to have an unacceptable effect on a local nature reserve or site shown to be of importance for nature conservation will not be permitted unless the reasons for the proposal clearly outweigh the local importance of the site and where development takes place appropriate conditions or agreed planning obligations may be used to ensure the impact on nature conservation is minimised. It is noted that 2 candidate SINC's are at the site namely Hensol Lake and Hensol Mill Pond.
- ENV17 Protection of Built and Historic Environment.
- ENV16 Protected Species : Development will be permitted only if effects of the development will be minimised by careful design and work scheduling or effective mitigation measures are provided by the developer.
- ENV18 Archaeological Field Evaluation.
- ENV19 Preservation of Archaeological Remains : Preservation or as appropriate, recording of remains will be required.
- ENV27 Design of New Development : With development expected to have full regard to the context of the natural and built environment and meeting 9 criteria including that it complements or enhances the local character of buildings or spaces.

ENV29 Protection of Environmental Quality : Including ensuring development does not pollute water, soil etc nor cause noise or light pollution.

EMP2 New Business and Industrial Development : Proposals for new business development will be permitted if 9 criteria are met including that the proposal does not lie within the countryside except for where exclusions apply including exclusions under Policy COMM2 (Redundant Hospitals).

TOUR1 New Hotels in the Countryside : Proposals for new hotels outside designated settlement boundaries defined by HOUS2 will not be permitted. Proposals involving conversion or extension of existing buildings outside such areas will be permitted if all 8 criteria are met including scale of the proposal and any extensions are in keeping with surrounding uses, that the development does not unacceptably affect amenities and character of existing or neighbouring environments e.g. through noise, traffic generation etc. and the proposals meeting high standards of layout, landscape, design and has safe vehicular access.

TRAN10 Parking provisions should be in accordance with approved guidelines.

REC1 Protection of Existing Recreational Facilities

Development involving the loss of existing recreational facilities, whether in public or private ownership, will be permitted if:

- (i) Alternative provision of equivalent community benefit is made available or
- (ii) There is an excess of such provision in the area and
- (iii) The facilities are not important to the character of a conservation area or the setting of the town or village.

REC2 Joint Provision and Dual Use of Facilities

The Council will favour proposals which result in wider use by the community of existing recreational facilities in order to meet the recreational needs of the plan area.

REC5 New Playing Field Provision

Land is allocated in the following locations for the provision of playing fields:

- | | | |
|--------------|-------|--|
| Dinas Powys: | (i) | Caerleon Road (1.3 hectares) |
| Sully: | (ii) | Glebelands (8.5 hectares) |
| Wenvoe: | (iii) | Extension to Station Road (1.5 hectares) |
| Rhose: | (iv) | Rhose Point Redevelopment |

(one playing pitch exact hectarage to be agreed).

- REC7 Sports and leisure facilities outside settlement centres permitted subject to criteria including not affecting vitality and viability of Town or District Centres.
- REC12 Public Rights of Way and recreational routes will be protected.
- COMM2 Reuse and redevelopment of redundant hospitals will be permitted subject to criteria including that the proposal does not unacceptably effect the local environment or character of the area, that the proposal does not involve any significant extension to the existing buildings and in the case of Listed Buildings the proposal does not unacceptably affect its character as a building of special interest.

Planning Policy Wales

Regard should also be paid to the general guidance in the above document and the more specific guidance in TAN 16 "Sport/and Recreation".

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

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

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

The proposal to establish a WRU sports pavilion, training pitches and associated facilities on the "transitional" zone as described in the Brief is therefore compatible with the Council's acceptance of the site as one capable of accommodating new development. Indeed, the Brief anticipated that the site would accommodate significantly more buildings than is now proposed. Accordingly, there is no conflict between the current proposal and aspirations of the original Development Brief.

In respect of the policies of the UDP, proposals Map 4 shows that the site sits within a Special Landscape Area within which Policy ENV4 is applicable, and that it forms a part of what is shown on the Map as an "existing employment site".

In that context Policy ENV4 allows development where it can be demonstrated that it will not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area. Accordingly, given the approved holiday village complex was not considered to have an unacceptable landscape or visual impact and, accordingly, its development was not in conflict with Policy ENV4, the current proposal will have a much lesser visual impact it is also concluded that the current proposal is not in conflict with Policy ENV4.

In the context of the employment site annotation on the Proposals Map there is no particular reference to the Golf Resort within the main body of the UDP text. However, the Employment Chapter within the UDP also includes policies specific to tourism, including hotels. There are no policies of particular relevance to this proposal within that Chapter. Neither, however, are there any policies that suggest that the proposal is out of accord with the UDP in employment/tourism policy terms.

Chapter 8 of the UDP deals specifically with Sport and Recreation. Policy REC1 seeks, in general, to protect the loss of recreational facilities while Policy REC2 favours proposals resulting in the wider use by the community of existing recreational facilities in order to meet the recreational needs of the Plan area. By providing dedicated facilities for the WRU in particular, the proposal will release some of the existing facilities which are available to the wider community but whose availability is restricted on occasions by the use made of them by national and regional rugby and football teams.

Policy REC5 supports the provision of new playing fields, although its primary interests are playing fields made available for the general public. Policy REC7, however, is specific to bespoke sports and leisure facilities and supports their provision outside existing town and district centres subject to a number of criteria being met. As is demonstrated by the various topic references in the remainder of this statement, none of those criteria is adversely prejudiced by the current proposal.

Accordingly, the proposal is considered to be in accord with the policies, proposals, and general aspirations of the adopted Unitary Development Plan.

Also relevant to the consideration of this application is the extant Planning Permission (reference 2005/00087/FUL) granted for a holiday complex (timeshare facility), tennis courts and parking at the site as a part of the wider Planning Permission and Listed Building Consent approvals for the conversion and extension of the Castle to a Hotel/Spa, the conversion of the ward blocks to apartments, the creation from new build and conversion of staff accommodation, and the reinstatement of the walled garden and historic parkland.

The current application will replace the holiday village, and retain the bulk of the site as open land, albeit accommodating four playing pitches with a single building located at its southern end. Whilst that single building will be 3 storeys in height, and will have a ridge height of 9.1 metres, its overall impact will be significantly less than that of the approved holiday village by virtue of the fact that it will accommodate a much smaller proportion of the application site and it will sit alongside the existing road frontage in a location between former ward Block H and the leisure club of the Vale Hotel, Golf and Spa Resort. In considering the current application, therefore, it is relevant to consider the “fallback” position that can be implemented in the event that this application is not approved.

In planning policy terms, therefore, it is concluded that the proposal accords with the policies and principles of national guidance and both the Hensol Castle Development Brief and the adopted Unitary Development Plan, and that extent, scale and impact of the proposal compared to the current fallback position which is the permitted holiday village within the same land parcel.

