

## Planning Committee Meeting – 7<sup>th</sup> March 2007

**2005/00570/FUL** Received on 7 February 2007

Charles Church Homes (Wales) Persimmon House, Llantrisant Business Park,  
Llantrisant. , CF72 8YD  
Tony King Architects, 97a Glebe Street, Penarth, Vale of Glamorgan, CF64 1EE

### **Jacksons Quay, Site E7, The Waterfront, Barry**

96 residential units

#### SITE DESCRIPTION

The application site comprises approximately 0.5ha of reclaimed land located north of No.1 Dock and south of Ffordd-y- Mileniwm. To the immediate east of the site is the existing residential development of Ty-Camlas and Glan-y-Dwr. The site comprises part of the comprehensive redevelopment area known as “The Waterfront”.

#### DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of ninety six residential apartments, with twenty of those units being affordable housing provision. The accommodation will comprise the following:

- (i) Two separate Blocks A and E will be constructed on the southern frontage of the site with Y Rhodfa. The three storey blocks will be positioned on either side of the new vehicular access and comprise twelve one bedroom units and twelve two bedroom units.
- (ii) Block B will be sited in the south western corner of the plot. It will be four storeys high and comprise eight two bedroom apartments.
- (iii) Blocks C and D will be predominantly a five storey high building which rises to seven storeys at its north western corner. The building will be sited along the northern boundary of the site with Ffordd y Milenium. It will include ground floor car parking, cycle storage, refuse storage and other services. Block C will comprise twenty, two bedroom apartments and twenty four, one bedroom units. Block D will accommodate the affordable housing provision of twelve two bedroom apartments and eight one bedroom units.

Vehicular access will be off Y Rhodfa via a new entrance constructed to the west of the existing. A controlled pedestrian footpath link will be provided on the western boundary.

A total of 105 No. parking spaces will be provided on site, with an additional 5 No. parking bays created off-site within an extension to the public parking on Y Rhodfa fronting the dock. Within Building D storage for 40 No. cycle spaces will be provided.

Soft and hard landscaping details have been provided which includes provision for a public art feature set within a landscaped courtyard on the western side of the site.

The application is supported by a design statement, sustainability report and contamination risk assessment report.

The scheme proposes a very modern design of flat roof buildings varying in height from three to seven storeys and include unique features to the Waterfront, such as the circular “cylinder” form of the western elevation of Blocks B and C. Other features include free standing and enclosed balconies with the external finishes being predominantly render with contrasting colour for the cylinder drums and weather board cladding.

### PLANNING HISTORY

There is a considerable history of applications relating to Barry No. 1 Dock. Of particular relevance to the current application are:

94/00144/OUT – Comprehensive redevelopment of No. 1 Dock. Approved 29 May 1997 subject to a Section 106 Legal Agreement and twenty-one conditions.

00/00265/FUL – Variation of Condition No. 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three to seven years. Approved 28 April 2000.

00/00677/FUL – Adjacent site E8 apartment development comprising 92 No. units. Approved subject to conditions 8 September 2000.

### CONSULTATIONS

Barry Town Council comments on initial submission:

“This unashamedly contemporary, urban scheme with its interesting and unusual features would make a very bold statement on a key Waterfront site. The height and massing of the buildings would reflect the scale of the No. 1 Dock and its large body of water. It would also act as a counterbalance to the Westbury development further east.

The positioning of the main apartment block on the higher ground alongside Fford-y-Mileniwm would act as a transition between the large retail units to the north and the domestic scale town houses on the dockside. This arrangement would also maximise views across the water for a good proportion of future occupants. This is considered to be particularly important in view of the restricted provisions for private amenity space.

The tall structure on the visually prominent north west corner of the site, with its considerable height and curved facades, would form a significant landmark feature.

Whilst wishing to support a scheme, which it is felt would make a positive and dynamic contribution to the Waterfront Redevelopment Area, the Town Council is very mindful that the density of the development proposed is well in excess of that allowed for in the Development Brief. It is only too well aware that any such scheme can only be successful with the provision of adequate levels of on-site car parking, space for the internal manoeuvring of vehicles and provisions for amenity uses. These issues should therefore be given a high priority during the determination process.

If planning consent is to be granted this Council would also wish to be assured that:

1. At least 20% of the residential units would fall within the “affordable” category.
2. The development would be constructed in high quality materials and that the external finishes would be able to withstand the maritime microclimate.
3. The colouring of the render to the feature elevations would relate well to other developments in the Waterfront.
4. The landscaping and planting would effectively soften the very urban built form and would provide attractive green amenity areas for the enjoyment of future residents.”

Comments on first revision.

“The amendments have been noted. The increased provisions of affordable housing and parking are welcomed.

The Council would however wish to reiterate its previous comments made in respect of the original submission.”

The Town Council were notified of the latest revisions on 14 February 2007. Comments are awaited.

Environment Agency’ initial comments:

“ The application site is identified, in accordance with criteria set out in TAN15 Development and Flood Risk (July 2004) as within Zone B. To meet the requirements of Figure 1 (Section 4) and Table 9 of TAN15 your Authority should require the applicant submit a Site Level Survey to ordnance datum. This should be supported by relevant cross-sections relating the site to the watercourse, a block layout plan and a plan showing all water features (watercourse, ditch, pond, spring etc) within 200 metres of the application site.

The information should be forwarded to the Local Planning Authority and the Agency for appraisal and dependent upon this the Agency will then advise the Local Planning Authority whether:

- (i) Determination of the application can proceed; or

- (ii) Further additional information is necessary i.e. a Flood Consequences Assessment.

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

Applicant's should note that TAN15 Development and Flood Risk (July 2004) may be viewed on the National Assembly for Wales website: <http://222.wales.gov.uk>."

Subsequent comments following additional information from the applicant:

" I refer to previous correspondence in respect of the above and in particular a letter (with attachments) received from Stride Treglown Davies dated 16 June 2005 a copy of which was forwarded to your Council. I would now advise as follows:

The site level survey confirms the development to be above the 0.1 % flood level and it establishes that the risk of flooding to the site is minimal.

Activities carried out at this site in the past may have caused contamination of soils, subsoil's and groundwater (water in both unsaturated and saturated zones) however the Agency has no record regarding this. Therefore, it may be prudent that any planning permission granted requires the applicant to carry out a site investigation to the satisfaction of the Planning authority, to determine the nature and extent of any such contamination. In the event that contamination of the site is confirmed the developer should liaise with the agency on measures required to protect surface water and groundwater interests. We would advise that you discuss the above with your own Environmental Health Department.

The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both ground water and surface water, is assured."

Dwr Cymru/Welsh Water - we would request that if you are minded to grant planning consent for the above development that the Conditions and Advisory notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru welsh Water's assets.

### **Sewerage**

#### **Conditions**

Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the Public Sewerage System.

No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to discharge into the public sewerage system.

No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

### **Advisory Notes**

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

The developer is advised to contact the Network Development Consultants to discuss this matter prior to the commencement of any site work the appropriate contact number being Tel: 01443 331155.

### **Water Supply**

A water supply can be made available to serve this proposed development. The developer may be required to contribute (under Sections 40-41 of the Water Industry Act 1991) towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connection Design Department, Players Industrial Estate, Clydach, Swansea. SA6 5BQ.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

We hope the above is satisfactory, however should you required further assistance please contact us on the above telephone number, quoting our reference.”

Design Commission for Wales – The Design Review Panel held a meeting on 1 June, 2005 to examine the initial scheme and have produced a Design Review Report which is reproduced at Appendix A for Committee Members inspection.

The Head of Housing and Community Safety: Initial comments:

“I would anticipate that the Council’s Supplementary Planning Guidance on affordable housing will apply to this site and form the basis of negotiation on percentage and type of affordable housing to be provided”.

Housing were notified of the latest revision on 14 February 2007. Comments are awaited.

The Director of Legal and Regulatory Services (Environmental Health). Whilst they have indicated that the site is relatively small in area and the ground conditions as proven are of reasonable low risk to the intended development, nevertheless they have continued negotiations with the developer. Environmental Health were renotified of the latest revision on 19 February 2007 and comments are awaited.

The Head of Visible Services (Highway Engineer):

“As with developers earlier proposals, (my comments contained within my email dated 20 September 2005) the car parking within this submission is substandard, but not to the extent that I believe an objection would be sustained.

The earlier application was to form a ‘gated development’ and for this reason the standards of lighting, footway widths etc. within the site did not (and with this application still do not) comply with adoption standards. **For that reason, and to ensure that the public do not have free and easy access to within the site and public highway rights becoming established with time, the standard and form of boundary treatment is important. Even if it is not gated, it is important that appropriate signs and the boundary treatment clearly indicate that entry into the development is for residents only.**

The proposed pedestrian access into the site at its north/western corner should have the barriers/gates located at the boundary of the site or within its curtilage. It is currently indicated as going within the adopted highway verge.

The existing adopted highway (turning area) shall need to be extinguished via Section 247 of The Town and Country Planning Act 1990 and the freehold of that land obtained from ABP --- prior to any works being carried out.

I would consequently ask that the above be conveyed to the applicant and the following condition be attached to any consent notice that may be issued:

There are no highway objections subject to the following conditions:

1. Notwithstanding the submitted plans, no work whatsoever shall commence on site until full engineering details of the site access/new turning facility with vision splay areas, additional parking within existing area of adopted highway and pedestrian access up to the site boundary --- with sections, street-lighting and surface water drainage have been submitted to and approved by the Local Planning Authority.
2. Beneficial occupation shall not take place until all works as identified in 1. above have been completed to the satisfaction of the Local Planning Authority.
3. Boundary treatment of the site shall be agreed and provided to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason:

In the interests of highway safety.

### REPRESENTATIONS

The occupiers of neighbouring properties on the adjacent residential site were notified of the initial scheme on 22 April 2005 and re-notified of amended plans on 9 September 2005 and 14 February 2007.

In addition the application was advertised on site and in the press on 26 April 2005.

The owner of No.1 Ty Camlas submitted the following letter of objection to the initial scheme:

“I have received a letter from you outlining the proposed development at Jacksons Quay, Site E7, The Waterfront, Barry. I own the above apartment on the Barrett site and am most concerned that a seven-story building would block light from my property and also turn what is supposed to be a select development into a concrete monstrosity. I have no objection to town houses and apartments of 3 to 4 storeys.

This site is in a prime position and I think the Council should think carefully how this would affect the whole ambience of the Waterfront development.”

The following letter from Associated British Ports (ABP) has been submitted in general support of the scheme:

“I confirm that we have reviewed the proposals by Charles Church for the development on the Jacksons Quay, Site E7 and considered them to be compliant with the agreed Development Brief. Therefore in accordance with the terms of the Agreement for Sale approval was confirmed for Charles Church to submit the planning application.

However it was noted that the drawings gave limited information on external materials e.g. render colour and timber composite panelling and we have asked for further information in this respect. We have also asked to see the planting plan prior to its submission with a view to commenting on the compatibility and integration with the existing landscaping.

Subject to clarification of these details it is pleasing to note that the original high quality architectural concepts have been carried through into the detailed design and we would support early approval of the scheme by the Council.”

ABP were renotified of the latest revisions of 14 February 2007.

## REPORT

### Planning Policies

The policy background to the consideration of the application is as follows.

The adopted development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). Policy HOUS1 identifies Barry Waterfront as an allocated residential site. Policies HOUS2 and HOUS8 of the Unitary Development Plan set out the Residential Development Criteria for such development.

Policy HOUS12 refers to affordable housing and states:

THE COUNCIL WILL WHERE THERE IS A DEMONSTRABLE NEED, SEEK TO NEGOTIATE WITH DEVELOPERS FOR THE INCLUSION OF A REASONABLE ELEMENT OF AFFORDABLE HOUSING IN SUBSTANTIAL DEVELOPMENT SCHEMES. CLEAR AND ADEQUATE ARRANGEMENTS SHOULD BE MADE TO ENSURE THAT THE BENEFITS OF SUCH HOUSING ARE SECURED FOR INITIAL AND SUBSEQUENT OCCUPANTS.

Policy ENV27 seeks to achieve good quality design in new developments and states: -

PROPOSALS FOR NEW DEVELOPMENT MUST HAVE FULL REGARD TO THE CONTEXT OF THE LOCAL NATURAL AND BUILT ENVIRONMENT AND ITS SPECIAL FEATURES. NEW DEVELOPMENT WILL BE PERMITTED WHERE IT:

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES;
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING;
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT;
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS;
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES;
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES;

- (vii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (viii) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy TRAN10 relates to parking and states:

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 HIGHWAY NETWORK.

In addition to the above policies the Council has adopted Supplementary Planning Guidance including Supplementary Planning Guidance on Amenity Standards, Sustainable Development and Public Art and the Barry Development Guidelines. The Amenity Standards Supplementary Planning Guidance contain policies not only relating to the quantity of amenity space but also the quality, as well as guidance on privacy, overshadowing and visual amenities. The Barry Development Guidelines identifies the Waterfront as an Area of Special Identity. It outlines development and design objectives one of which aims to provide a high quality environment which will contribute toward improving Barry's image.

National guidance is contained within Planning Policy Wales March 2002 and TAN12 – Design.

Finally, as regards the policies and guidance relevant to the assessment of the application, considerable weight must also be given to the adopted development brief for the site. It has been prepared with due regard for the various policies and guidance outlined above, and bearing in mind the requirements of the original outline consent, even though it has now expired, and the approved Section 106 Legal Agreement, including the agreed Public Realm Design Guide. The development brief encourages good design and seeks a "step-up" in design quality for the area. A copy of the development brief is available on file for Committee Members inspection.

### Issues

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

Committee Members will recall that the application has previously been reported to the Planning Committee meeting on 28 September 2005 where it was resolved to approve the application subject to conditions and subject to a S106 Legal Agreement to secure affordable housing, public art and a financial contribution to the improvement of public transport links. The application has remained undetermined as the Council have been unable to reach an agreement with the developer on the make up of the affordable units.

A revised scheme has now been submitted for further consideration which proposes twenty units of affordable housing which would meet the requirements of the design brief.

It is considered that the revised scheme still follows the original design concept for the site which is for a contemporary and unique flat roof development on the Waterfront. Whilst the density and height of buildings is greater than suggested by the development brief, nevertheless, as with the earlier scheme, it is considered that the proposal delivers much of the quality required with a strong sense of enclosure on a prominent location within the Waterfront.