Other Issues

A full survey and assessment of the baseline conditions of the Hensol Castle estate was undertaken as a part of the Environmental Statement produced in January 2005 in support of application 2005/00087/FUL. The current application site forms a small part of the area assessed at the time and, indeed, probably the least sensitive part of the area so assessed (as acknowledged at the time of the determination of 2005/00087/FUL).

The tree survey undertaken as part of the EIA identified trees worthy of retention and those capable of being removed. The current application site is devoid of existing woodland and hedgerows, other than a narrow strip that crosses the site in a south-west to north-east alignment in a line roughly parallel with the main access route to the resort. The survey also identified an area of semi-mature, alder and willow woodland to the south of the main lake and to the north of the existing application site. That remains and is unaffected by the current proposal.

In terms of grassland the site of the current application was identified in the previous EIA as a field separated from the Castle by the modern hospital buildings and mature intervening tree planting, and “currently having a closer relationship with the golf course on the Vale of Glamorgan Leisure Centre and hotel to the south of the application site”.

The EIA identified that public footpath number 20 passes through the Vale complex to the south of the site. That was to be diverted marginally when it was originally proposed to provide access into the holiday village complex. A similar minor diversion is needed to accommodate the current scheme and a Diversion Order application to that effect has already been submitted for approval.

No identified specimen trees or existing woodland blocks are to be affected by the current proposal. There will be a necessity, however, to remove a part of the hedgerow incorporating some trees that crosses the application site in a south-west / north-east alignment to accommodate the proposed southern-most grass rugby pitch which is to be surrounded by a three lane running track and six lane sprint track. In the context of the overall hedgerow and tree resource within Hensol Estate, however, the impact of that loss will not be significant. It should be noted that the Councils Ecology team have responded by indicating that the hedge and trees in question could provide habitat for protected species and accordingly the applicants have been advised of this fact. However the site in total is the subject of a habitat management agreement required by the previous permission and it is considered that the relevant agreement should ensure that there is no damage to protected species.

The application site comprises essentially improved grassland which will be replaced by purpose-built grassland to accommodate rugby pitches. Whilst the improved grassland will be lost the impact will be minimal, especially in visual terms.

No water bodies will be affected by the proposal and the substantial woodland belt abutting the southern edge of the Hensol lake will be retained in its entirety and subsequently managed in accordance with the Management Plan produced for the Hensol Castle estate in February 2007 as a condition of the December 2006 planning permission.

Whilst the impact on the view of the site from the existing footpath will inevitably change, those views are already committed to change by virtue of the extant permission. Whereas that permission will provide an immediate view of parking with holiday accommodation beyond, that is to be replaced by parking and a modern pavilion in the forefront with open rugby pitches in the background. In relative terms, therefore, the impact will be less significant than that of the extant, permitted scheme.

The impact of the approved holiday scheme to the historic parkland and structures to the north was proposed to be mitigated by a substantial native woodland buffer along the site's eastern edge, and by internal landscaping within the holiday complex itself. The current proposals seek to maintain a strong bounded woodland buffer along the eastern boundary and limited opportunities for internal landscaping will also exist in and around the parking areas and pavilion and at key locations adjacent to the playing fields. The main landscape components of the holiday village, the eastern woodland buffer and the retention and enhancement of the woodland to the north/northwest of the site will be retained.

It is therefore considered that the proposals can be accommodated without compromising the historic fabric of the Hensol Park, the bulk and most sensitive part of which will be retained and accommodated within the approved Hensol Castle redevelopment proposals. The impact on publicly accessible views from the surrounding landscape will generally be negligible.

Ecology

The EIA produced in support of the Hensol Castle application assessed the ecological and nature conservation value of the whole complex, including the current application site. The application site, described as Field Number 8 in the Development Brief, was described as a “grassland habitat” consisting of improved grassland and poor semi-improved grassland that had been agriculturally utilised for grazing. The land was confirmed to have “poor floristic species diversity” and the EIA concluded that it was “not botanically important”.

It was acknowledged, that the grassland did provide limited cover and foraging habitat for a number of species. Such species were identified as bats, badgers, small mammals, reptiles and birds. It was also suggested that vegetation and ground clearance of this area could potentially disturb/injure ground dwelling mammals, ground nesting birds and reptiles, and that the northern edge of the area is utilised by grass snakes.

It recognised that the approved proposal would generate limited light pollution of a far less intensity than that experienced when the castle and associated buildings were used as a hospital and the roads and wards were, for security reasons, illuminated on a 24 hour, 365 day per annum basis.

Whilst lighting will be required for the current proposal, it will not be on a 24 hour, 365 day per annum basis. Rather training is likely to be limited to weekdays and, rarely, during hours of darkness. Pitch lighting will however be necessary but it will be of a low level directional nature with pedestrian walkways being similarly lit. Such lighting can also be controlled by condition.

Mitigation measures are also proposed during construction period including the construction of a reptile proof fence along the northern edge of the site to protect the habitat and species that colonise the woodland to the north of that line during construction purposes.

In the longer term as previously indicated, a Management Plan has been proposed and approved for the whole Hensol estate and that plan will be applied to the remaining habitats within the application site.

Historic Environment

The comments relating to Cadw are noted. Cadw have no objection to the principles of the development, namely the provision of pitches and associated facilities but are concerned about the provision of a very small shelter/pavilion to the east of the Castle and the use of the bunding to segregate the WRU pitches to the south from the Castle apartments proposed and granted previously.

The detailed siting and design of both these features can be conditioned, allowing the provision of these facilities to be the subject of further discussion and debate.

Access and Parking

It is proposed to utilise the existing access route into the Vale resort from the M4 motorway in order to provide access to the application site.

It is noted that some 136 parking spaces and 10 disabled parking spaces are proposed as part of the scheme. However these are intended to largely constitute overflow parking for the existing complex most of which was approved as a part of the extant permission. Those numbers are not, considered to be a reflection of the additional parking and movement to be associated with the sports pavilion and training pitch proposal.

It should also be noted that there is a very close relationship between the existing hotel, sports barn, leisure club, and proposed pavilion/training pitch proposal. The proposed pavilion is to be almost exclusively used by the WRU and the pattern of such use rarely requires daily in-migration to the site from outside the complex. Rather, the WRU will use the facility as it uses the Vale complex at present – that is periods of intensive team occupation over significant periods of time when the players, coaches and support staff who use the facilities in the proposed pavilion are accommodated within the hotel.

In general traffic and transportation terms, therefore, the bulk of the daily movement to the pavilion will be by foot, by players, coaches and medical staff moving between the pavilion and the hotel and its associated facilities. The traffic impact of the proposal will, therefore, be minimal.

The Transportation Assessment undertaken as a part of the EIA for the extant scheme showed that the holiday village/timeshare/complex would generate some four week-day morning peak trips; 10 week-day evening peak movements; 10 Friday evening peak movements; and some 8 movements between 11:45 and 12:45 on Saturdays. Those are very low figures but are not expected to be exceeded by the current proposal due to the already mentioned fact that those players, officials, coaches, and support staff using the facilities on a daily basis will be staying at the hotel or visiting it for some other purpose and will have already, therefore, generated a trip to and from the resort. As movements between the hotel and the training facility will be by foot, no additional traffic generation or parking requirement is anticipated.

CONCLUSION

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

In considering the planning merits of the scheme, reference has been made to the previous approval and the terms of the EIA submitted with that application, in relation to impacts of the development and any proposals for mitigation. Whilst there are consequences for the environment generally from the current development it is considered that they can be mitigated through the requirement for a Management Plan for the site as a whole.

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

In this regard, the development for residential purposes is considered to be justified on the basis of the previous approval issued for the site and the development is considered to be in accord with the Development Brief for the site and generally accords with Policies ENV1, ENV4 Special Landscape Areas, ENV7, ENV10, ENV11, ENV12, ENV15, ENV17, ENV16 Protected Species, ENV18, ENV19, ENV27, ENV29, HOUS12, ENV3, TOUR1, TRAN10, REC1, REC2, REC5, REC7, REC12 and COMM2 of the ale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. No development associated with the proposed floodlighting shall be started on site until details of all the proposed floodlighting including heights and design of stanchions and the method of controlling the direction of the light emitted, is submitted to and approved by the Local Planning Authority and all lighting shall be erected only in accordance with the approved details.

Reason:

In order to ensure a satisfactory development in this important and historic rural setting and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

3. Details of the cut off ditches above and below the working area to intercept contaminated and clean surface water, including suitable lagoon areas for treatment of contaminated water prior to discharge into any watercourse, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out strictly in accordance with the approved details prior to the first beneficial use of the development hereby approved.

Reason:

To prevent the pollution of watercourses in the area.

4. The development shall be used as stated in the letter dated 3 May 2006 from the applicant, a copy of which is attached to this Decision Notice.

Reason:

For the avoidance of doubt as to the extent of this consent and to ensure the amenities of the area are safeguarded.

5. No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

To ensure that archaeological interest is protected and recorded.

6. Any floodlighting shall not be used after 9.00 p.m. on Sundays nor after 10.00 p.m. any other day unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the environment in general and the amenities of surrounding residents and to meet the requirements of Policies ENV1, ENV4 and ENV27 of the Unitary Development Plan.

7. The development in so far as it relates to matters relating to this permission shall be carried out in strict accordance with the terms of the Environmental Impact Assessment studies submitted with application 2005/00087/FUL, unless the Local Planning Authority gives prior written consent to any variation.

Reason:

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

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

Reason:

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

9. Notwithstanding the details submitted and prior to the first beneficial occupation of any part of the site, details of car parking, coach parking and drop off points and bicycle parking layouts, including parking for the disabled, shall be submitted to an approved in writing by the Local Planning Authority and the parking areas shall be provided in accordance with the approved details prior to the first beneficial occupation of that part of the development to which they relate and shall thereafter be so maintained at all times to serve that development.

Reason:

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

10. Prior to the first beneficial occupation of the site, details of the alignment, materials of construction, lighting and marking of any internal access roads, footpaths/pedestrian links and cycle routes associated with the scheme shall be submitted to and approved in writing by the Local Planning Authority and the details as approved shall be implemented in accordance with the agreed Programme.

Reason:

To ensure safe access to the development.

11. Prior to the commencement of any part of the development, details of the means of surface water drainage, restricting flows to Greenfield flows and providing for oil interceptors to accommodate surface water drainage from parking areas, hardstandings and roads shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details prior to the first beneficial use of the development .

Reason:

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

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

Reason:

To protect against flooding in the area.

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

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

19. Prior to their use on site samples of the materials to be used in the erection of the sports pavilion and all other buildings, shall be submitted to or made available on site for inspection by, and the written approval of, the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

21. Notwithstanding the submitted plans, this permission shall not extend to the siting of the sports' pitch pavilion as submitted and the precise siting, scale and design of the proposed sports pitch pavilion as annotated on Drawing No. 06/16/004/a shall be agreed in writing by the Local Planning Authority prior to its construction on site.

Reason:

For the avoidance of doubt and to control the precise siting, scale and design of the structure to ensure compliance with Policies ENV11 and ENV17 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

22. Notwithstanding the submitted plans, full constructional and sectional details of the two earth bunds to segregate the WRU pitches from the Castle Apartments, as highlighted on Drawing No. 06/16/004/a shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site.

Reason:

For the avoidance of doubt and to control the precise siting, scale and design of the structure to ensure compliance with Policies ENV11 and ENV17 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

23. Notwithstanding the submitted details, the consent hereby granted shall not relate to any new build residential development, including those identified on drawing reference 06/16/004a and referred to as New Apartment Block #1, #2, and #3.

Reason:

In the interests of clarity and satisfactory development and in order to ensure compliance with Policies ENV1, ENV4 Special Landscape Areas, ENV7, ENV10, ENV11, ENV12, ENV15, ENV17, ENV16 Protected Species, ENV18, ENV19, ENV27, ENV29, HOUS12, ENV3, TOUR1, TRAN10, REC1, REC2, REC5, REC7, REC12 and COMM2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

NOTE:

1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
3. **Please note that it is an offence to damage, destroy, disturb or harm the habitat of a protected species. Protected species include bats, Great Crested newts and nesting birds. Should any protected species be found on site during construction works you should stop work and contact the Countryside Council for Wales (Tel: 02920 772400) for advice.**

- 4. You will note that a condition has been attached to this consent and refers to an archaeological programme of work being carried out. It would be advisable to contact the Glamorgan Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea SA1 6EL, Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 5. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
- 6. Your attention is drawn to the provisions of sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institute code of practice BS 5810: 1979) or any prescribed document replacing that code.**
- 7. Your attention is drawn to the provisions of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institute code of practice BS 5810: 1979) or any prescribed document replacing that code.**
- 8. This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**
- 9. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**

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

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

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

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

2007/00967/FUL Received on 4 July 2007

Mrs Victoria Woodsford, 31, Cefn Onn Meadows, Lisvane, Cardiff, CF14 0FL
Mr Martin Garner, Willdig Lammie Partnership, Tregleath House, 1, Serpentine Road, Newport, South Wales, NP20 4PF

60, Greenfield Avenue, Dinas Powys

Change of use of first floor from residential flat to dental surgery ancillary accomodation

SITE DESCRIPTION

The application site is located to the rear of the Texaco garage on Cardiff Road, in Dinas Powys. The area is mostly residential and the end of terrace property is in private residential use at first floor (2 bedroom flat), and a Dentist Surgery at ground floor. It comprises a parking area to the rear elevation of the property, accessed via a lane, which runs along the side elevation and can accommodate up to three vehicles at any one time. The ground floor dental surgery was approved on the site prior to 1986. As a result of the change of use, the internal staircase to the first floor of the property was removed and an external staircase erected to the rear, to allow for independent access to the first floor residential flat.