On the issue of highways it is noted that the Council's Highway Engineer had some concerns in relation to the initial scheme. In respect of the latest revisions the comments are similar to those following the first amendments ie:

The Council's Highway Engineer has noted that the amended parking provision is still substandard but confirms that he will not maintain a highway objection. It is considered that some shortfall in the car parking provision on the site is acceptable, particularly for visitors, bearing in mind the adjacent public car parking spaces on Y Rhodfa and the provision of an additional 5 No. spaces at the developers cost. An additional material consideration is the sustainable location of the site in terms of access to public transport (both buses and rail links). These links can also be improved with the Council seeking a contribution from the developer towards certain improvements, such as bus shelters, through an appropriate Section 106 Legal Agreement. The Highway Engineer has also confirmed that a "gated" development is acceptable but boundary treatment to restrict public access will be important and the proposed pedestrian barriers on the north/west corner should be located at the boundary or just within its curtilage.

The development brief also calls for consideration of Public Art and whilst the policy seeks to negotiate a minimum of one percent of the capital works of development for public art, it is considered that in this instance, bearing in mind the design quality that is still maintained in the latest revision, it would be more appropriate to seek the provision of a specific feature within the site, particularly as such works are currently lacking within the overall Waterfront development.

The development brief also refers to landscaping and the issue of sustainability. On the landscaping it is noted that the Council's Senior Landscape Architect was satisfied with the initial scheme although he has yet to comment on the latest revised plans. As regards sustainability it is noted that a sustainability statement has been provided which highlights three areas including energy saving systems, recyclable materials and energy saving facilities.

On the issue of amenity space and neighbourliness it is noted that the latest revision provides for a more limited landscape setting than the earlier scheme, however it still compares favourably with other developments at the Waterfront. To date only one objection has been received from a neighbouring occupier at No. 1 Ty Camlas on the grounds of loss of light and design.

There is no doubt that the existing residential amenities enjoyed by the neighbouring occupants will be affected by the development. However these occupiers should have always been aware that the neighbouring site would be developed and the views, privacy and spaciousness they have enjoyed in recent years would be temporary. Thus it is considered that the revised development is still set a sufficient distance away from the existing buildings to allow for acceptable levels of privacy and light. Indeed the development brief recognises the use of balconies and a dense urban form on the Waterfront, with buildings overlooking other apartment blocks, parking areas and other public spaces thereby providing in-built surveillance.

Finally, as an area of reclaimed land the site has previously been passed for commercial use under the discharge of conditions on the outline consent reference 04/00144/OUT for remediation works. As the proposed use of the site is now for residential purposes the Council's Environmental Health Officer has required additional details regarding the nature of the potential contaminants. The applicants have submitted this additional information directly to Environmental Health and their final comments are awaited on the latest revised proposals.

## CONCLUSION

In conclusion it is considered that the revised proposals still meets the aspirations of the development brief and is in compliance with the aims and objectives of Policies HOUS1, Residential Allocations, HOUS2 and HOUS8 - Residential Development Criteria, HOUS12 – Affordable House, ENV27 – Design of New Developments and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Sustainable Development, Public Art and Barry Development Guidelines, Design Brief for E7 Jacksons Quay, and national guidance contained in Planning Policy Wales March 2002 and TAN12 – Design.

## RECOMMENDATION

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

- (a) Secure the provision of 20 No. affordable housing units on the site.
- (b) Secure the provision of a public art work feature as indicated on the Approved Drawing No. L256D PO1 (received 7 February 2007).
- (c) Make a financial contribution to the improvement of public transport links to/from The Waterfront;

and subject to the following conditions:

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

Reason:

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

2. The permission hereby granted shall relate to the amended plans, received by the Local Planning Authority on 7 February 2007.

Reason:

For the avoidance of doubt as to the approved details.

3. A full schedule of the external finishes of the residential units hereby permitted, including the colours of the render and balcony details, shall be submitted to and approved in writing with the Local Planning Authority before the commencement of any elevational works on the buildings. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

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

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

Reason:

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

5. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing 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 highway safety in accordance with Policy ENV27 of the Unitary Development Plan.

6. Details of proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and agreed in writing, with the Local Planning Authority before development commences.

Reason:

To ensure a satisfactory form of development in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

7. The car parking provision as indicated on the amended plan, Drawing No. L256 DP01, received on 7 February 2007 shall be fully implemented before the first beneficial occupation of the particular dwelling unit to which it relates and shall thereafter be retained and maintained for the exclusive use of the development hereby permitted.

Reason:

To ensure the provision and maintenance of an adequate level of car parking in the interests of highway safety in accord with Policy TRAN10 of the Unitary Development Plan.

8. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason:

To ensure satisfactory drainage of the site in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

9. Notwithstanding the submitted plans, full engineering details of the new vehicular/pedestrian access to the site, incorporating the turning facility and vision splays, and including sections, street lighting and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of highway safety in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

10. No development shall take place until full details of the proposed additional five public car parking bays on Y Rhodfa, as indicated on Drawing No. L256 DP01 received 7 February 2007, have been submitted to and agreed in writing by the Local Planning Authority. The parking bays shall be provided in accordance with the approved details before the first beneficial occupation of any one of the residential units hereby permitted.

Reason:

To ensure an adequate level of car parking provision in the interests of highway safety in accord with Policy TRAN10 of the Unitary Development Plan.

**NOTE:**

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **Part of this development is on adopted highway and therefore a formal Highway Extinguishment will be required before work can commence. This can be pursued via Section 247 of the Town and Country Planning Act 1990 (as amended). For further details please contact the Highways Department, Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff. CF5 6AA. Telephone No. 02920 673071.**
3. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**

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

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

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

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

**2006/00823/FUL** Received on 7 June 2006

Mr. A.H. Jones, Tirabad Farm, Dimlands, Llantwit Major, Vale of Glamorgan,  
Fidmac Limited, Rosevine Cottage, Vistla Road, Penllyn, Vale of Glamorgan.,  
CF71 1RQ

**South west corner of Field Parcel No. 6478, adjacent land within the farm complex and part of existing out-building at Tirabad Farm, Dimlands, Llantwit Major**

Erection of two tepees to provide holiday accommodation for visitors; provision of eight car parking spaces; refurbishment of existing out-building to provide visitor reception area, shower cubicles and toilet facilities and associated landscaping/planting scheme

**SITE DESCRIPTION**

The site comprises part of a field and existing farm yard located at Tirabad Farm to the west of Llantwit Major. The proposal entails the following works:

**DESCRIPTION OF DEVELOPMENT**

The proposal entails the provision of holiday accommodation in the form of 2 No. teepees. The proposal entails the following works:

- (i) The provision of a permeable stone surfaced compound, measuring approximately 15m x 20m, which will accommodate 2 No. tepees during the summer months, each accommodating up to ten people. The proposed compound will be sited in the south-west corner of field parcel No. 6478 adjacent to the existing farm yard. It will be enclosed on its western boundary by the existing hedge and wall, with a new 1.4m high post and rail fence erected on the field boundaries.
- (ii) Conversion and refurbishment of an existing outbuilding within the farm yard to provide shower and toilet facilities for holiday-makers. The building will also accommodate a reception area and cold storage.
- (iii) Landscaping of an existing rubble mound within the existing farm yard and located to the south of the horse training area.
- (iv) Provision of 8 No. car parking spaces to the south of the proposed tepee compound including a new post and rail fence on the eastern boundary with the field.

Vehicular access to the site will be via the existing track onto Green Lane and then onto Dimlands Road.

The application is supported by a Planning Statement, the main body of which is reproduced at Appendix A.

## PLANNING HISTORY

There is a considerable history of applications relating to Tirabad Farm. These include:

92/00965/LAW – Manufacture of fibre glass products, Units 1, 2 and 3 Tirabad. Approved 8 December 1992.

93/00366/FUL – New access to serve Tirabad Farm. Refused 2 September 1993 on the grounds that the loss of existing vegetation would detract from the attractive rural character of the area. A subsequent appeal was dismissed on 22 June 1994.

99/01098/FUL – Conversion of stables to 2 No. dwellings. Approved subject to conditions 19 November 1999.

06/00571/FUL – Conversion of redundant agricultural buildings to two self-contained flats. Approved subject to conditions on 19 July 2006.

## CONSULTATIONS

Llantwit Major Town Council has no objections.

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

Dwr Cymru/Welsh Water was notified on 28 June 2006. No comments have been received to date.

Glamorgan Gwent Archaeological Trust has no objections.

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

“Further to the site inspection undertaken in relation to the above application, I would inform that the Highway Authority object to the development proposals based on the following:

- The existing access road into the development site is not wide enough to allow two vehicles to pass side by side, which would increase the likelihood of vehicles queuing on Green Lane while gaining access to the development site.
- The above development would represent an intensification of use at the existing junction of Green Lane and Dimlands Road, which would be detrimental to highway safety due to substandard visibility at the junction.”

Further comments following additional information:

“Further to receiving additional information in relation to the traffic generation for the above proposals, I would comment that the increase in traffic will be detrimental to highway safety due to the poor visibility from the junction of Green Lane along Dimlands Road.

Therefore, the Highway Authority object to the development proposal based on the above.”

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 28 June 2006. In addition a site notice was posted on 4 July 2006. No representations have been received to date.

The applicants' agent has submitted additional information in support of the application. This is reproduced at Appendix B.

## REPORT

Members will be aware that this application was deferred at the 8 February 2007 Planning Committee to allow a site visit to be undertaken on 7 March 2007.

The site is located in the countryside to the west of Llantwit Major and entails a proposal for tourist accommodation within an existing farming/equestrian complex. As such the following policy background is relevant.

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) relates to Development in the Countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

As the proposal includes part of an agricultural field Policy ENV2 of the Unitary Development Plan – Agricultural Land, is also relevant, this states:

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

Policy ENV27 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 EMP7 refers to Farm Diversification and it is noted that the supporting Planning Statement refers to the proposal as being a diversification scheme. The Policy states:

#### EMP 7 – FARM DIVERSIFICATION

PROPOSALS FOR THE DIVERSIFICATION OF EXISTING FARMSTEADS WILL BE PERMITTED IF:

- (i) THE DIVERSIFICATION PROPOSALS ARE FOR SMALL SCALE EMPLOYMENT, COMMERCIAL, RECREATIONAL OR TOURISM USES;
- (ii) PROPOSALS FOR NEW STRUCTURES ARE SPECIFICALLY DESIGNED FOR AND NECESSARY FOR THE PURPOSE OF DIVERSIFICATION;
- (iii) PROPOSALS ARE COMPATIBLE WITH THE SURROUNDING LANDSCAPE, ADJACENT LAND USES, AND ANY EXISTING RELATED STRUCTURES IN TERMS OF THE SCALE, SITING, DESIGN AND EXTERNAL APPEARANCE OF ANY NEW BUILDING OR EXTENSION TO EXISTING BUILDINGS;
- (iv) PROPOSALS DO NOT UNACCEPTABLY AFFECT THE INTERESTS OF AGRICULTURE, CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE, LANDSCAPE, HISTORIC OR ARCHAEOLOGICAL IMPORTANCE;
- (v) THE PROVISION OF CAR PARKING, SERVICING AND AMENITY SPACE ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE; AND
- (vii) PROPOSALS DO NOT HAVE AN UNACCEPTABLE IMPACT UPON THE AMENITY AND CHARACTER OF THE LOCAL ENVIRONMENT BY VIRTUE OF NOISE, SMELL, TRAFFIC CONGESTION OR VISUAL INTRUSION.

As the proposal entails the provision of tents Policy TOUR4 of the Unitary Development Plan – Caravan, Chalet and Tent Sites will also be relevant. This States:

FURTHER DEVELOPMENT OR EXPANSION OF STATIC AND TOURING CARAVAN SITES, CHALET AND TENT SITES IN THE COASTAL ZONE WILL NOT BE PERMITTED. PROPOSALS FOR ADDITIONAL SITES OUTSIDE THE BOUNDARY OF THE GLAMORGAN HERITAGE COAST AND OTHER PARTS OF THE COASTAL ZONE WILL BE PERMITTED IF:

- (i) THE SCALE OF THE PROPOSAL OR ANY PROPOSED EXTENSION IS IN KEEPING WITH SURROUNDING USES;
- (ii) THE PROPOSAL DOES NOT UNACCEPTABLY AFFECT THE INTERESTS OF AGRICULTURE, CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE, LANDSCAPE OR ARCHAEOLOGICAL IMPORTANCE;
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT UPON THE AMENITY AND CHARACTER OF THE EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS, OR VISUAL INTRUSION;

- (iv) THE PROPOSAL MEETS HIGH STANDARDS OF LAYOUT, LANDSCAPING AND DESIGN AND HAS SAFE VEHICULAR ACCESS;
- (v) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE REASONABLY ACCESSIBLE, OR CAN BE READILY AND ECONOMICALLY PROVIDED;
- (vi) SUITABLE ACCESS IS PROVIDED FOR DISABLED PERSONS AND THOSE WITH IMPAIRED MOVEMENT;
- (vii) PARKING IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES: AND
- (viii) THE SITE IS NOT IN AN AREA WHERE THERE IS A RISK OF FLOODING.

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

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

Bearing in mind the existing uses on the site, including the established equestrian operations, and the location of the site close to Llantwit Major and the Glamorgan Heritage Coast, it is considered that the principle of providing tourist accommodation is acceptable. Whilst part of the application site includes a field in agricultural use, nevertheless the proposed tepees would not be irreversible development, and, as stated in the supporting information, are intended for seasonal use, between April and October, and as a short term proposal.

In respect of the visual impact, as already noted the tepees are not intended as permanent structures. Notwithstanding this it is considered that their siting, closely related to the existing complex of buildings, should result in little adverse impact on the surrounding rural landscape. The proposed tepees will be viewed at a distance, against the backdrop of the existing buildings. It is also noted that the proposal includes for supplementary landscaping.

As regards any impact on residential amenities it is noted that, apart from the existing residential barn conversion within the farm complex itself, the proposed tepees will be sited some distance from the nearest neighbour. As such it is considered that the proposal should have very little, if any, adverse impact on the residential amenities of the existing occupiers at Dimlands.

On the issue of highways, however, the Council's Highway Engineer has raised an objection to the development. Following the initial highway objection, the applicant's agent met with the Highways Officer on site and submitted additional supporting information, including a table of traffic movements at the junction of Green Lane with Dimlands Road generated by the different activities at Tirabad Farm. Despite this the Council's Highway Engineer has maintained the highway objections to the proposal on the grounds that the increase in traffic will be detrimental to highway safety due to the poor visibility from the junction of Green Lane along Dimlands Road. Further information in support of the application has been submitted by the applicant and agent in which they outline a number of balancing factors to the highway objection which they wish Members to consider. These are reproduced in full at Appendix C but include improvements in visibility to the west of the junction and the acceptance of a time limited permission. The applicant has also requested that Members visit the site prior to any determination.