DESCRIPTION OF DEVELOPMENT

The submitted application proposes internal alterations to the property, both at ground and first floor level, as well as the change of use of the first floor from residential to D1 use, dental surgery. The improvements and alterations also aim to comply with part M of Building Regulations, in terms of door widths, access ramps, disabled toilets (and their ground floor use only), thus suitable for both disabled and wheelchair users.

PLANNING HISTORY

1986/ 01209/Ful – Removal of internal staircase to first floor and erection of new external staircase to the rear. Approved 17 February 1987.

CONSULTATIONS

Dinas Powys Community Council was consulted on 24 July 2007. Awaiting reply.

The Head of Visible Services (Highway Development) was consulted on the 24 July 2007 and has no objections, '...due to the existing dental practice on the ground floor and location of the site within walking distance of all public transport facilities, the highway authority are unable to sustain an objection to the development proposals...'

The Director of Legal and Regulatory Services (Environmental Health) was consulted on the 24 July 2007 and has no objections.

The Director of Legal and Regulatory Services was consulted on the 24 July 2007 and has no objections.

REPRESENTATIONS

Nos. 58, 56, 54, 52, 50, 39, 41, 43, 45, 47, 49, 51, 53 Greenfield Avenue, were consulted on the 26 July 2007.

St. Marys RC Church, was consulted on the 26 July 2007.

Texas Garage was consulted on the 26 July 2007.

To date, 2 letters of objection have been received. The letters largely relate to the parking problems within this street, the lack of parking at the existing surgery and potential obstruction of existing residential driveways.

REPORT

Planning Policies

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV28 – ACCESS FOR DISABLED PEOPLE

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

EMP2 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

TRAN10 – PARKING

Having considered the proposed change of use and alterations, in relation to the above-mentioned policies, although some concerns have been identified, in terms of parking and traffic, no other major objections have been raised.

The existing surgery at ground floor will undergo alterations in order to ensure compliance with the Disability Discrimination Act 2004. This will include the provision of a new disabled toilet, wider doors and wheelchair access ramp. These alterations will ensure inclusiveness to all.

The new layout at ground floor will alter the existing surgery room to the front elevation to a waiting room, and the reception office/area will replace the existing x-ray room. The existing 2nd surgery room is to be replaced by a patient toilet (DDA) and an adjoining record store. The waiting room as existing will be replaced by the surgery room and will not be a thoroughfare, thus separating the latter rooms from the staff WC and sterilising room located to the back of the property.

At the ground floor, the entrance lobby will remain immediately adjacent the neighbouring property and although the surgery is adjoining the neighbouring property, the use will be reduced from two surgeries to one, at ground floor and therefore issues such as noise, will not intensify.

In respect of the first floor the landing area will lead to a sub-waiting area and the second surgery room, directly facing Greenfield Avenue, these will replace the existing living room. Adjacent to the 2nd surgery will be a third surgery / hygienist, which will be replacing the existing bedroom. Adjacent to the latter will be a store / sterilising room and a staff WC, which will replace the existing kitchen and bathroom. At the very rear of the property the landing provides access for the staff room/lockers, replacing the 2nd bedroom and access to the rear independent staircase that will be maintained as a fire exit. Thus, the first floor layout will also ensure the minimum noise to the neighbouring adjoining property, as these have all been located away from the dividing boundary wall to both of the properties.

It is considered that given the property's location within close proximity to public transport routes, such as the bus and train, and its sitting within a residential area, with an existing parking layout to accommodate 3 vehicles at any one time, the proposal would not adversely affect the surrounding residential amenity, the character of the property, highway and pedestrian safety or generate any other nuisances.

CONCLUSION

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

Having regard to Policies ENV27 – Design of New Developments, ENV28 – Access for Disabled People, ENV29 – Protection of Environmental Quality, EMP2 – New Business and Industrial Development, TRAN10 – Parking of the Vale of Glamorgan Unitary Development Plan 1996-2011, it is considered that the proposed change of use to the property at first floor is acceptable and not considered to detrimentally effect the surrounding residential amenity, the character of the property, generate significant increase in traffic or cause other nuisances. The proposal therefore complies with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The use of the premises shall be strictly in accordance with the layout as shown on the approved plans and the surgery rooms hereby approved shall not be relocated or extended in any part of the building without the prior consent of the Local Planning Authority.

Reason:

To safeguard the amenities of the adjoining occupiers and to meet the requirements of Policy ENV27 of the Unitary Development Plan 1996-2011.

NOTE:

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

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

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

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

Mr. T. Jones, 26, Chestnut Avenue, Eglwys Brewys, Vale of Glamorgan, CF62 4JP

A. Gillard, RIBA, 7, Kemps Covert, St. Donats, Llantwit Major, Vale of Glamorgan, CF61 1YZ

Land between nos. 23 and 24 Eagle Road, St. Athan West Camp, St. Athan

4 new 2 bed dwelling units

SITE DESCRIPTION

The application site is land between Nos. 23 and 24 Eagle Road, St. Athan West Camp, St. Athan. The site is located approximately half way along Eagle Road, 200m from the main highway through Eglwys Brewis. The land at present is a grassed plot of open space, 27m in width, and lies between 2 existing terraces of houses. The streetscene on either side is comprised of staggered terraces of two-storey dwellings, of a simple design and form.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of 4 No. 2 storey houses in the form of a staggered terrace. Each dwelling is comprised of a lounge, dining room and kitchen at ground floor and 2 bedrooms and a bathroom at first floor. The dwellings measure 6m wide x 7.6m in depth x 8.7m in height to the ridge. Due to the gentle gradient of the land, the left hand pair of the terrace is set 0.5m higher than the right hand pair. The dwellings are proposed in white render with upvc windows and a concrete tiled roof, all finishes to replicate those on the adjacent houses. Two solar panels are to be sited on the rear roof planes of the 4 units.

The houses are sited between 7 and 5.5m back from the highway, with a front garden comprised of one parking space and a front lawn. The land at the rear of the houses slopes upwards towards the rear of the site, each dwelling being served by a patio 2.5m in depth and steps leading up to the main rear garden. The two flank units have rear gardens of approximate size 12m x 7.5m and the two middle units have gardens of 12m x 6m.