### 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.

For the reasons given above, however, it is considered that the harm to highway safety remains sufficient to justify refusal of the scheme.

In view of the above the following recommendation is made.

### RECOMMENDATION (W.R.)

#### REFUSE

1. In the opinion of the Local Planning Authority the proposal would result in an increase in traffic onto an existing sub-standard junction Green Lane with Dimlands Road, which would be detrimental to highway safety contrary to Policies TOUR4 - Caravan, Chalet and Tent Sites and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development 1996-2011.

**2006/01160/FUL** Received on 14 August 2006

Charterhouse Properties, Ty Hir Newydd, Michaelston Y Fedw, Cardiff. CF3 6XT  
Steve Sidford Associates, 129, Stanwell Road, Penarth, Vale of Glamorgan. CF64  
3LL

### **30, Grove Terrace, Penarth**

Three bedroom detached house to replace existing coach house/workshop and garage

#### SITE DESCRIPTION

The application site is currently occupied by a vacant building (noted as being previously for storage) and a detached domestic garage. The building occupies the greater part of the site area which itself extends to approximately 7m in width x 24.5m in depth. The site is situated in a residential area of predominantly terraced dwellings. The site has a road frontage to Ivy Street and a rear lane frontage. A vehicular cross over off Ivy Street serves the garage and there is a garage door access into the brick built, 2 storey building off the rear lane.

#### DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the existing building and garage and to erect a detached dwelling with accommodation over 3 floors. The third floor accommodation being provided by accommodation in the roof and being served by 2 small dormer windows to the rear and one dormer and rooflight to the front.

The dwelling will have 3 bedrooms. The finishes will be composite slate roof, red facing brick walls with butt brick band courses and quoins.

The parking spaces are proposed to the rear of the site served off the rear lane. The dwelling's front wall will be set in line with that of No. 1 Ivy Street.

#### PLANNING HISTORY

None.

#### CONSULTATIONS

Penarth Town Council were consulted on 25 August 2006. See Appendix A.

The Head of Visible Services (Highway Development) was consulted on 25 August 2006 in response, the officer states as follows:

“The development proposals would remove the existing parking facilities from No 30 Grove Terrace. Furthermore, as the development only provides 2 parking spaces, the proposed dwelling will be deficient in parking by one vehicle space.

From site observations it is noted that the surrounding highway network is at capacity in terms of on-street parking and any increase in the existing parking demand from the proposed development cannot be accommodated at the kerbside. Therefore, based on inadequate parking facilities to serve the development site, and the removal of existing parking facilities, the Highway Authority object to the above application.”

Comments are awaited in respect of the amended plans.

The Environment Agency ‘Standard Advice’ applies.

Dwr Cymru/Welsh Water were consulted on 25 August 2006. See Appendix B.

## REPRESENTATIONS

Nos. 27, 28, 29 and 31 Grove Terrace, Nos. 1 and 35 Ivy Street; and No. 13 Wood Street were consulted on 25 August 2006.

The application was advertised on site and by neighbour notification. Ten letters of representation and an 11 page (approximately 320 signature petition and a further 62 letters of objection) were received to the scheme as originally submitted.

The petition states : “As a local resident I strongly oppose any new development on the tiny plot at No. 30 Grove Terrace. I believe that it would be totally out of character with the surrounding houses, have a very negative impact on the neighbourhood and set a precedent for other over developments on tiny plots”.

One copy of the 62 letters received is attached as Appendix C as are 3 further letters being generally representative of the views expressed in relation to the originally submitted scheme.

An e-mail from Lorraine Barrett (AM) is attached as Appendix D.

A further 3 letters were received in response to notification of the amended plans and 2 copies are attached as Appendix E, and Sinclairs’ Solicitors advise that their client still wishes to object for the same reasons as previously stated.

In summary, the representations refer to the following broad areas of concern:

1. Development would be out of character with the surrounding houses and would be overbearing.
2. Set a precedent for overdevelopment or further plots.
3. Loss of light.
4. Overlooking.
5. Disruption during construction.
6. Lack of parking.

## REPORT

Members will recall that this application was deferred at the 10 January 2007 meeting of Planning Committee to allow a site inspection to be undertaken. This site visit was deferred because of weather conditions on the 8 February 2007, until the 7 March 2007.

### Planning Policies

The site lies within the residential settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The relevant policies against which the application falls to be assessed are:

HOUS2 'Additional Residential Development' allowing housing infill and redevelopment subject to criteria contained in Policy HOUS8.

HOUS8 'Residential Development Criteria' listing 6 criteria which development will need to meet.

ENV27 'Design of New Developments'.

TRAN10 'Parking'.

The Council's adopted Supplementary Planning Guidance 'Amenity Standards' is also relevant.

### Issues

The principle of development is established by Policy HOUS2 therefore the issues relate to the form, design and layout of the development in relation to the character of the surrounding area and any impacts on the privacy and amenities of adjoining occupiers.

The scheme has been amended and the eaves' height reduced, but not the ridge height and the position of the dwelling relocated within the site.

The dwelling is now detailed to sit level with the front wall of No. 1 Ivy Street and thus continuing the road frontage of development at this point where currently there is a vehicular crossover and a single storey monopitch roofed garage of no particular merit.

The land where the 2 storey part of the outbuilding is located will become a rear garden area and parking area (2 spaces) of approximately 7m x 12.5m in depth in total. This is commensurate with rear garden parking areas for the established properties in the area in general. The dwelling will have a footprint of 6m wide x 8.5m deep and will be set back approximately 3m from the highway. The overall floor area equates to approximately 153 square metres with a front and rear garden of approximately 89.5 square metres and space for 2 cars. Whilst this does not meet the Local Planning Authority's standards in terms of site area it should be noted that the orientation, south-east, useability and privacy are such that a refusal on this ground would not be considered sustainable and that a relaxation is justified by the particular circumstances of the site (para 4.3 of the Supplementary Planning Guidance 'Amenity Standards').

The existing building has been used historically as a commercial warehouse; as a grocer's warehouse; door company; and most recently for storing of antiques. The site appears to have a commercial use and given the site's residential location, its removal from the non conforming commercial use would appear to be a benefit.

Whilst the building appears as an 'original' structure in the area it is not Listed, does not fall within a Conservation Area and appears to be in a poor state of repair. The monopitch / flat roof additions to the front of the site facing Ivy Street are very unattractive.

Bringing the dwelling forward on the site not only reflects the established street pattern but will also remove some of the overshadowing currently experienced to the rear of properties on Grove Terrace although No. 30 Grove Terrace's small rear garden may be more overshadowed than it currently is as the dwelling will lie 5m from that dwelling's rear elevation.

There will be approximately 27m between the rear wall of the proposed dwelling and the corner of No. 13 Wood Street, a dwelling to the rear. 8.5m approximately will lie between the rear of No. 29 Grove Terrace and the dwelling's side elevation.

The detailing of the front elevation could be improved with relation to the canopy porch and arrangement and design of fenestration but otherwise it is considered that the replacement of this commercial building with a single dwelling sited as indicated would not so adversely affect neighbours' amenities, and would generally appear to provide a net benefit. The development would not so affect parking including for No. 30 Grove Terrace, given sufficient on-street capacity to warrant refusal on highway safety grounds.

## CONCLUSION

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

Having regard to Policies HOUS2 'Additional Residential Development'; HOUS8 'Residential Development Criteria'; and TRAN10 'Parking' the redevelopment of the site for a single dwelling as detailed in the amended plans would not adversely affect the visual amenities of the area nor the privacy and amenities of adjoining occupiers and will provide a satisfactory level of amenity space and on-site parking to serve the development.

### 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. Prior to the commencement of development details including cross-sections of the finished levels of the site in relation to existing ground levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenities of the area and the amenities of adjoining occupiers are safeguarded, and to ensure the development accords 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 dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order the site shall be enclosed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority and the approved means of enclosure shall be fully implemented on site prior to the first occupation of the dwelling hereby approved and shall thereafter be so retained at all times and no other fence, wall or other means of enclosure shall be erected, placed or constructed on the site without the prior consent of the Local Planning Authority.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

6. Samples of the bricks to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority and only those approved brick types shall be used in the construction of the dwelling.

Reason:

To ensure that the visual amenities of the area are safeguarded and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

7. The site shall be laid out as detailed on Drawing No. PO:1 Rev. C received on 24 October 2006 and 2 No. car parking spaces shall be provided on site at all times to serve the development hereby approved.

Reason:

To ensure the provision of amenity and car parking spaces to serve the dwelling and to meet the requirements of Policies ENV27 and TRAN10 of the Unitary Development Plan.

8. Notwithstanding the front elevation fenestration and porch details amended details shall be submitted to and agreed in writing by the Local Planning Authority prior to the construction of the front elevation above slab level and the development shall thereafter be carried out in accordance with those approved details.

Reason:

To ensure that the visual amenities of the area are safeguarded and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

**NOTE:**

- 1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 2. 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.**
- 3. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**
- 4. The developer is reminded that it is an offence to disturb the habitat of and any protected species themselves e.g bats, and therefore should any species be present on site the developer should contact the Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff, Tel: 029 2077 2400 and stop work immediately.**

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

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

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

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

**2006/01183/FUL** Received on 17 August 2006

Peter Emery, 4, Church Road, Bridgend, CF31 3AZ  
Davies Sutton Architecture, Penhevad Studios, Penhevad Street, Grangetown,  
Cardiff., CF11 7LU

### **Castle Farm, St. Georges-Super-Ely**

Renovation of existing Grade I listed building with 2 storey extension and provision of detached garage with guest studio accommodation above

#### **SITE DESCRIPTION**

The site comprises an existing detached house, Castle Farm, which is a Grade I Listed Building located south of the railway line and the Ely River, on the northern edge of St. Georges-Super-Ely.

#### **DESCRIPTION OF DEVELOPMENT**

This is a full application for the extension and refurbishment of the existing dwelling. The proposal entails the following works:

- Demolition of existing single storey extension and steps on the rear elevation.
- Construction of a single storey flat roofed extension and rebuild of external stairs on the rear elevation. The extension comprising dayroom and utility room will measure approximately 13m x 4.9m and will be finished in Oak columns, glazing and lead panels.
- A first floor flat roof extension over part of the new ground floor on the rear elevation, measuring approximately 6.5m x 3.7m, and accommodating a staircase. The external finishes will be as above.
- A decked area on the rear elevation, projecting approximately 3m beyond the end elevation of the proposed extensions, and approximately 1.9m beyond the side elevation, including a lowering of ground levels.
- A detached two storey, pitched roof garage and guest studio now located to the side of the existing dwelling approximately 3.2m from the boundary (following amendment) with Ty Gwyn. The proposed building, comprising flat roof dormer windows and an external stair, will measure approximately 6.7m x 10m to a height of 6.8m, and will accommodate a double garage and store at ground floor with first floor living room, bedroom and bathroom. This building has now been moved forward within the site so that its rear elevation will now be level with the rear of the main building.
- A new oil storage tank within a 2.15m lime rendered blockwork wall enclosure adjacent to the boundary with Ty Gwyn.
- General refurbishment of the existing building including new slate roof, rebuild of chimneys and boundary walls.

## PLANNING HISTORY

06/01191/LBC - Renovation of existing Grade I Listed Building, two storey extension, detached outbuilding-submitted in conjunction with the current application. Yet to be determined.

## CONSULTATIONS

St. Georges & St. Brides Community Council have concerns that the extension is inappropriate in design terms, unnecessarily large and development on Grade 3 agricultural land. The new build studio garage is also completely unacceptable and on Grade 3 agricultural land. The Community Council have reiterated their concerns in respect of the amended proposals. See Appendix A.

The Environment Agency' initial comments:

"The Agency does not accept the promotion or proliferation of cesspools and require a full foul drainage assessment. Request for a condition relating to the cesspool. Comments on otters, bats and works to the watercourse.

Further comments following additional information/clarification from agent- Withdraw request for condition re: cesspit and request that restrict work to daylight hours to prevent disturbance to any otters that could be using the surrounding habitat."

Countryside Council for Wales' initial comments:

"A holding objection pending discussions on planning conditions relating to the Ely Valley SSSI, otters, water vole and bats.

Further comments – No objection on grounds of bats provided recommendations of survey are followed. Imposition of suitable conditions to protect Ely Valley SSSI and recommendations relating to otters and water vole including need for licence."

The Head of Economic Development and Leisure (Council's Ecologist) recommends that the recommendations of the bat survey be included as a condition in any consent.

Glamorgan Gwent Archaeological Trust' initial comments:

"Determination be deferred until an archaeological evaluation has been submitted. Further comments following additional information/clarification from agent recommend that a condition be imposed requiring no development until the applicant has secured the implementation of a programme of archaeological work."

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 6 September 2006 . In addition the application was advertised on site and in the press on 5 September 2006. The occupier of Ty Gwyn had submitted a letter of objection. Whilst the letter is available in full on file, in summary the main points of concern relate to new build garage studio has potential for new build house; development on agricultural land; garage/studio will detract form visual amenities of Ty Gwyn; oil tanks also an eyesore. Following the submission of amended plans a further letter was sent to the neighbours and additional comments were received. These comments are attached at Appendix B. The comments can be summarised as follows:

1. The garage is now closer.
2. There will be a loss of privacy and amenity.
3. The land to the rear of the house was previously agricultural.
4. Loss of view (not a material planning consideration).

## REPORT

Members will recall that this application was deferred at the 10 January 2007 Planning Committee to allow a site inspection to be undertaken. The site inspection was delayed due to the weather conditions on 8 February and is now due to be undertaken on 7 March, 2007. Since this deferral, the applicants have amended the proposals in line with the recommendations of Committee to ensure that the rear of the proposed garage is now level with the rear with the main wall of the house and also to move the proposed new building a distance of 1 metre closer to the house itself.

The site inspection will be undertaken on 8 February 2007.

The property is an existing Grade I Listed dwellinghouse located in the settlement of St. Georges-Super-Ely within the countryside. The proposal entails the refurbishment and extension of the dwelling. The following policy background is relevant.

### Planning Policies

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 relates to development in the countryside and is a policy that seeks to restrict development to appropriate uses such as agriculture.

Policy ENV4 relates to 'Special Landscape Areas' and identifies the site as lying within the Ely Valley and Ridge Slopes SLA where development is permitted if it would not adversely effect the landscape character, landscape features or visual amenities of the SLA.

Part of the site falls within the Ely Valley Site of Special Scientific Interest where Policy ENV14 'National Sites of Nature Conservation Importance' will apply. This states that development likely to have an adverse effect on the conservation value of an SSSI will not be permitted unless there is no alternative and that it can be demonstrated that the benefits arising from the development clearly outweigh the special interest of the site.