The application site originally included 2 additional hardstandings to be created in the grass verge on the opposite side of the road, to provide an additional parking space for each of the 4 units. However, this has now been omitted from the scheme.

PLANNING HISTORY

01/00848/OUT - Outline application for residential development. Approved 22 November 2001.

04/00406/RES - Terrace of 3 units and a pair of semi-detached units. Withdrawn.

04/00997/OUT - Renewal of 01/00848/OUT. Approved 27 August 2004.

07/00086/OUT - Renewal of 04/00997/OUT. Approved 20 March 2007.

CONSULTATIONS

Llantwit Major Town Council - No representations have been received to date.

Civil Aviation Authority have no objection.

Glamorgan Gwent Archaeological Trust - No representations have been received to date.

Environment Agency Wales - No representations have been received to date.

The Head of Visible Services (Highways) has no objection subject to the following:

- The provision of 40m x 2m vision splays, with no obstructions over 600mm to be placed within those splays.
- The provision of 2 parking spaces for each unit.
- The suggestion that the provision of a new aluminium street lighting column, may be beneficial to the development.
- The new vehicular crossovers to be carried out to the Council's standards.

Hyder Consults has no objection subject to conditions requiring foul and surface water to be drained separately from the site and restricting land drainage run-off into the public sewerage system.

REPRESENTATIONS

The neighbouring properties of Nos. 22, 23, 24 and 25 Eagle Road were consulted in respect of the application and a site notice was erected. No representations have been received to date.

REPORT

Planning Policies

The application has been assessed primarily against Policy ENV27 - The Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This policy requires new proposals to have full regard to the context of the local natural and built environment and only permits development where it:

- Compliments or enhances the local character of buildings and open spaces.
- Meets the Council's standards of amenity space, access and car parking.
- Ensures adequate availability of utility services.
- Minimises any detrimental impact on adjacent areas.
- Ensures existing landscaping features are protected and complemented.
- Ensures a clear distinction between public and private spaces.
- Provides a high level of accessibility.
- Has regard to energy efficiency in design.
- Has regard to measures to reduce the risk and fear of crime.

Given that the site does not lie within or closely related to a settlement boundary, Policies HOUS2 and HOUS8 of the Unitary Development Plan technically do not apply to the development. However, the principles of Policy HOUS8, which relate to the scale and form of the buildings, their relationship to the existing development, impact on neighbours and the provision of parking and amenity space, are relevant to this application in that they are embodied in Policy ENV27.

Issues

The principle of the development of this land for residential purposes was approved initially in outline by application 01/00848/OUT. At this time, the principle of the development was considered, particularly in light of the advice provided within Planning Policy Wales 2002 (para 9.3.2), which states that:

“Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups may be acceptable, though much will depend on the character of the surroundings and the number of such groups in the area”.

Given the character of the surroundings and the relationship between the site and large scale residential developments on three sides, it was considered that the development satisfied the principles of this advice and was held to be acceptable. This permission has subsequently been renewed by applications 04/00997/OUT and 07/00086/OUT. The principle of the development is therefore accepted and the current application is therefore assessed in terms of the detail of the specific residential scheme.

The dwellings are of a comparable scale and form to the adjacent houses on both sides with a ridge height just 0.2m higher than the adjacent No. 23 Eagle Road, and with the front elevations broadly in line with the existing street scene. Whilst the design of the dwellings differs from the existing in the minor detail, the general character and form of the new units would be comparable to and sympathetic with the neighbouring buildings. In terms of spacing, the new terrace would be sited 1.5m from No. 23 Eagle Road at the left hand boundary of the site and 4m from No. 24 Eagle Road on the right hand boundary. It is therefore considered that the scale, massing and design of the proposal would have full regard to the context of the site and would complement the existing local character of buildings, in accordance with the requirements of Policy ENV27 of the Unitary Development Plan.

The left hand unit of the terrace would project 3.3m past the rear elevation of No. 23 Eagle Road, but is set 1.5m away from the boundary. Given the relatively limited length of projection and the distance set off the boundary, it is not considered that the new unit would be overbearing or unneighbourly. The right hand unit of the terrace would not project past the rear elevation of No. 24 Eagle Road and would therefore have no material impact on this neighbour. The units would be separated from the existing dwellings by 1.8m high fences, which in themselves would have no adverse impact.

The Council's Supplementary Planning Guidance (SPG) on Amenity Standards requires 1m² of amenity space to be provided per 1m² of gross floor space. The dwellings each have a gross floor space of 90m², and are served by gardens of 102m², 96m², 82m² and 82m² respectively. Two of the units therefore exceed the level of space required by the SPG and whilst 2 are below the deficiency is marginal and it is considered that the level of space provided is sufficient to serve modest dwellings of this size.

In terms of parking, the application initially proposed 2 spaces per unit, one contained within each curtilage and the other four spaces contained within two new hardstandings, which would have been created in the grass verge opposite the site. However in visual amenity terms, whilst 2 similar hardstandings already exist, it is not considered desirable to continue the precedent of hard surfacing the grass verge and further establishing the principle of parking which is divorced from the site. In addition, the hardstandings would in themselves reduce the provision of on-street parking. Accordingly, this aspect of the proposal has been omitted and the dwellings would now be served by the single spaces within their respective curtilages.

Whilst the Council's parking guidelines require 2 spaces for units of this size, these guidelines are post-dated by Planning Policy Wales (2002), which explicitly states at paragraph 8.4.2 that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past.

In this case the dwellings are of a modest scale and with a generous provision of on-street parking available in the vicinity, it is considered that a single space would adequately serve the needs of each unit and would comply with the aims of national planning guidance to reduce the dependence on private motor vehicles. The site is also located within walking distance of public transport services.

To conclude, it is considered that the proposal represents an appropriate and sympathetic form of infill, which has regard to the scale, form and character of the existing built environment, and would not adversely affect the amenities of the neighbouring properties. It is therefore considered that the proposal complies with the criteria of Policy ENV27 of the Unitary Development Plan, and the guidance contained within Planning Policy Wales 2002.

CONCLUSION

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

Having regard to Policy ENV27 - The Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposal is acceptable in that it represents a well-designed and sympathetic form of infill, which respects the context of the existing built environment and would safeguard the amenities of neighbouring properties. The scheme also makes provision for an appropriate level of amenity space and off street parking provision.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The dwellings hereby approved shall be finished in full accordance with the materials listed on Drawing No. C-87/06 of the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenities and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

4. This consent shall relate to the plans registered on the 5 July 2007 other than where amended by plans reference C87/06 Rev A, received on the 15 August 2007.

Reason:

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no additional windows to those on the approved drawings shall be inserted into any elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

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. Where a connection is required to the public sewerage system for either surface water drainage or foul sewage, the developer is required to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155 prior to the commencement of development.**

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

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

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

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

2007/01085/FUL Received on 30 July 2007

Tracey Inch & Gareth Gardiner, 5, Sherbourne Close, Barry, Vale of Glamorgan., CF62 8AQ

Grove Associate Architects, 81, Eastgate, Cowbridge, Vale of Glamorgan., CF71 7AA

Pensarn Barn, Llanmaes

Convert disused barn and adjacent ruin into a detached house tied to adjacent agricultural user

SITE DESCRIPTION

The application site is Pensarn Barn, Llanmaes, which is located in the open countryside, approximately 110m North West of the defined settlement of Llanmaes. The site is enclosed by a stone wall and contains a single storey stone barn, which is orientated perpendicular to the road, and a ruined byre. The site measures 70m in width x 10m in depth and would be accessed at the north boundary, adjacent to an existing field gate leading to the field at the rear.

DESCRIPTION OF DEVELOPMENT

The application proposes the raising of the roof of the barn and the rebuilding of the ruined byre, and their subsequent conversion to a single dwelling. The existing barn measures 6m deep x 7.2m wide x 4.9m in height and it is proposed to raise the roof to a height of 6.1m to accommodate a second floor. Two new window openings are proposed in the rear elevation, where none presently exist. The front elevation currently contains a hay hatch within the gable, and the application proposes its replacement with a domestic window.

The ruined byre is comprised of a 3.2m high rear wall, with ruinous side elevations of approximately 2.5m in height. The partially collapsed remains of three stone pillars lie along the front of the 'footprint' of the ruin, approximately 2m in height. It is proposed to rebuild this structure to a height of approximately 4m, with 4 new arched openings on the front and three new window openings in the rear elevation. The rebuilt byre would adjoin the raised main barn at its eaves level.

In terms of accommodation, the dwelling would be comprised of a kitchen and utility room at ground floor in the main building, with 2 bedrooms and a bathroom above. The single storey rebuilt ruin would contain a shower room, playroom, living and dining room and family room/bedroom.

Access is proposed at the northern end of the site, adjacent to the existing field access. Four parking spaces are indicated on a hardstanding some 10m in from the entrance. The remainder of the application site, mainly lying to the north of the dwelling, would serve as amenity space.

PLANNING HISTORY

82/00554/OUT - Renovation and extension of barn to form dwelling. Refused.

93/00514/FUL - Renovation and extension of barn to form dwelling. Refused.

98/00470/FUL - Conversion and extension of building to form dwelling. Refused.

The above applications all involved the part conversion and extension of the barn to form a new dwelling. It was held in each of these cases that the proposals failed to satisfy the criteria of barn conversion policies and that the dwelling represented a harmful and unjustified form of residential development in the countryside.

CONSULTATIONS

Llanmaes Community Council no representations have been received to date.

Environment Agency Wales no representations have been received to date.

Dwr Cymru/Welsh Water have no objection subject to conditions requiring foul and surface water to be drained separately from the site and restricting land drainage run-off into the public sewerage system.

The Head of Visible Services (Highways Development) has made the following comments:

“Further to the site visit undertaken in relation to the above, it is noted that there is no lawful or existing use at the development site. Therefore, the highway observations in relation to the development proposals are as follows:

1. The access to the development site is substandard as visibility along the adjacent carriageway is obstructed by the boundary wall fronting the site. Additionally, as vehicles cannot be positioned perpendicular to the adjacent highway when exiting the site, drivers would have added difficulty seeing approaching traffic.
2. Furthermore, when exiting the development site vehicles would be required to perform a U-turn manoeuvre when intending to travel in a southbound direction, which would increase the risk of vehicle conflicts.
3. However, in order to overcome a highway objection, the access to the development site is required to be relocated approximately 15.0m to the south, along the site frontage, perpendicular to the adjacent highway.
4. Visibility splays of 2.0m x 120.0m are required to be provided along the adjacent highway from the site access. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.
5. Additionally, as the highway adjacent to the development site is a classified route, an area is required to be provided within the site boundary to enable vehicles to manoeuvre, and enter/exit the site in forward gear.

Therefore, amended plans, to a suitable scale addressing the above issues are required to be submitted for further consideration.”

REPRESENTATIONS

The neighbouring properties of Pensarn Farm House and Cassetina Cottage were consulted and a site notice was erected. No representations have been received to date.

REPORT

Planning Policies

The development falls outside the settlement boundary of Llanmaes and relates to the conversion of a rural building. The relevant planning policy is that contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), Supplementary Planning Guidance 'The Conversion of Rural Buildings', and guidance in Planning Policy Wales 2002.

The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are considered relevant to the assessment of the application:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV8 - SMALL SCALE RURAL CONVERSIONS

ENV16 - PROTECTED SPECIES

ENV27 - DESIGN OF NEW DEVELOPMENTS

Policy ENV1 of the Unitary Development Plan (UDP) permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy ENV8 provides the criteria to assess the conversion of rural buildings and requires primarily that the building is structurally sound and the conversion to be undertaken without substantial reconstruction of the external walls or extension to the building. The policy also states that conversion work should not unacceptably affect the appearance and rural character of the building. In highways terms, proposals must be able to provide a safe and appropriate access, which in itself would not have an unacceptable effect on the appearance of the countryside.

Policy ENV16 states that permission will only be given for development that will affect a protected species if it can be demonstrated that there are exceptional circumstances that justify it, there is no satisfactory alternative and effective mitigation measures can be provided by the developer.

Policy ENV27 relates to all new forms of development and requires proposals to have full regard to the context of the local natural and built environment and complement the existing local character of buildings and open spaces.

Issues

It is considered that the primary issues in this case are whether the scheme constitutes an appropriate conversion of the buildings that satisfies Policy ENV8 of the UDP, the subsequent impact on the character of the site and the wider area, and whether a safe and adequate vehicular access can be made to the site.

The main barn is effectively a single storey structure, which appears in good condition structurally, however, the size of the building is extremely limited and the application proposes the raising the ridge and the insertion of new openings in a number of the elevations to enable its use as part of the dwelling. The ruinous 'byre' is comprised of a rear stone boundary wall and part collapsed stone pillars. The ruin does not have the form, appearance or character of a building, however the application involves its substantial rebuilding and extension to form an elongated single storey stone annexe to the main barn.

National guidance is contained within Planning Policy Wales March 2002. Paragraph 7.6.11 states:

"If the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply".

The Council's UDP Policy ENV8 states that the conversion should be able to be achieved without substantial reconstruction of the external walls or extension to the building. This is supported by the Council's Supplementary Planning Guidance on the Conversion of Rural Buildings, which states:

"Proposals which require the substantial reconstruction of the external walls or roof will not be permitted since the scheme will be tantamount to allowing new development in the open countryside which would otherwise be refused."