Policy ENV16 of the Unitary Development Plan relates to Protected Species. Permission will only be given for development that would cause harm to a protected species if it can be clearly demonstrated that

- i) there are exceptional circumstances that justify the proposals;
- ii) there is no satisfactory alternative; and
- iii) effective mitigation measures are provided by the developer.

As a Grade I Listed Building Policy ENV17 of the Unitary Development Plan is relevant. This relates to the Protection of Built and Historic Environment and does not permit development that has a detrimental effect on the special character, appearance or setting of listed buildings.

Policy ENV18 - Archaeological Field Evaluation is also relevant as Glamorgan Gwent Archaeological Trust have identified the potential archaeological importance of the site.

Policy ENV27 relates to the Design of New Development and is a criteria based policy that requires it has full regard to the context of the site.

Policy HOUS7 of the Unitary Development Plan relates to the replacement and extension of dwellings in the countryside. This requires that the extended dwelling is not disproportionate in size to the original dwelling.

National guidance is contained in Planning Policy Wales March 2002 and TAN12 - Design.

### Issues

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

In design terms it is noted that the Community Council and neighbouring occupier have submitted objections. It is acknowledged that the proposed extensions to the main house are of a modern and contemporary design and this, in itself, is not grounds to reject the scheme as inappropriate. Indeed it is considered that the scale and position of the extensions, along with the obvious modernity in stark contrast to the existing, will not detract from the historic character and appearance of the original listed house. The proposed new build garage/studio is also considered to be of appropriate scale and design and its position to the side of the house between former outbuildings to the rear and garaging to the front, is considered to be the least intrusive in relation to the setting of the listed building. The works of refurbishment are also considered acceptable and would maintain the historic character of the house and its setting.

The neighbouring occupier has also objected to the garage/studio as an unneighbourly development adversely affecting the outlook from their property. Whilst the proposed building will be sited close to the boundary with Ty Gwyn it is some distance from the house itself and positioned to the north of that property. It is not considered that this will present any significant degree of overshadowing nor present an overbearing feature. The proposal is also considered to be acceptable in relation to issues of privacy. The added concern that it may become a separate dwelling can be controlled by condition, and it is not considered that its size, scale and position in relation to the existing house has the appearance of a new dwelling.

A further concern of the Community Council and neighbour relates to development on agricultural land. Whilst it is noted that the applicant is a new owner of the property and is therefore unable to provide any definitive evidence as to the extent of the authorised residential curtilage, nevertheless, from the Council's own photographic evidence and the fact that the OS plans show outbuildings positioned to the west some distance beyond the rear elevation of the dwelling, it is considered that the extensions and new build garage will not intrude into the countryside. Any future use of the remainder of the land edged red that extends west is a separate issue and does not form part of the current application.

On the issue of wildlife and the Ely Valley Site of Special Scientific Interest it is noted that both the Council's Ecologist and the Countryside Council for Wales (CCW) no longer have any objections to the application. Whilst the survey work shows no evidence of bat or barn owls, conditions and informatives have been recommended. CCW also refer to possible presence of otters and water voles along with the presence of Monk's hood, a nationally scarce plant, along the riverbank. It is considered that very little of the proposed works infringe on the riverbank, with the extensions being constructed in an area of existing buildings and the new garage/studio located to the south. It is considered that any impact the works may have on these resources should be minimal and that the circumstances of this case, i.e. securing the renovation and long term viability of this important Grade I Listed Building, which is currently vacant and falling into a state of disrepair, justifies such impact.

On the issue of drainage it is noted that the Environment Agency have withdrawn their earlier request for a condition. In addition the Glamorgan Gwent Archaeological Trust have reduced their requirements to an investigation prior to commencement of works.

## CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV14 - National Sites of Nature Conservation Importance, ENV16 - Protected Species, ENV17 - Protection of Built and Historic Environment, ENV18 - Archaeological Field Evaluation, ENV27 - Design of New Development and HOUS7 - Replacement and Extension of Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposal will not detract from the historic character or setting of this Grade I Listed Building, nor the amenities of neighbouring occupiers. Any possible adverse impact on protected species or the Ely Valley Site of Special Scientific Interest is considered to be minimal particularly when weighed against the benefits of the proposal which will result in the restoration and long term viability of the Grade I Listed property.

## 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 garage/studio accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Castle Farm.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies ENV1, ENV27 and HOUS11 of the Unitary Development Plan.

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

Reason:

To ensure that archaeological interest is protected and recorded and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

4. Notwithstanding the submitted site edged red location plan, the permission hereby granted does not imply any consent for the change of use of land and extension of the authorised residential curtilage.

Reason:

For the avoidance of doubt as to the extent of this permission and to meet the requirements of Policy ENV1 of the Unitary Development Plan.

5. The newly inserted door and screen arrangement to the southern gable elevation of the building shall not be as detailed on Drawing Ref: 2524-13 but shall be of a more traditional design, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the formation of the doorway opening. The new doorway shall thereafter accord with the approved details.

Reason:

The glazed panel detailing of the door is considered at odds with the character of this elevation of the building and a more appropriate design is required in accordance with Policy ENV17 - Protection of the Built and Historic Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

6. The site is the subject of protected species interest and lies partly within and adjacent to the Ely Valley Site of Special Scientific Interest (SSSI). The developer is therefore required to comply with the following mitigation measures, ensuring that:
  - a) all external works of construction and repair are undertaken during daylight hours only;
  - b) the recommendations in Section 12 of the submitted Bat Survey report prepared by Steve Pickering are followed; and
  - c) no part of the works interfere with the riverbank, in particular the rare plant species Monk's-hood *Aconitum napellus*, known to be present along the riverbank;

unless any variation to the above is agreed in writing with the Local Planning Authority prior to such variation taking place.

Reason:

To ensure minimal impact to wildlife and countryside interests in accord with Policies ENV14 - National Sites of Nature Conservation Importance and ENV16 - Protected Species of the Vale of Glamorgan Unitary Development Plan 1996-2011.

7. Prior to the commencement of works on site, details shall be submitted for approval by the Local Planning Authority in writing to define the extent of the rear boundary of the residential curtilage, detailing the type and form of the boundary treatment, and prior to the first beneficial occupation of the extension, the boundary shall be created in the agreed location.

Reason:

In the interests of the satisfactory development of the site and to accord with the requirements of Policy ENV27 of the Unitary Development Plan.

8. This consent shall only relate to the amended plans reference Drawing No. 2524-09A and 2524-14A received on 24 January 2006 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.

**NOTE:**

1. **Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
2. **You will note that a condition has been attached to this consent and refers to the requirement for a programme of archaeological work to be agreed. Advice on this matter can be obtained from the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: 01792 655208.**
3. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
4. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats during construction works. Should evidence be found of the presence of otter, water vole or the rare Monk's-hood plant then you are advised to cease work, as specific licences may be required, and seek further advice from The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; Tel: 02920 772400.**

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

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

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

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

**2006/01191/LBC** Received on 18 August 2006

Peter Emery, 4, Church Road, Bridgend, CF31 3AZ  
Davies Sutton Architecture, Penhevad Studios, Penhevad Street, Grangetown,  
Cardiff. CF11 7LU

### **Castle Farm, St. Georges-Super-Ely**

Renovation of existing Grade I listed building, two storey extension and demolition of later extension and outbuildings and boundary works

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

The property is a Grade I Listed Building.

The application was advertised on 5 September 2006.

### **SITE DESCRIPTION**

Castle Farm is believed to have originated as a defensive Mediaeval Castle, the original building was converted to a manor house and then a farmhouse in later times. Most recently it has been used as a residence by a single person and the building condition is in great need of attention, it has been vacant for approximately eighteen months. The building is located on the edge of the small hamlet of St. Georges, in the North East of the Vale of Glamorgan and sited some half a mile from the Church. It is believed to incorporate part of the old Norman castle of Le Fleming - the massively thick masonry at the north and west elevations believed to be evidential of its defensive origin. RCAHMW believes the current main block was built in the angle formed by the outer and cross walls of the early castle structure.

The building is believed to have been re-planned in the 15<sup>th</sup> Century, from which time dates most of the masonry of the main block, including a surviving banqueting hall and chamber. At this time the primary accommodation on the first floor would have been divided into a hall in 3 bays open to the roof, a solar at the north (river) end and a chamber at the south end.

There is some debate as to the date of the eastern annex wing to the building which may be early fabric, Georgian or later Victorian fabric. Records indicate that the building was modified in the 19<sup>th</sup> Century by antiquarian Reverend John Montgomery Traherne, who substituted a hammer beam truss for the original partition wall which had divided the 3-bay hall and a 2-bay chamber. The North traceried window lighting the solar is also thought by RCAHMW and Newman to be an antiquarian adaptation or addition; possibly also the lancet at South, (though the top-floor south window may be an original 15<sup>th</sup> Century feature). Frontage windows and some of the roof braces were also likely fabricated at this time.

The main feature of the interior is the magnificent first floor hall with 15<sup>th</sup> Century timber roof of 4-bays and 2 half-bays, one at each end, the principals have arched braces to collar beams, and alternate principals have hammer beams with carved

hammer braces on timber corbels; the roof structure accommodates 2 No. purlins with cusped wind-braces between, though these may be Victorian additions/replacements. The wooden floor of the hall is raised at upper end. In the side (western) wall is a fireplace with fine freestone surround: a square head with canopy hood slightly projecting carried on corbel brackets and with a double-roll moulding along the top edge of the opening, round the radius of each corbel and down the front edge of each jamb. A plainer chamfered fireplace exists in the former solar. Interior walls are rendered stone, primarily lime washed, but painted in some places. There is some evidence of attempted repair and blocking up on roadside (eastern) wall as well as ad-hoc repair.

On the ground floor, a doorway leads to a living room area with one massive cross beam and boarded ceiling, this gives access to a lobby, formerly the cross passage between parlour and kitchen, the original main entrance having likely been moved at the time of the Victorian adaptation, or later.

The building is of substantial two storey height. The exterior is of random rubble, with natural, but variously repaired, slate roofs, gabled, with stone end stacks. and 2 tall massive square rubble stacks rising from rear (western) eaves. Windows are mostly 16/17<sup>th</sup> Century style, 2-light stone mullioned casements with chamfered surrounds, 4-centred lights, spandrels and drip moulds, some with leaded quarries, some with glazing bars. The rear (western) elevation has a Tudor-arched doorway on the upper floor of the rear wing reached by a flight of stone steps, in poor condition, which run parallel with the wall. These probably date from the period of use as a granary, and give access to the former 1<sup>st</sup> floor banqueting hall.

The rear western elevation also has a rough faced block work addition which detracts from the building and is of no architectural merit.

### DESCRIPTION OF WORKS REQUIRING LISTED BUILDING CONSENT

The proposals encompass, general restorative works, major structural intervention to address building movement issues in the area of the front, (eastern) elevation, modest internal layout re-arrangement and a new build extension in contrasting modern style to the rear, (western) elevation of the property.

### PLANNING HISTORY

Planning application ref: 00/00498/FUL sought permission for the erection of a bungalow in the grounds to accommodate the existing tenant in 2000 and Listing Building Consent ref: 00/00499/LBC for the restoration of the house paralleled this, however both applications were subsequently withdrawn.

Planning application ref: 06/01183/FULI for the external works applied for here is yet to be determined at this time.

Castle Farm appears as a 'Listed Building at Risk' in the local authority listed building condition survey of March 2006.

## CONSULTATIONS

St. Georges Community Council were advised of the application on the 6 September 2006 as were the six amenity bodies and Glamorgan and Gwent Archaeological Trust. The application was also advertised in accordance with statutory requirements on 5 September 2006.

## REPRESENTATIONS

RCAHMW generally welcome the work and advise that the building has been surveyed, but require that an opportunity of detailed building recording be afforded as a condition of any consent as may be granted.

St. Georges Community Council are opposed to the development, stating surprise at a proposal for an extension of a modern design on a Grade 1 Listed Building, which they consider is 'dichotomy of styles' unsympathetic, and inappropriately large. They also suggest that the development is contrary to planning policy in that it is proposed to be built on grade 3 agricultural land, and to constitute development in the open countryside which is generally resisted elsewhere.

The comments of the Community Council are noted, the merits of the design of the extension are considered below. Issues relating to planning policy are more appropriately considered under the terms of the planning application ref: 06/01183/FUL which parallels this submission. However the Local Planning Authority are required as a duty of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building, its setting and any features of architectural and historic interest which it possesses, and this will be a material consideration in respect of the determination of both applications.

Glamorgan and Gwent Archaeological Trust require a programme of archaeological investigation to be undertaken, by condition of any consent as may be granted; and that a qualified building historian be allowed to undertake a drawn and photographic record and interpretation of the building prior to any works commencing; this record to be publicly accessible and placed in the county archive/at RCAHMW.

The Society for the Protection of Ancient Buildings support the analysis and approach taken with the scheme, and the rear extension which they consider modest and in keeping with the society's principles of using a sympathetic modern design. In general they do not object to the principle of the removal of poor quality later work but would not support the removal of later work of a better quality, and offer their services in providing a second opinion in any 'grey' areas or in later debate or discussion on detail.

## REPORT

Members will be aware that this application was deferred at the 10 January 2007 Planning Committee to allow a site inspection to be undertaken on 8 February 2007, however this meeting was cancelled due to bad weather. A new site visit is due to be held on 7 March 2007.

The building is of Grade I status and therefore one of the most important buildings in the country in terms of its architectural and historic interest. However, the building was also categorised as being one of the most vulnerable listed structures in the Vale when it's condition was surveyed by the local authority in March 2006 (based on a visual assessment of external condition). The scheme of works is therefore generally welcomed to secure the further longevity of the building.

The proposals have been developed following informal officer negotiation at a pre-application stage, and informal liaison with Cadw, [all comments being provided without prejudice to the determination of this or any other application].

The applicant's agents have prepared a design and conservation study of the building at the local authority conservation officer's request and this has been submitted as part of the application. This document provides a clear assessment of the site and condition of building fabric, its historical significance and proposed repair works and alterations. The study provides an insight into the architect's reasoning and justification behind the decisions which have led to the proposal.

### Repair Works

The agents state that the proposed philosophy of intended repair is that advocated by the Society for the Protection of Ancient Buildings, that being, to 'repair as found'. However the architect also notes that the majority of existing repair works are Victorian and later, are of variable quality, and have failed or actually caused structural problems in many areas. The repairs themselves are also noted by the architect to have been undertaken with scant regard to the mediaeval quality of the building, which the current proposals seek to enhance as being the more valuable aspect of the building historically and architecturally.

The intention is therefore to remove some of the more 'superficial' or failing repairs of the last 150 years; especially those which may be causing structural problems, and to undertake sufficient intervention to allow the 'original' composition of the mediaeval hall to be reinstated.