In this case, the proposal would result in a building of significantly greater visual impact than the existing structure, which it is considered would be harmful to the rural character of the existing barn and the wider landscape within which the site lies. Both the raising of the roof height and the rebuilding of the adjacent ruin would effectively serve to create a newly constructed dwelling in the countryside, as opposed to a conversion. It is considered that the new dwelling would bear no resemblance in terms of character, scale or form to the existing rural buildings, and therefore fails to satisfy criteria (iii) and (iv) of Policy ENV8, both of which seek to protect the character of rural buildings.

In light of the above, the proposal must be viewed as a new dwelling in the open countryside, for which no agricultural or other justification has been made. The site lies outside the settlement boundary of Llanmaes, approximately 115m outside the village in a position which does not constitute a logical rounding off to the settlement boundary. Whilst there are other dwellings in the vicinity, the application site is located within a 140m stretch where no dwellings exist, which has an open and undeveloped nature. It is therefore considered that the site does not represent an appropriate form on infill within a small group of dwellings.

The creation of a new dwelling in this location would therefore constitute an unjustified and visually intrusive form of development in the open countryside, contrary to Policy ENV1 of the UDP.

Given the extremely limited size of the building, it is clear that the barn could not be converted to a dwelling without substantial extension and reconstruction of the adjacent ruin, and it is therefore considered that the structure is not appropriate for a conversion as its size is too restrictive. A number of previous attempts have been made to convert the barn, all of which have also required substantial extensions to enable the creation of a dwelling and have been refused accordingly.

Notwithstanding the above, there is also a fundamental highways objection to the proposal. The proposed access point at the northern end of the site would not provide sufficient visibility along the carriageway, and vehicles could not be positioned perpendicular to the road when waiting to join the highway. Whilst re-locating the highway access point approximately 15m south may enable vehicles to turn within the curtilage, the required visibility splays of 2m x 120m could only be achieved by removing large sections of the front boundary wall, which in itself would be harmful to the rural character of the site. The proposal therefore cannot satisfy criterion (vi) of Policy ENV8 of the UDP, which requires an access to be available from the highway that does not unacceptably affect the appearance of the countryside.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions and ENV 27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings, it is concluded that the proposed conversion would cause demonstrable harm to the appearance and rural character of the barn and the wider area, and would constitute a new and unjustified dwelling in the open countryside. In addition, a safe and adequate vehicular access could not be made to the site without adversely affecting the appearance of the countryside.

RECOMMENDATION (W.R.)

REFUSE

1. By virtue of the substantial extensions and reconstructive works that are required to facilitate use of the building as a dwelling, the proposal is considered to represent a wholly new and unjustified dwelling in the open countryside, as opposed to the conversion of a rural building, which is considered to be visually intrusive and harmful to appearance and character of the barn and the wider rural area. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales 2002 and the Council's Supplementary Planning Guidance on the Conversion of Rural Buildings.
2. The proposed vehicular access would provide for insufficient vision splays to serve the new dwelling and would not enable vehicles leaving the site to enter the highway from a perpendicular position. Accordingly, the proposed access would be detrimental to the safety and free flow of traffic, contrary to the aims of Policies ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/00907/RG3 Received on 26 June 2007

Vale of Glamorgan Council, Finance & ICT & Property Department, Civic Offices, Holton Road, Barry, Vale of Glamorgan., CF63 4RU
Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry., CF63 4RU

Fairfield Primary School, Dryden Road, Penarth

Pre-fabricated school unit

SITE DESCRIPTION

The application site comprises part of the grounds to the existing Fairfield Primary School, Dryden Road, Penarth. The site is located to the south east of the main school building, adjacent to a detached classroom unit and a demountable unit, and on an area that currently forms part of the school playing field close to existing houses on Ceiriog Close.

DESCRIPTION OF DEVELOPMENT

The application is for a detached single storey demountable classroom unit and associated ground works including an access ramp. The proposed unit will be relocated from Rhoose Primary School and sited adjacent to the existing detached classroom and demountable unit, a distance of 6m from either one of the existing classroom blocks, and approximately 6.8m from the boundary with Ceiriog Close. The proposed classroom will measure 8.7m by 12.075m to a height of 3.4m. It is constructed of light grey powder coated panels with a dark grey powder coated profile sheeting roof. A tarmac footpath link and ramps will be provided for access to the new classroom.

PLANNING HISTORY

88/00955/OBS – Former South Glamorgan County Council. External store in steel. No objections 9 September 1988.

89/00819/OBS – Former South Glamorgan County Council. Extension to classroom No. 6 to provide additional teaching accommodation. No objection 25 August 1989.

00/00637/REG3 – Single storey classroom extension and minor modifications of adjacent path. Approved 26 July 2000.

03/01709/REG3 – Demountable classroom unit. Approved 26 February 2004 subject to a condition requiring the removal of the unit on or before the 1 September 2009.

CONSULTATIONS

Penarth Town Council comment that the application should be approved.

Environment Agency has no objection and have submitted their “Standard Advice” Guidance Note for Developers.

Dwr Cymru/Welsh Water have requested that their standard Conditions and Advisory Notes be attached to any consent.

The Director of Legal and Regulatory Services (Environmental Health (Pollution)) Section has no comment.

The Head of Visible Services (Highway Engineer) – As the development proposal seeks to formalise the existing classroom arrangements at the site and alleviate overcrowding there would be no increase in the number of children. Therefore the Highway Authority are unable to sustain an objection subject to the submission of a method statement detailing how the existing classroom unit will be relocated from Rhoose, including the size, type and nature of vehicles and lifting equipment, along with traffic management measures.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 2 and 13 July 2007. In addition a site notice was posted on 20 July 2007. No representations have been received to date.

REPORT

The proposal entails the siting of a demountable unit in the grounds of an existing primary school located within the settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. As such the following policy background is relevant to the assessment of the application.

Planning Policies

Policy ENV27 of the Unitary Development Plan relates to the Design of New Developments and is a criteria based policy that requires that it has full regard to the context of the local natural and built environment and its special features.

Policy TRAN10 refers to Parking and requires that the provision of parking facilities are in accordance with the Council's approved parking guidelines, related to the type of land use (density and location); accessibility to public transport facilities; and the capacity of the highway network.

Policy REC1 relates to the Protection of Existing Recreational Facilities and states that development involving the loss of existing facilities will only be permitted if there is alternative provision of equivalent community benefit; there is an excess of provision in an area; and the facilities are not important to the character of a conservation area or the setting of a town or village.

National guidance is contained in Planning Policy Wales March 2002 which recognises that adequate and efficient infrastructure, including services such as education and health facilities, is crucial for the economic, social and environmental sustainability of all parts of Wales.