It would be improper to discount the value of the Victorian works on a wholesale basis. However, the architects justification for the removal of some of these works, or for keeping them, but making them structurally redundant where they have failed, appears to have been properly analysed, well reasoned, and justifiable in the areas concerned. The architect's report and engineering report identify these areas clearly and professional recording of these features prior to their adaptation/removal is considered acceptable given the benefit of the proposed modifications overall.

## Structural Intervention

The front (eastern) elevation of the building shows signs of de-lamination and has deflected visibly. This is considered to be the result of the splaying of the primary roof trusses in this area. The architect considers that this is due, at least in part, to the alteration of the original truss configuration in the 19<sup>th</sup> Century, the removal of the partition to the main hall and solar during the same period and the decay of truss ends and ineffective repairs over time. The submitted structural engineer's report does not consider the movement so significant as to require the rebuilding of the wall, but notes significant historical movement and deterioration of the roof timbers that needs to be addressed. From personal inspection and on the basis of the information provided, it is considered likely that the roof structure will fail in due course if issues of decay and structural integrity are not addressed.

The proposed solution put forward takes an approach of generally strengthening the existing roof timbers using a combination of new timber material where necessary, discrete steelwork supports (fitch plates and cleats to beam ends and concealed plate repairs to collars) and the provision of a steel tie, concealed within a new (reintroduced) cross screen to the hall. The roof would be recovered in natural slate on a 'decking' of ply on new secondary rafters, internally insulated and lime plaster finished to provide a better thermal efficiency whilst maintaining a tradition appearance.

In conjunction with this, it is proposed to introduce a reinforced concrete eaves beam to both east and west elevations of the hall, this would be concealed within the core of the wall, to accept the loading of the roof, and relieve stresses on the existing walls. The walls themselves would be strengthened with Cintec sock and mortar anchors both vertically and horizontally within the core to consolidate and bond inner and outer faces.

The introduction of the concrete eaves beam is a radical intervention, but can be justified in that it potentially removes the need to rebuild and regularise the elevations of the building to resolve roof loading. The approach is proposed with the objective of retaining and conserving the maximum amount of early historic fabric as is possible, retaining defective roof members where they can be assisted/augmented with steelwork, in lieu of potentially replacing them with new timber members. The approach is therefore considered acceptable subject to detail relating to individual timbers and options/contingencies being able to be controlled during the implementation of works via condition.

The supporting beams to the first floor have been identified as having significant loss of section. Strengthening is recommended by the engineer, but again having respect for the historic value of the timber. In view of aesthetic constraints, it is recommended that steel fitch plate repairs are carried out on the bearing ends of affected beams from above as opposed to replacing them. These repairs will also be detailed to provide improved lateral restraint to the main elevations using concealed ties. This approach is supported in that negates the necessity to import new timber into the building.

Externally there are isolated areas of masonry deterioration. The gable presentation to the North rises from a steep bank with a watercourse at the bottom. The depth of footing and details of the underlying ground is currently unknown. Some movement, and poor bonding is evident to this wall and the adjacent returns, and as part of the remedial works the engineering report recommends tying and consolidation in these areas. This is supported.

The main front and rear walls are of solid rubble construction, with massive stone chimneys present on the rear elevation. The right hand chimney has twisting and distortion evident. The left hand chimney has less distortion, but poor quality pointing and local deterioration gives some concern over long term integrity. The presence of intrusive vegetation is also noted. Local rebuilding is proposed but this would be beneficial in allowing the use of appropriate materials, as previous damage caused by sand and cement repair is evident.

The external stair to the western elevation is in very poor condition and shows evidence of tree growth and substantial erosion, as well as concrete blockwork repair. It is proposed to deconstruct and re-build the stair using appropriate mortars and this is not objected to. The re-built stair would also incorporate part of the utility area of the new extension to reduce the amount of new building.

#### Re-ordering and Extension

One of the fundamental aims of the scheme is to re-introduce the mediaeval cross passage, this would be achieved by the removal of the stone infill panelling/believed to be introduced in the Victorian period to facilitate the current subdivision of the building. The re-opening of the cross passage will require the re-introduction of a doorway in place of an existing window on the eastern elevation. This would be deconstructed and reused in the area of the blocked window aperture on the first floor, directly above. As there is evidence of the former cross passage, and because the existing window will be appropriately re-used, this is considered an acceptable reversion of the building to an earlier arrangement. The detail of the proposed door can be controlled by condition.

It is also proposed to re-open existing fireplaces and door/window apertures where there is obvious evidence of their former existence in the historic structure. The re-introduction of former openings is not objected to subject to the appropriate recording of likely building evolution.

The western gable of the historic building shows evidence of very many alterations and adaptations, infilling, and re-building. It is proposed to undertake some re-ordering of this elevation, including the relocation of a lancet window to a more rational position. The window appears to be a later addition to the building, but inserted prior to the provision of the interior Georgian style staircase which transects the window in a very awkward manner. Two small timber casement windows are also proposed to be inserted at ground and first floor level, and these works are not objected to as they do not unduly affect the character of the building.

A new doorway is proposed to the base of the eastern elevation, and is detailed as a vertical boarded door with glazed oak screens to either side. This style of door takes certain design characteristics from the proposed extension (see below), but is considered to appear somewhat incongruous in the historic fabric of the gable wall. There is no objection to the principle of introducing a doorway into this area of the building, but the more modern arrangement is not considered appropriate here. It is therefore suggested that an alternative, more traditional doorway be agreed by condition.

The building, although exceptional in respect of its architectural and historic interest, is acknowledged to be not best designed for modern living. It is proposed therefore to enlarge the building with a modest extension to its rear, this has the benefit of removing the necessity of having to unduly subdivide the historic structure, (which would not be supported), and of providing a more modern residential living environment, juxtaposed with the historic accommodation.

Internally some re-arrangement is proposed, but this is effectively limited to a small number of partitions proposed to the ground floor, these will generally follow beams above and are not objected to as they provide a more rational use of the available space and are reversible if so desired in the future.

The extension is of a modern contrasting design. The approach is welcomed, in that in accepting that there is a need to enlarge the property, the finite detail of any extension is critical to ensuring that the architectural and historic value of the primary structure is not diluted modern transparent design is supported over and above any attempt to produce an extension which seeks to replicate a former period of architecture, as this would be a falsehood, and unlikely to be able to be executed to a quality where its character would not be seen as anything other than a pastiche.

The rear extension would also have the benefit of removing a very poor quality block work addition to the building which currently detracts from the whole.

The proposed rear extension, would have foundations in close proximity to the steep ground slope adjacent to the end gable of the main house and near the riverbank. To avoid risks from potential ground instability, and to ensure that minimum disturbance occurs to the main house foundations and any potential archaeology in the immediate environment of the house, it is proposed that mini-piles are used with a concrete raft foundation over which would double as the ground floor slab.

The extension proposed is one of two options put forward at a pre-application discussion stage, it is two storey, using oak framing, and glass / panelling to compose the elevations and flat concrete overhanging roof design. This would provide a new day room, and utility and first floor access to the upper hall. The exterior stone stair being rebuilt as described above, to maintain the earlier access arrangement.

The extension is well considered in that its transparency allows for the fabric of the original building to remain legible, is sympathetic to the cross passage arrangement of the Mediaeval layout, and achieves an appropriate balance in terms of impact whilst remaining subordinate to the principal building.

## CONCLUSION

The general repair of the building using appropriate repair technologies and approach is welcomed.

The extension is considered appropriate in terms of design, scale and impact on the fabric and aesthetic of the historic building.

The remedial works and structural interventions proposed are necessary to stay the movement of the building and ensure for the retention of the early roof structure. The insertion of concrete eaves beams is however a very significant intervention and the methodology of execution will need to be closely monitored and controlled, but is agreed in principle to be an acceptable structural solution.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting, and any features of special architectural or historic interest which it possesses. Overall, the proposals are considered to achieve this aim, and a positive recommendation is therefore made.

## RECOMMENDATION

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

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

Reason:

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

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

Reason:

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

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

Castle Farm – A Design & Conservation Study  
Castle Farm – Structural Feasibility Report

Drawing Ref: 2524 – 02,03,04,05,06,07, 10,11,12,,13,14,16,17,18.

Reason:

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

4. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of building recording work, to be undertaken by a specialist approved by the local planning authority and in accordance with a written scheme of investigation which has previously been submitted to and approved by the Local Planning Authority in writing.

Reason:

To identify and record the very many features of interest which are present in the building prior to its repair, alteration and extension.

5. No development shall take place until copies of the building record required to be produced by virtue of Condition No. 4 have been deposited with both the local planning authority and the Royal Commission on the Ancient and Historical Monuments of Wales, and have been approved in writing by the local planning authority as an acceptable record of the building.

Reason:

The building is of such architectural and historic interest as to merit its recording being preserved in a public archive for future reference.

6. No excavation work shall commence on site, or any piling be commenced until such time as the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological survey and recording, undertaken by a specialist approved by the Local Planning Authority and in accordance with a written scheme of investigation which has previously been submitted to and approved by the Local Planning Authority in writing.

Reason:

To identify and record any features of archaeological interest as might be impacted upon by the works.

7. No development shall take place until copies of the archaeological record required to be produced by virtue of Condition No. 6 have been deposited with both the Local Planning Authority and the Royal Commission on the Ancient and Historical Monuments of Wales, and have been approved in writing by the Local Planning Authority as an acceptable archaeological record.

Reason:

The site of the building potentially contains items of archaeological interest, which should be recorded for future public reference prior to any works that may impact upon that interest commencing.

8. The Local Authority Conservation Officer\* shall be advised of the timing of, and afforded the opportunity to observe :
- The stripping/deconstruction of the roof.
  - The re-erection and re-covering of the roof.
  - The provision of Cintec anchors.
  - The casting/laying of the concrete eaves beams.
  - The deconstruction and re-building of the rear external stair.
  - The re- building / re-pointing of external masonry.
  - Insertion of new/re-location of existing doors and windows.

Reason.

To allow the Local Planning Authority to observe the execution of the works and monitor their impact on the fabric and character of the building and to ensure that no undue damage to the building will occur as a result of the works.

9. Should the Local Authority Conservation Officer\* consider that undue damage to the fabric of building will result by virtue of either the method of execution or effect of any works referred to in Condition No. 8 above, such works must cease at his request until an alternative methodology or alternative scheme of work is agreed in writing by the Local Planning Authority.

Reason:

The impact of the works referred to in Condition No. 8 on the fabric and character of the building cannot be assumed, and will require on site assessment at the time of execution to ensure that no undue damage to the building will result.

10. Prior to the commencement of the stripping of the roof, or of any roof repair/restoration works, a methodology for the implementation of the same shall be submitted to and approved in writing by the Local Planning Authority. The works must thereafter be undertaken in accordance with the approved methodology unless an alternative has been agreed in writing by the Local Planning Authority, should this be required to overcome any unforeseen events during the progress of the works.

Reason:

The impact of the works on the fabric of the building cannot be assumed, and will require on site assessment at the time of execution to ensure that no undue damage to the building will result.

11. Prior to their insertion, details of all proposed new and any replacement doors/windows, to include details (1:1, 1:10, 1:20, face and section details as appropriate), and the method of fixing thereof to the structure and final decoration, shall be submitted to and approved by the Local Planning Authority and thereafter all such fittings shall accord with the approved details.

Reason:

To ensure that such fittings as are required have appropriate regard to the special interest of the building and, where appropriate, are replaced with minimal interference to the existing historic fabric.

12. Prior to the modification of existing/or insertion of any new services to/in the building, method statements to include full details of the specification, location and routing of supply systems relating to all mechanical and electrical, water, wastes, gas or other fuel installations shall be submitted to and approved in writing by the Local Planning Authority. The details to be provided shall include, but not be limited to:

- Pipe work of all types.
- Electrical circuits and cabling, socket outlets and light fittings, means of fire detection, alarm, and any other fire protection measures.
- All means of mechanical ventilation, including supply/extract ductwork and chimneys/flues.
- Foul and rainwater drainage.

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

Reason:

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

13. The Method Statement referred to in connection Condition No. 12 shall include a specification supporting the lifting, storage and re-fixing or renewal of historic floor-boarding, the notching, cutting or drilling of structural timber for the purposes of routing services, and the cutting, chasing and filling of wall/ceiling finishes where desired.

Reason:

To ensure due regard for and minimum of intervention in the fabric of the building.

14. Prior to the commencement of the finishing/decoration of interior rooms and spaces, a method statement and specification for the same shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the finishes / re-decoration of the interior shall be carried out in accordance with the approved details.

Reason:

In order to secure an appropriate technology of repair/re-decoration and aesthetic to the interior of the building.

15. Prior to the commencement of repair or re-building of masonry, a specification for all pointing and bedding mortars be submitted to and approved in writing by the Local Planning Authority. Thereafter, the repair or re-building works shall be carried out in accordance with the approved specification.

Reason:

In order to ensure an appropriate technology of repair.

16. Where new/re-introduced doorway and window insertions are made, these shall be discretely dated on surrounds or lintels to enable future interpretation of the evolution of the building.

Reason:

This is best practice in respect of the insertion of features which could be construed as being of an earlier period in the event of future building interpretation.

17. Prior to the commencement of the development of the new extension, details [including 1:1 and 1:5 part section drawings as appropriate] of the following areas of the new construction shall be submitted to and approved in writing by the Local Planning Authority.

- Roof and roof finishes.
- External walls and glazing.
- Method of joining/bonding new and old building fabric.

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

Reason:

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

18. The newly inserted door and screen arrangement to the southern gable elevation of the building shall not be as detailed on Drawing Ref: 2524-13 but shall be of a more traditional design, details of which shall be submitted to and approved in writing by the local planning authority prior to the formation of the doorway opening. The new doorway will thereafter accord with the approved details.

Reason:

The glazed panel detailing to the door is considered at odds with the character of this elevation of the building.

19. This consent shall only relate to the amended plans reference Drawing Nos 2524-09A and 2524-14A received on 24 January 2006 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.

**NOTE:**

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

**Crown Buildings,  
Plas Crug,  
Aberystwyth,  
Dyfed.  
SY23 1NJ**

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

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

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

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

**2006/01322/FUL** Received on 25 September 2006

Rocketfine Limited, P.O. Box 294, Tarporley. CN6 9WQ ,  
A. T. Lloyd-Haydock 45, Preston New Road, Blackburn, Lancs. BB2 6AE

### **Land to the rear of Daniel Street, Barry**

Erection of housing development, flats and associated site works (4 flats and 18 houses, total 22 units)

#### **SITE DESCRIPTION**

The site relates to a vacant area of land situated in a residential area within Barry. The adjoining properties are a mix of single and two storey units of differing ages and design.

#### **DESCRIPTION OF DEVELOPMENT**

To erect 18 No. units, being three bedroom units with accommodation over three floors and having a floor area of approximately 100<sup>2</sup>m, and 3 No., two bed and 1 No., one bed flats. The two bed flats will have a floor area of approximately 63<sup>2</sup>m for the two bed units and 56<sup>2</sup>m for the one bed unit.

Materials of construction have not been specified.

The site will be accessed for vehicular traffic from Robins Lane. Pedestrian and cycle access through the site will be provided from Westbury Close to Robins Lane.

An area of amenity space, measuring 12 x 22.5m maximum will be provided to the eastern part of the site.

Thirty eight on-site parking spaces are proposed.

#### **PLANNING HISTORY**

There is a relatively long history of applications for residential development on the site. The most recent applications are:

06/00076/FUL – 32 units (six houses/twenty six flats). Refused and dismissed at appeal on 28 November 2006 for reasons that the scheme was overdevelopment and insensitive infilling that also adversely affect the privacy and amenities of neighbouring residents and would thus be overbearing and intrusive. A copy of that appeal decision is attached as Appendix A.

04/01125/OUT – Erection of 17 units. Application in outline was dismissed on appeal following an appeal against non determination for reasons that residential development at that time (January 2005) would overload the foul sewage system.

## CONSULTATIONS

Barry Town Council' comments are attached as Appendix B in relation to the scheme as originally submitted for 24 units. Comments are awaited in respect of the 22 units now sought.

The Head of Economic Development and Leisure (Ecology) reiterates comments made previously. See Appendix C.

The Director of Legal and Regulatory Services (Environmental Health Officer) has no objection but refers to possible importation of soil and the need to check that for any potential contaminants.

The Head of Visible Services (Highway Development) comments:

"Further to my email of 20 October 2006 I have now received a copy of a 'further' revised '**Proposed Site Plan Layout' Drawing. No. 100G** and to which I would make the following comments:

There are no 'highway' objections to the proposals as submitted, subject to the inclusion of the following conditions:

1. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout with sections, street-lighting and surface water drainage etc have been submitted and approved by the Council.
2. No works whatsoever shall commence on site until all necessary legalities, public consultation and necessary 'Traffic Orders' etc. are in place, together with the physical closure in a 'manner to be approved by the Council' --- of the junction of Price Avenue with Robins Lane **to vehicular access.**

Reason: In the interest of highway safety.

Further to our discussion yesterday, I have done a quick measure on site and I am reasonably confident that the proposed junction arrangement by Messrs. Rocketfine Ltd. can be accommodated within the land available between No. 37 Robins Lane and the new housing association development.

With regards to the request for 'traffic calming' along Robins Lane, I can advise you that my 'Traffic Section' confirms that data obtained, clearly indicates that there is no significant problems with speeding vehicles and the volume of traffic over 24 hours is not considered excessive. The need for any form of 'traffic calming' is therefore not considered to be necessary and any such request of the developer could not be sustained by the Council if taken to appeal. However, what the data does reveal are clear peak flows in the morning and evening with commuter traffic but this again is not considered sufficient to justify 'traffic calming'.

A traffic survey was carried out in Robins Lane in September 2005. The highest northbound traffic figures were 1827 vehicles over a 24 hour period with average speeds of traffic recorded at 30.5 mph, southbound figures were 871 vehicles and 29 mph respectively. These figures do not indicate a speed/traffic flow problem at this location.

The additional traffic volumes that will be generated by the latest proposal are relatively low and suggest that it would not be appropriate to request the applicant to fund the provision of traffic calming measures.”

The Head of Visible Services (Engineering Design and Procurement) see Appendix D.

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

It has been recommended by the Head of Visible Services (Parks and Grounds Maintenance) that a contribution be sought for improvements to the public open space facilities off Glebe Street.

Environment Agency see Appendix E.

Dwr Cymru/Welsh Water see Appendix F.

## REPRESENTATIONS

Representations received in respect of the scheme as originally submitted are attached as Appendix G.

Comments in respect of the amended plans are awaited.

## REPORT

### Planning Policies

The site lies within the residential settlement of Barry and therefore development falls to be considered in line with the policies in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy HOUS1(4) 'Residential Allocations' identifies the greater part of the land in question as an allocated site. Reference is made to the need to ensure greenfield run off from the site and it is noted that the site is likely to be developed by a registered social landlord. The application is not made on the basis of affordable housing. Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria' ENV27 'Design of New Developments' are also relevant as is TRAN10 'Parking'.

## Issues

The principle of residential development is accepted. The main issues to be assessed are therefore the adequacy of the access and on-site parking, the effects on the visual amenities of the surrounding area, the effects on the privacy and amenities of the adjoining occupiers and the adequacy of the amenity provisions for the proposed units.

## Access

The plans indicate that a single vehicular access will be created from Robins Lane with a pedestrian/cycle link through to Westbury Close. The access to Price Avenue from Robins Lane has been shown as being closed off. The Head of Visible Services has advised that there are no objections in principle to the development subject to full engineering details of the access and to Price Avenue being closed off.

The provision of cycle and pedestrian links through the site are welcomed as there currently exists evidence of informal footpaths through the site.

## Parking

The residential units proposed are small in terms of floor area and the three bed units would require two spaces per unit plus one space per five units for visitor parking given their location in relation to public transport. The one bed flat would require one space. Thus to meet the standard approximately 47 spaces would be required, 38 are shown.

## Amenity Space

To meet the Local Planning Authority's adopted standards as laid down in the Supplementary Planning Guidance 'Amenity Standards' the flats would require the provision of 220<sup>2</sup>m of amenity space. Approximately 190<sup>2</sup>m can be provided with the most private useable area being a strip 3.5 x 22.5 to the rear of the bank.

The dwellings would also require amenity space on the basis of 100<sup>2</sup>m per unit. Thirteen of the units would achieve approximately 40-49<sup>2</sup>m and five would have less than 20<sup>2</sup>m. The developers were advised that the scheme as originally submitted with this current application, namely for six flats and eighteen houses, had not overcome the significant objections to the scheme in terms of overdevelopment of the site and impact on neighbours. The scheme now before Committee has reduced the number of units to 22 but still amounts to overdevelopment, which falls unacceptably short of the Supplementary Planning Guidance on amenity space provision.

## Effects on Visual Amenity

The scale of the development in terms of its visual impact has been reduced from that dismissed at appeal. The development is now generally two storeys in scale with accommodation in the roof for the dwellings. Subject to materials the dwellings could be finished acceptably.

However it should be noted that the density of development still sought will give rise to an intensity of built form not in keeping with the scale and character of development in the area generally.

### Effects on Neighbours

The omission of three storey development has helped to reduce the potential adverse impacts on properties abutting the site. However the development will still result in two storey development with habitable rooms within very close proximity to rear gardens, thus relying on the rear gardens of existing dwellings to meet the generally accepted distance of 21m between habitable room windows. The four flats will lie approximately 3m from the rear gardens of properties in Westbury Close and approximately 14m from the rear elevations of those properties. The houses on the south western boundary of the site will be 4m and 5.5m from the boundaries of adjoining dwellings.

### Other Issues

The provision of foul sewer supply to the site is inadequate at present. An appeal in 2005 dismissed a scheme due to overloading of the system. However it is noted that Dwr Cymru/Welsh Water anticipate that the upgrading works would be carried out by April 2007 and as this is reasonably within the lifetime of the application **if** it were to be approved, refusal on this ground is therefore not justified.

### 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 considered the appeal decision in relation to the scheme as amended it is considered that the Local Planning Authority should proceed to determine the planning application, rather than decline to determine the matter as a similar scheme on a site within two years of an appeal dismissed.

The alterations to the scale of development and its layout have not overcome the objections to the development as it still represents overdevelopment of the site, which does not safeguard to a reasonable degree the privacy and amenities of adjoining occupiers in the area.

## RECOMMENDATION (W.R.)

### REFUSE

1. The proposed residential development represents an insensitive overdevelopment of the site which fails to meet the Local Planning Authority's adopted standards for the provision of amenity space and on-site parking, representing an overbearing and unneighbourly development which adversely affects the privacy and amenities reasonably expected to be enjoyed by residents of adjoining properties. Accordingly the development is considered to be contrary to Policies HOUS8 'Residential Development Criteria' and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Supplementary Planning Guidance 'Amenity Standards' and Car Parking Guidelines.

**2006/01456/FUL** Received on 17 October 2006

Mr. W. Jones, Ty Gwyn, 95, Boverton Road, Llantwit Major, Vale of Glamorgan.,  
CF61 1YA

Nigel Arnold Architect, 1, The Washington, Stanwell Road, Penarth, Vale of  
Glamorgan., CF64 2AD

**Land at Plot 3, Ty Gwyn, 95, Boverton Road, Llantwit Major**

Construction of two bedroom coach house dwelling with integral garage

**SITE DESCRIPTION**

The application relates to part of the front garden of 'Ty Gwyn', a large detached dwelling on the north side of Boverton Road, Llantwit Major.

**DESCRIPTION OF DEVELOPMENT**

A full application for the construction of a detached two bedroom dwelling with integral garage. The dwelling is to be served by the existing access to Ty Gwyn and Ty Newydd, with a new access to those dwellings being formed immediately to the east of the application site.

**PLANNING HISTORY**

02/00625/OUT - Outline application for two detached dwellings. Approved  
3 October 2002.

03/00059/FUL - (Plot 1) detached dwelling. Approved 14 March 2003.

03/01624/RES - (Plot 2) detached dwelling. Approved 19 March 2004.

04/00882/FUL - Detached dwelling with double garage. Refused 3 September  
2004.

05/00252/FUL - Three bedroom detached dwelling. Refused 22 April 2005.

**CONSULTATIONS**

Llantwit Major Town Council object on the grounds of 'overcrowding of the site,  
lack of amenity space and poor access on to a busy road'.

The Environment Agency 'Standard Advice' applies.

Hyder Consults: advise that foul and surface water discharges must be drained  
separately from the site.

## REPRESENTATIONS

Nos. 1, 3 and 5 Nordale Road and No. 101 Boverton Road were notified 30 October 2006 and the application was advertised by a site notice on the same date. The new dwellings Ty Newydd and Am Byth adjoining the site are owned by the applicant.

The occupiers of Nos. 1, 2, 4 and 5 Nordale Road, to the west of the site, object in a joint letter on the grounds of loss of light and privacy to the side of No. 4 and of the development being out of character with the adjoining properties in Nordale Road, and are concerned about the piecemeal development of the site with no regard to the surrounding properties. Their letter is attached as Appendix A.

Councillor Readman has requested that the application be brought to the attention of Planning Committee.

No other comments have been received.

## REPORT

Members will recall that this application was deferred at the Planning Committee of 8 February 2007 to all a site visit to be undertaken on 7 March 2007.

The application is for a two storey detached dwelling of approximately 180m<sup>2</sup> residential floor area plus a single integral garage. The dwelling is to be located in the south western corner of the Ty Gwyn plot, adjoining the boundary with the closest dwelling in Nordale Road. The dwelling is to be a full two storeys on the front elevation but one and a half storeys on the rear with large glazed elements on the south eastern elevation, and is to be finished in render with stained timber boarding and an artificial slate roof with an overall height of 6.7 metres.

A new 4.5 metre wide access is to be created to Ty Gwyn and Ty Newydd off Boverton Road, midway between the existing access to those properties, which is to be truncated to serve the new dwelling only, and the separate access to Am Byth. The existing hedgerow on the site frontage is to be retained, with a 1.8 metre high brick boundary wall along the boundary with the new access.

## Planning Policies

The application has to be considered in the light of Policies HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 together with the Council's approved Supplementary Planning Guidance: Amenity Standards and Parking Guidelines.

## Issues

This is the fourth application since June 2004 for a third dwelling on the Ty Gwyn site. The previous three were for larger dwellings than that now proposed, and were refused for reasons relating to the intrusive and dominant form of the development, its unacceptable impact on the amenities of occupiers of existing dwellings, inadequate amenity space and, in the case of application Ref. 05/00252/FUL, inadequate off street parking.

The residential floor area has been reduced from the 260m<sup>2</sup> of application Ref. 04/00882/FUL and 197m<sup>2</sup> of Ref. 04/01629/FUL to the present 180m<sup>2</sup>. Whilst this is marginally larger than the most recent refusal Ref. 05/00252/FUL, the overall height of the dwelling has been reduced by 1 metre and, with the northern elevation being limited to one and a half storeys, the mass of the building has been reduced considerably.

The site lies within the residential settlement boundary of Llantwit Major and Boverton defined under Policy HOUS2 of the Unitary Development Plan. Policy HOUS8 aims to prevent inappropriate development within urban areas or insensitive infilling or development which through its cumulative effects will damage the character or amenity of an area, by assessing applications for new dwellings against a list of criteria, stating that:

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

- (i) the scale, form and character of the proposed development is sympathetic to the environs of the site,
- (ii) the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion, and
- (v) the provision of car parking and amenity space is within the Council’s approved guidelines.’

(Criteria (iii), (iv) and (vi) are not relevant to this proposal).

Policy ENV27 states that:

‘Proposals for new development must have full regard to the local natural and built environment and its special features.’

New development will be permitted where it meets a list of criteria which amongst others refer to the need to complement or enhance the local character of buildings and open spaces (criterion (i)), to meet the Council’s approved amenity and car parking standards (criterion (ii)) and to minimise any detrimental impact on adjoining areas (criterion (iv)).

As stated, the current proposal has considerably reduced the scale of the development compared to the previous applications, and with the reduced height and setback of the dwelling by 10 metres into the site, in line with the existing dwellings in Nordale Road, and the retention of the existing mature front boundary hedgerow, it is concluded that the overall appearance and character of the area will not be adversely affected. In terms of design and materials the dwelling will not be an unduly intrusive or prominent feature in the street scene.

The issue of whether the new access to Boverton Road to serve Ty Gwyn and Ty Newydd would create an undesirable form of backland development has been considered, but as the new access is to be of sufficient width for two vehicles to pass there are unlikely to be any conflicting vehicle movements. The Council's highway engineers confirm that adequate visibility splays can be achieved and that the three off-street parking spaces proposed (one in the garage and two external) are satisfactory.

Although the new dwelling will be located within 1 metre of the boundary with No. 4 Nordale Road, only one ground floor utility room window is proposed in the western elevation and no loss of privacy will result. Similarly, the application site is located to the east of Nordale Road and whilst the comments of the residents have been considered it appears that there will be no unreasonable loss of light or overshadowing. As the new dwelling will follow the front building line of the dwellings in Nordale Road it will not be an overbearing feature despite its proximity to the boundary.