Issues

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

In visual terms it is noted that there is an existing demountable unit on the site and that the proposed unit will be sited adjacent to that unit and will be of similar design and colouring. Whilst it will be most visible from Fairfield Road and Ceiriog Close it will be viewed against the backdrop of the existing buildings.

As regards any impact on neighbouring residential amenity it is noted that the proposed unit will be closer to the existing residents on Ceiriog Close than any of the existing buildings. However a reasonable distance from the boundary will be retained and there should be no adverse affect in relation to overshadowing or privacy. On the issue of possible noise and disturbance there is unlikely to be any significant additional impact as the use of the site as a playing field already has the potential to affect residential amenity.

On the issue of possible loss of playing fields, it is noted that the proposed unit will be sited close to the existing buildings with a significant area of playing fields on the lower level to the north still available for use.

In terms of the highway impact the Council's Highway Engineer has had confirmation that the proposed additional classroom unit is required to rationalise rather than increase the existing pupil numbers. As such there will be no additional impact on the existing highway network from the use of the new unit. It is noted that the Highway Engineer has requested that a method statement be submitted in relation to the movement of the unit from Rhoose to the site, however it is considered that this is not a matter for planning legislation to control in this instance. Instead an informative can be attached to any consent to ensure that the Property Section liaise with Highways on the proper movement of the unit.

Finally it will be noted from the planning history that the permission for the existing demountable was granted subject to a condition that it be for a temporary period only being removed on or before the 1 September 2009. This condition was imposed at the request of Members following a report to Planning Committee on 25 February 2004. The justification for the condition is stated as "To enable the Local Planning Authority to review the proposal at the end of this period." It is not clear what the specific concerns were at the time, but these could relate to visual impact, neighbourliness or impact on highway network. On the basis that the existing demountable has only a temporary consent to September 2009 then for consistency the current demountable should also be similarly restricted, in order that the likely impacts in relation to visual and residential amenity and highway safety can be reviewed at the end of that period.

CONCLUSION

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

Having regard to Policies ENV27 - Design of New Developments, TRAN10 - Parking, and REC1 - Protection of Existing Recreational Facilities of the Vale of Glamorgan Adopted Unitary Development Plan it is considered that the proposal should have little adverse impact on general residential amenities and highway safety, and will not result in the significant loss of recreational facilities at the school.

RECOMMENDATION

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

1. This consent shall be for a temporary period only with the demountable unit hereby permitted being removed and the land restored to its former condition, on or before the 1 September 2009.

Reason:

In line with the permission for the existing demountable unit which has been granted a temporary consent for the same period, this will enable the Local Planning Authority to review the impact of both developments in relation to visual amenity, impact on neighbours and highway safety at the end of this period, in accord with Policies ENV27 - Design of New Developments and TRAN10 - Parking of the Unitary Development Plan.

NOTE:

- 1. The developer should liaise with the Highway Authority to agree a method statement detailing the means by which the demountable unit will be relocated to the application site, including the size, type and nature of vehicles, any lifting equipment and traffic management measures.**

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

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

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

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

2007/00943/RG3 Received on 2 July 2007

Director of Learning and Development, Provincial House, Kendrick Road, Barry, Vale of Glamorgan.

Mark Haynes, Education Property Officer, Civic Offices, Holton Road, Barry, Vale of Glamorgan.

Cowbridge Comprehensive School Lower Site, Town Mill Road, Cowbridge

Renwal of perrmission for 1 no. single storey double demountable classroom

The development/property is situated within the Cowbridge with Llanblethian Conservation Area.

SITE DESCRIPTION

The site relates to the curtilage of the Cowbridge Comprehensive School located close to the town centre. A public footpath access to the Twt Park runs alongside the school grounds. A single storey double demountable classroom is situated within the playground area of the school and lies between the school building and this footpath access to the Twt Park.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the renewal of permission of 1 No. single storey double demountable classroom. The structure incorporates a footprint of approximately 135m², and is 3.7m in height.

PLANNING HISTORY

The application relates to the renewal of permission for the unit given extended temporary consent under planning reference 2005/00687/RG3. This approval granted consent for temporary use of the structure until 1 September 2007.

Consent was initially granted for the demountable unit under planning application 2003/01269/REG3.

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on the 6 July 2007. No objection was raised.

REPRESENTATIONS

A site notice was posted on the 7 July 2007. To date no representation has been received.

REPORT

The proposal entails the retention of a demountable unit in the grounds of an existing primary school located within the settlement boundary of Cowbridge and within the Conservation Area as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. As such the following policy background is relevant to the assessment of the application.

Planning Policies

Policy ENV17 relates to the Protection of the Built and Historic Environment where development will not be permitted if it will have any detrimental impact upon the special character and appearance of the setting of the Conservation Area.

Policy ENV20 refers to Development in Conservation Areas and allows for new development or alterations where they preserve or enhance the character of the conservation area, subject to certain criteria including the need to reflect the patterns of use which establish the character of the area.

Policy ENV27 of the Unitary Development Plan relates to the Design of New Developments and is a criteria based policy that requires that it has full regard to the context of the local natural and built environment and its special features.

National guidance is contained in Planning Policy Wales March 2002 which recognises that adequate and efficient infrastructure, including services such as education and health facilities, is crucial for the economic, social and environmental sustainability of all parts of Wales.

Issues

The application relates to the retention of the demountable unit, which is required to accommodate increased pupil numbers at Cowbridge Comprehensive School. The building, by design, is temporary and utilitarian which is sited in a relatively prominent location close to public facilities and to the historic town walls of Cowbridge.

Given the requirements of the school to provide essential teaching facilities and to enable full curriculum to be provided to the current number of pupils on the roll call, the necessity of the demountable unit outweighs the planning concerns related to the design, prominence and scale of the building within the Conservation Area.

However, it is recommended that any consent granted is for a temporary period of two years and that any submission for an extension to planning consent for the demountable would not be encouraged and it would be recommended that the applicant should consider a more permanent structure, in keeping with the surroundings and the protection of the amenity of the Conservation Area.

CONCLUSION

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

Having regard to Policies ENV17 "Protection of Built and Historic Environment", ENV20 "Development Within Conservation Areas" and ENV27 "Design of New Developments" it is considered that the proposal is acceptable. The demountable unit causes no harm to the privacy or private amenities of any adjoining neighbour and given its temporary siting the building has an acceptable impact upon the visual amenities of the School and the surrounding Conservation Area. Therefore, the development complies with Policies ENV17, ENV20 and ENV27, and the Councils 'Amenity Standards' Supplementary Planning Guidance.

RECOMMENDATION

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

1. This consent shall be for a temporary period only and the single storey double demountable unit shall be removed from the site on or before 1 September 2009

Reason:

To enable the Local Planning Authority to maintain control over the development situated in the Cowbridge Conservation 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.