Whilst the majority of the amenity space for the new dwelling will be located to the front and side, the high degree of screening from the proposed boundary wall and front hedgerow indicate that the standard set out in the Supplementary Planning Guidance: Amenity Standards will be met. There may be some oblique overlooking of part of the side garden at a distance of 17 metres from two first floor windows in Am Byth to the east, but this is unlikely to be an unreasonable intrusion. Adequate private amenity space will also remain to serve Ty Gwyn.

## CONCLUSION

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

Having regard to Policies HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 together with the Council's approved Supplementary Planning Guidance Amenity Standards and Parking Guidelines and all other material considerations, it is concluded that the proposal meets the policy objectives in terms of design and impact on the character of the area and that the requirements of the Amenity Standards and Parking Guidelines will be met.

## 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 relate to the plans registered on 17 October 2006 other than where amended by plans reference 31205:02 received on 18 December 2006.

Reason:

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

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

Reason:

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

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

Reason:

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

5. Prior to the dwelling hereby approved being brought into beneficial occupation, the car parking and turning area shown on plan ref. 31205:02 shall be laid out and hard surfaced and shall thereafter be retained at all times for the parking of vehicles associated with the residential use of the dwelling.

Reason:

To ensure adequate off-street parking is provided for the new dwelling and to meet the objectives of Policy ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011 and the Council's adopted Parking Guidelines.

6. Prior to the dwelling hereby approved being brought into beneficial occupation, the new access to Ty Gwyn and Ty Newydd shall be laid out and hard surfaced in accordance with the details set out on plan ref. 31205:02.

Reason:

In the interests of highway safety and to meet the objectives of Policy ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

7. Within the visibility splays shown on plan ref. 31205:02, no structures including boundary walls or fences shall be erected to a height greater than 900 mm above the carriageway channel edge and any planting shall be no greater than 600mm in height.

Reason:

In the interests of highway safety.

8. Prior to the construction of the roof of the dwelling and the boundary wall, samples of the proposed slate and brickwork shall be submitted to and approved in writing by the Local Planning authority. The roof and boundary wall shall thereafter be constructed using the approved materials and shall be so retained at all times.

Reason:

In the interests of visual amenity and to meet the objectives of Policy ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

**NOTE:**

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

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

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

**2006/01506/FUL** Received on 25 October 2006

Mr. & Mrs. D. Mills, Wernlas, St. Andrews Road, Dinas Powys, Vale of Glamorgan, CF64 4HB  
Roy Gibbons Design, March House, 51, Raglan Close, Dinas Powys, Vale of Glamorgan., CF64 4NX

**Building plot adjacent to Wernlas, St. Andrews Road, Dinas Powys**

Construction of new 3 bed. detached house with ancillary parking

**SITE DESCRIPTION**

The application site comprises a lawned area and driveway within the curtilage of an existing dwelling house at Wernlas, St. Andrews Road, Dinas Powys, an area that lies between Melrose and Tai-An.

The site lies in the countryside outside the Identified Residential Settlement boundary of Dinas Powys and outside the Dinas Powys Conservation Area. The site is also adjacent to but outside the buffer zone around St. Andrews Quarry. The site was formally a separate building plot adjacent to Wernlas and is a rectangular piece of land that is 585m<sup>2</sup> in area.

**DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the erection of a two storey three bed house on an infill site between Wernlas and Melrose. The property is 11.2m wide and 15.7m deep and is 5.35m to eaves and 10m to ridge height. The hipped roof dwelling includes a rear balcony, a glazed roof to the rear terrace and a glazed front projection over the main entrance. The dwelling is to be constructed of facing brickwork with Bathstone highlights around the openings, brick soldier courses, structural steel columns to the glazed terrace, a Rosemary tiled roof, finials and ridges and double glazed hardwood windows and doors stained brown.

The dwelling will be within 1.75m of a new natural stone boundary wall with Wernlas and within 1.1m of the boundary with Melrose to the north-west. It is proposed to share the existing access into the site and provide a car parking and manoeuvring area at the front of the site for at least three cars. The Tree Preservation Order trees will be retained and protected. The total gross floorspace of the house is 229.6m<sup>2</sup> and the site can provide approximately 230m<sup>2</sup> of private outdoor amenity space to the rear of the plot. The existing enclosed swimming pool to the rear of the site is to be retained as part of Wernlas.

**PLANNING HISTORY**

None.

**CONSULTATIONS**

Dinas Powys Community Council was consulted on 8 November 2006.  
"Objection. Garden development and overdevelopment of site."

Environment Agency were consulted 8 November, 2006. They responded with their standard advice to developers.

The Head of Visible Services (Highway Development) was consulted on 8 November, 2006. "Further to the site inspection undertaken in relation to the above application, I would comment as follows.

Four parking spaces (3 resident and 1 visitor) are required to be provided within the boundary of development site to serve the proposed dwelling, in accordance with the Council's Parking Guidelines.

The access serving both the existing and proposed dwellings is required to be increased in width to 4.5m to enable two vehicles to pass side by side.

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

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

The Director of Legal and Regulatory Services (Environmental Health) was consulted 8 November 2006. "This department has no comment to make regarding the above application."

Dwr Cymru/Welsh Water were consulted 8 November 2006. They responded with their standard conditions and advisory notes relating to foul and surface water discharges.

The Council's Minerals Officer confirmed that the site adjoins but is outside the buffer zone around St. Andrews Quarry established under Policy MIN7 of the Unitary Development Plan. Therefore, there are no minerals objection but suggested that the applicant be told about the proximity of the quarry to avoid possible complaints in the future.

## REPRESENTATIONS

Neighbouring occupiers were notified on 8 November 2006. The occupiers of Dawros House, Tai-An and Melrose have objected to the proposal on the following grounds:

1. The overdevelopment of the narrow site.
2. The dwelling is out of keeping with the existing character of the area.
3. The setting of a precedent and previous refusals for similar proposals in the area.

4. The applicants for this scheme opposed a previous application for a new dwelling within the grounds of Tai-An.
5. The scheme would increase the number of vehicles using the busy adjoining highway.
6. The loss of light to adjoining properties.
7. The pre-emptive felling of trees on the site.
8. The scheme is against current planning policy and there is a lack of justification for a large dwelling outside the settlements in the Vale.
9. The design of the dwelling is inappropriate, visually intrusive and incongruous compared to neighbouring properties.
10. The proposal is unsustainable in terms of construction.

## REPORT

### Planning Policies

The site lies outside the Identified Residential Settlement boundary of Dinas Powys (see attached plan). The scheme can therefore be considered against Policies ENV1 – Development in the Countryside, ENV11 – Protection of Landscape Features, ENV27 – The Design of New Developments, HOUS2 – Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS11 – Residential Privacy and Space of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained within Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on 'Amenity Standards' (1999).

Paragraph 9.3.3 of Planning Policy Wales advises that "Insensitive infilling or the cumulative effects of development or redevelopment... should not be allowed to damage an area's character and amenity".

Policy HOUS3 states:

SUBJECT TO THE PROVISIONS OF POLICY HOUS2 THE ERECTION OF NEW DWELLINGS IN THE COUNTRYSIDE WILL BE RESTRICTED TO THOSE THAT CAN BE JUSTIFIED IN THE INTERESTS OF AGRICULTURE AND FORESTRY

Policy HOUS11 states:

EXISTING RESIDENTIAL AREAS CHARACTERISED BY HIGH STANDARDS OF PRIVACY AND SPACIOUSNESS WILL BE PROTECTED AGAINST OVER DEVELOPMENT AND INSENSITIVE OR INAPPROPRIATE INFILLING.

## Issues

The main issues relate to the siting of the proposed development within the countryside outside any residential settlement boundaries, the potential impact on the character and appearance of the area; the potential impact on the privacy and amenities of neighbouring occupiers and the provision of safe and usable outdoor amenity space and parking.

There is a presumption against the erection of dwellings in the countryside, unless such development can be fully justified in the interests of agriculture or forestry. The houses along St. Andrews Road and within the Westra area of Dinas Powys did originally form part of the settlement boundary but were excluded by the Inspector during his consideration of the Unitary Development Plan document.

With representations submitted in relation to the position of the settlement boundary in the area the Unitary Development Plan Inspector recommended that the Dinas Powys residential settlement boundary be revised to exclude all properties west of St. Andrews school. In his reasoning he stated:-

*“Notwithstanding that the Council have accepted residential development on part of this area I consider the need to protect this area and the open countryside between Barry and Dinas Powys from further development is overriding”.*

He expressed concern over the consolidation of development in the area which would promote the loss of openness that currently exists between Barry and Dinas Powys.

The Unitary Development Plan Inspectors recommendation was accepted by the Council and the application site is now excluded from the settlement boundary in the recently adopted Vale of Glamorgan Unitary Development Plan 1996-2011.

Therefore, there is no justification in this instance as the application proposes a private dwelling on this infill site for the use of the current occupiers of Wernlas.

The dwelling will be roughly the same height and scale as the adjoining properties. The proposed infilling of this plot, whilst being close to the new and existing boundaries with the adjoining dwellings, will allow for gap of 3.1m and 5m to the main living accommodation areas of Melrose and Wernlas respectively. This, together with the hipped roof design, should not result in the substantial loss of daylight/sunlight to the adjoining occupiers and living areas. The use of a screen to the sides of the proposed balcony will preserve the amenities and privacy of the adjoining occupiers. However, it is considered that the proposal to infill an open landscaped area within the row of large detached properties and therefore will have an adverse effect on the character and rural setting of the area, contrary to policies ENV11 and HOUS11 of the Unitary Development Plan.

There is sufficient private outdoor amenity space to comply with the aims and objectives of Policy ENV27 of the Unitary Development Plan and the Amenity Standards Supplementary Planning Guidance. There is sufficient space within the site to provide on-site parking provision for both the existing and proposed dwellings and although the Highways Officer has requested improvements to the shared access, the site benefits from the use of two access points onto St. Andrews Road and the proposed shared access can be solely allocated to the new dwelling.

## CONCLUSION

Having regard to Policies ENV1 – Development in the Countryside, ENV11 – Protection of Landscape Features, ENV27 – The Design of New Developments, HOUS2 – Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS11 – Residential Privacy and Space of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained within Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on 'Amenity Standards' (1999), the proposal is considered to be unjustified private dwelling in the open countryside that fails to preserve the spaciousness and character of the established residential area.

## RECOMMENDATION (W.R.)

### REFUSE

1. The proposal, by reason of its siting within the countryside and outside the Dinas Powys designated residential settlement boundary, represents an unacceptable form of development, which also fails to respect the character and spaciousness of the environs of the site. It therefore represents insensitive and unjustified new development, contrary to Policies ENV1, ENV11, HOUS2, HOUS3 and HOUS11 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Planning Policy Wales 2002.

**2006/01603/FUL** Received on 9 November 2006

Mr. J. Thomas, Flemingston Court, Flemingston, St. Athan, Vale of Glamorgan.  
Fidmac Limited, Rosevine Cottage, Vistla Road, Penllyn, Vale of Glamorgan.,  
CF71 1RQ

**Stone-built agricultural building and adjacent land at Picketston House,  
Picketston**

Conversion of redundant agricultural building to residential use; construction of a new stone built garage, domestic workshop and garden store; and creation of external car parking spaces

**SITE DESCRIPTION**

The site relates to a stone barn building situated within a group of buildings which include three residential properties and a converted barn.

The site lies to the north of the RAF St. Athan camp.

**DESCRIPTION OF DEVELOPMENT**

The applicant seeks consent to convert the barn into a single dwelling. The conversion will utilise existing openings other than the installation of three roof lights to the front elevation (south elevation).

A garden and parking area will be provided to serve the dwelling measuring approximately 31m in length by 14.5m tapering to 12m.

A single storey garage/garden store will be erected nearer to the barn and an existing store/barn to the southern boundary of the site will be demolished.

**PLANNING HISTORY**

None relevant to the site.

**CONSULTATIONS**

Llanmaes Community Council comment "The Community Council would be pleased to see the site improved but is concerned at the possible effect of the surface water on the nearby brook which is usually close to over flowing".

Glamorgan Gwent Archaeological Trust. See Appendix A.

Dwr Cymru/Welsh Water have no comments as the applicant intends using private drainage facilities.

Environment Agency' standard advice applies.

The Head of Visible Services (Highway Development) comments:

“Further to receiving amended plans in relation to the above, I would comment that the parking and manoeuvring facilities provided for No. 1 Picketston Cottages are now acceptable.

However, it is still considered that the area identified for manoeuvring adjacent to No. 2 Picketston Cottages is not of sufficient size to enable a vehicle to turn and exit the site in forward gear. Therefore, it is recommended that part of the garden area of the proposed development plot, opposite No. 2 Picketston Cottages be set aside to enable vehicles to manoeuvre.”

The Head of Economic Development and Leisure (Ecology). See Appendix B.

## REPRESENTATIONS

A site notice was posted 15 January 2007 and neighbours notified 11 December 2006.

## REPORT

The development relates to conversion of a rural building situated outside any residential settlement boundary. The relevant policy to be considered is that contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Policies of particular relevance are:

### Planning Policies

ENV8 – Small Scale Rural Conversions.

ENV27 – Design of New Developments.

ENV17 – Protected Species.

### Issues

The proposal falls to be considered against the criteria which should be met in any rural conversion scheme.

The application has been submitted with a structural survey indicating that the walls are of good structural integrity. However the mortar will require attention and internal timber lintels are similarly in poor condition. External stone stairs are in poor condition, pulling away from the main barn and allowing water penetration. It is recommended in the survey that they be re-built. A new roof and roof timbers will be required. The works referred to do not compromise Policy ENV8. The dwelling to be provided would have adequate amenity space to serve the property which would be physically contained within the curtilage of the existing yard. The development would therefore not visually intrude into the rural scene to an unacceptable degree nor compromise established policy for the protection of the countryside.

The development will be drained by a septic tank system and the Environment Agency have replied that they have no comments other than standard advice.

Access to the site is currently used by the farm vehicles at the site and the two cottages to the east of this proposal. The Head of Visible Services has not raised an objection to the use of this access although it is noted that a relatively light bend exists alongside the proposed dwelling. Adequate parking space exists for the proposed scheme. The comments regarding manoeuvring space for No. 2 Picketston Cottages are noted, however adequate residential curtilage and driveway exists to enable cars to turn. This will entail extension of that property's drive and access into its front garden. This would not be unacceptable visually, in land use terms nor in terms of impact on the adjoining neighbours amenities.

Issues of ecology were examined by the applicants and the Bat and Barn Owl Surveys have been considered. The provision of bat and owl boxes, whilst not a statutory provision in this case, is welcomed.

The barn to be converted lies closest to the property known as Picketston House, a Grade II Listed Building, however it is considered that the conversion as detailed will not compromise the privacy or amenities of the occupiers of that dwelling. Windows in Picketston House itself overlook towards the barn's garden, as do Picketston Cottages at a slightly greater distance however the level of amenity provided to the proposed dwelling from its curtilage is considered to be acceptable.

Surface water drainage for the site should not increase significantly and therefore there are no objections on this ground to the development.

## 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 and ENV27 - Design of New Developments the barn is considered suitable for conversion in the manner detailed in the submitted plans. The development will not materially affect the privacy or amenities of adjoining occupiers and does not adversely affect highway safety. The development meets the requirements of Policies ENV8 and ENV27.

## RECOMMENDATION

### APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. 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 plan PK/03A 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.

5. The site shall be enclosed, in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority, prior to the dwelling hereby approved being brought into beneficial use.

Reason:

To ensure that the privacy and amenities of adjoining and future occupiers of the development are safeguarded and to meet the requirements of Policies ENV8 and ENV27.

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

Reason:

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

7. Details of a scheme for the provision of nesting 'boxes' for owls and bats shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be fully implemented on site prior to the first beneficial occupation of the barn hereby approved unless the Local Planning Authority gives written consent to any variation.

Reason:

To provide for habitats for owls and bats in furtherance of the ecology of the area.

8. Prior to any repointing work taking place details of the mortar type and mix shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the visual amenities of the rural area and to meet the requirements of Policies ENV8 and ENV27.

9. Prior to the commencement of development details of windows and doors, including sections and materials and roof material 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 area are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

10. A photographic survey of the existing buildings on the site prior to conversion works shall be carried out in accordance with details to be agreed in writing by the Local Planning Authority and the survey shall be submitted to the Local Planning Authority prior to the beneficial occupation of the dwelling hereby approved.

Reason:

To record any architectural or historic features of note and to meet the requirements of Policy ENV17 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.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

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

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

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

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

**2006/01774/FUL** Received on 13 December 2006

Mr M. Ali, Grantham House, pencoedtre Lane, Barry, Vale of Glamorgan.  
CF63 1QF  
Mr. T. F. Mathias, 17, Cherry Orchard Road, Lisvane, Cardiff. CF14 0UD

### **Grantham House, Pencoedtre Lane, Barry**

Erection of 2 no. 4 bed houses with double garages. Demolition and resiting of Grantham House garage

#### **SITE DESCRIPTION**

The application site comprises the garden curtilage to an existing semi-detached house, which is located on Pencoedtre Lane, off Skomer Road in the north east of Barry.

#### **DESCRIPTION OF DEVELOPMENT**

This is an application for full planning permission for the construction of two new detached houses in the rear garden of an existing dwelling Grantham House. The proposal entails the demolition of an existing detached garage and the construction of 2 No. two storey, hipped roof, four bed dwellings, one sited at right angles to the existing house in the northern corner, and the other sited immediately to the rear of the existing garage alongside No.12 Cwlwm Cariad. The proposal also provides for a single storey, pitched roof double garage positioned between the two new houses, plus a replacement single storey pitched roof garage for Grantham House.

Vehicular access will be via the existing entrance onto Pencoedtre Lane and then subsequently Skomer Road.

#### **PLANNING HISTORY**

91/00581/OUT - Three bed bungalow. Approved in outline 23 July 1991. The land has subsequently been developed as part of the Cwlwm Cariad housing.

#### **CONSULTATIONS**

Barry Town Council have no objection subject to:

1. The Highway Authority being satisfied with the adequacy and safety of the proposals for vehicular access.
2. The Local Planning Authority being satisfied with issues of privacy, design, on-site parking, landscaping and amenity space.

Environment Agency have indicated that there appears to be an existing culvert within the development site and that the Agency would normally oppose planning consent for any buildings over a culvert. Their full response is reproduced at Appendix A.

Dwr Cymru/Welsh Water have objected to the proposal on the grounds that it would overload the existing public sewerage system and that development prior to planned improvements in April 2009 would be premature. Their full response is reproduced at Appendix B.

The Head of Visible Services (Highway Engineer) comment that the Highway Authority object to the proposal on grounds of inadequate parking facilities as the development requires ten parking spaces for visitors and residents and only provides for seven parking spaces.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 12 January 2007. In addition a site notice was posted on 10 January 2007. Letters of objection have been received from Woodfield Farm, Pencoedre Lane and Nos. 11, 14, 15, 16, 17 and 19 Cwlwm Cariad. Whilst all of the representations are available on file for Committee Members inspection the letter from the occupiers of Woodfield Farm is reproduced at Appendix C as being generally indicative of the objections raised. In summary these relate to unneighbourly overdevelopment, parking and access problems, amenity space, and poor design.

## REPORT

The site comprises an existing dwellinghouse located within the settlement of Barry. The proposal entails the construction of two new dwellings within the rear garden of that property. As such the following policy background is relevant.

### Planning Policies

The site is located within the residential settlement boundary for Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). As such the proposal should be assessed against Policies HOUS2 and HOUS8- Residential Development Criteria of the Unitary Development Plan Policy HOUS8 states:

SUBJECT TO THE PROVISIONS OF POLICY HOUS 2, DEVELOPMENT WILL BE PERMITTED WHICH IS WITHIN OR CLOSELY RELATED TO THE DEFINED SETTLEMENT BOUNDARIES PROVIDED THAT IT MEETS ALL THE FOLLOWING CRITERIA:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iv) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET;

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

In addition Policy ENV27 relates to the Design of New Development and states:

PROPOSALS FOR NEW DEVELOPMENT MUST HAVE FULL REGARD TO THE CONTEXT OF THE LOCAL NATURAL AND BUILT ENVIRONMENT AND ITS SPECIAL FEATURES. NEW DEVELOPMENT WILL BE PERMITTED WHERE IT:

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES;
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING;
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT;
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS;
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES;
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES;
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY;
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy TRAN10 refers to Parking and requires that parking facilities in accordance with the Council's approved guidelines are provided.

The Council also has Supplementary Planning Guidance (SPG) including an SPG on Sustainable Development and another relating to Amenity Standards and the Barry Development Guidelines. Pencoedre is identified in the Barry Development Guidelines as an Area of Special Identity that recognises its importance in providing a landscaped backdrop to the eastern edge of Barry with the built form objectives being to create an informal townscape appropriate to the semi-rural nature of the area.

National guidance is contained in Planning Policy Wales March 2002 where paragraph 9.3.3 states:

*"Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."*

## Issues

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

It is noted that the development site is located to the rear of the existing dwelling and to access the new properties would entail using Pencoedtre Lane to the front of Grantham House and then the existing driveway entrance to the side which will extend all the way round to the rear. It is considered that this will amount to unacceptable backland development which, by its very nature, results in general noise and disturbance to occupiers of existing surrounding properties. Policy 3 of the Supplementary Planning Guidance on Amenity Standards requires that the construction of new residential development must respect the character of existing residential development, whilst ensuring that privacy and amenity of surrounding properties are safeguarded. The position of the new houses close to existing dwellings will detract from their amenities particularly the sense of spaciousness currently enjoyed, plus some overshadowing of the rear garden of No. 19 Cwlwm Cariad from proposed House 2. There is also an issue of privacy with bedroom windows in House 2 overlooking the proposed rear garden of House 1, and windows in House 1 indirectly overlooking the existing Grantham House.

The proposal will result in the development of virtually the whole of the rear garden of the existing house. Whilst the proposed layout will provide for a reasonable garden curtilage for both the new houses, nevertheless the level and quality of amenity space retained for the existing dwelling would be far short of the requirements outlined in the SPG on Amenity Standards and would be totally unacceptable for the size and scale of the property. It is also noted that the Council's Highway Engineer has objected to the development due to the lack of on-site parking. It is noted that the location of the site allows little scope for acceptable overspill parking. If parking occurs on Pencoedtre Lane it could cause an obstruction to other users, whilst parking on Skomer Road, a local distributor road could be a hazard to the safety and free flow of traffic. It is considered therefore that the proposal represents overdevelopment of the site.

Finally it is noted that concerns have been raised both by Welsh Water and the Environment Agency. Welsh Water have indicated that the proposal would overload the public sewerage system and no occupation would be possible before improvement works planned for April 2009. The Environment Agency refer to a culvert on the site over which development is unlikely to be acceptable.

## CONCLUSION

In conclusion it is considered that the proposal represents an unneighbourly overdevelopment of the site, the backland nature of which fails to respect the general character of the surrounding properties adversely affecting the residential amenities of adjoining occupiers and detracting from highway safety contrary to policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, SPG guidance and national guidance.

## RECOMMENDATION (W.R.)

### REFUSE

1. In the opinion of the Local Planning Authority the proposal represents an unacceptable and unneighbourly overdevelopment of the site, the backland nature of which fails to respect the existing form of development thereby adversely affecting the character of the area and the residential amenities of neighbouring and proposed occupiers, and will detract from highway safety . The proposal is therefore contrary to Policies HOUS2 and HOUS8 - Residential Development Criteria, ENV27- Design of New Development and TRAN10 Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and the Barry Development Guidelines; and national guidance contained in Planning Policy Wales March 2002.

**2006/01822/FUL** Received on 20 December 2006

Newydd Housing Association , 5, Village Way, Tongwynlais, Cardiff. CF15 7NE  
Boyer Planning Limited, 1b Oak Tree Court, Mulberry Drive, Cardiff Gate  
Business Park, Cardiff. CF23 8RS

### **Vacant land at the corner of Vere Street and Harvey Street, Barry**

Erection of 7 affordable self contained apartments

#### **SITE DESCRIPTION**

The site relates to a vacant site situated in a mixed commercial and residential street. The site occupies a corner location.

#### **DESCRIPTION OF DEVELOPMENT**

To erect 7 No. flats in a three storey development facing Vere Street reducing to two storey to the rear of the site fronting onto Harvey Street. The development will have a part pitched roof and part flat roof design. The materials of construction will include buff and red brick banding to the Vere Street elevation, changing to glazed curtain walling to the staircase as the development turns the corner from Vere Street to Harvey Street and a rendered, more contemporary detail to the Harvey Street elevation.

The ridge height of that part of the property adjacent to No. 13 Vere Street will be approximately 0.3m lower than that property and having a height of 12.2m, reducing to 10m at the corner and further reducing to approximately 6.2m to the Harvey Street elevation and at the rear of the development. A Parking Survey, Design, Sustainability and Planning Statement have been submitted.

#### **PLANNING HISTORY**

Planning consent was most recently refused in 2002 reference 02/00372/OUT for the erection of 9 No. flats for reasons that the development represented over-development of the site with inadequate amenity and car parking spaces.

1991/010981/FUL - Granted consent for a short stay hostel and shop.

#### **CONSULTATIONS**

Barry Town Council's comments are awaited.

Dwr Cymru/Welsh Water. See Appendix A.

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

The Head of Visible Services (Highway Development) comments:

“Further to the site visit undertaken in relation to the above, I would comment as follows:

Normally, based on the location of the development site in relation to public transport facilities, the Highway Authority would require a minimum of one parking space per apartment to be provided for the use of residents. However, due to the nature of the development proposals, (affordable residential accommodation) the Highway Authority will accept a relaxation in the proposed parking provision.

Therefore, provided that the following details are made conditional to the planning consent, the Highway Authority has no objection to the development proposals.

- (1) The proposed parking facilities shall be laid out in accordance with the Council’s Parking Guidelines before beneficial occupation of the development and thereafter maintained and retained at all times for the use associated with the development.
- (2) The proposed vehicular crossover shall be constructed in accordance with the Vale of Glamorgan Council’s standard details for adoption. The applicant is required to contact Mr. Peter Coughlan of the Highways Traffic Section before carrying out any works at the development site to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant’s own expense.”

Environment Agency were consulted on 19 January 2007 and have no objections.

## REPRESENTATIONS

Neighbours were notified on 19 January 2007 and a site notice posted 30 January 2007. No comments have been received to date.

## REPORT

### Planning Policies

The site falls within the defined residential settlement boundary for Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011. Policies of relevance to consideration of the scheme are:

HOUS2 – Additional Residential Development.

HOUS8 – Residential Development Criteria.

ENV27 – Design of New Developments.

TRAN10 – Parking.

The site falls within a mixed commercial and residential area and has remained a vacant/open site for a significant length of time. As a result of its vacant nature, the site has been the subject of fly tipping. The redevelopment of the site for residential purposes is not objected to in principle and would be in accordance with Policy HOUS2 of the Unitary Development Plan subject to an assessment of the details of the scheme.

The development proposes 7 No. units built by Newydd Housing Association. The construction of 'affordable housing' is welcomed however, an assessment of the scale of the development, its design and the provision of amenity space and car parking in line with the Local Planning Authority's Supplementary Planning Guidance Amenity Standards and the Car Parking Guidelines is required.

The development incorporates both traditional and more contemporary detailing and design. This results in a scheme which 'ties-in' well with its nearest neighbour on Vere Street but which also creates interest in the street scene. The scale of the development respects that of the main street elevation and contemporary design is not inappropriate.

The number of units being 7 No. enables a greater area of useable amenity space to be provided to the rear of the site than the previous residential scheme. This area extends to approximately 169 sq. mtrs. comprising a "garden" and clothes drying area. It is considered that whilst substandard in relation to the Local Planning Authority's Supplementary Planning Guidance Amenity Standards site, the area that can be provided is private and useable and the redevelopment of the derelict site for affordable housing is acceptable and welcomed.

In respect of parking, a car parking survey was submitted with the application and 3 No. car parking spaces are indicated. 5 No. stores for 10 No. bicycles are also shown. The parking survey has been assessed and the proximity to good public transport links are noted. The Highway Development Section have not objected to the scheme.

The development will result in a rear projection set approximately 8.8m off the rear boundary and between 4m and 5.6m from the side boundary with No. 13 Vere Street but these windows include frosted windows and a commercial business at ground floor level. A single window in the boundary elevation of the nearest property in Harvey Street is off-set from the windows facing it in the proposed scheme. Established properties the other side of Harvey Street also have windows facing towards the site at less than 21m distance.

The development is however, considered to be an acceptable scheme, given the character of the development established in the area subject to the provision of the amenity space, the car parking and storage and submission of brick samples.

Whilst the development is proposed by a Housing Association given the pattern of development and space about buildings, a specific condition requiring the scheme to be affordable is proposed.

## CONCLUSION

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

Having regard to Policies HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, ENV27 – Design of New Developments and TRAN10 – Parking, the scale, form and design of the residential development on this vacant site is considered to be acceptable and will enhance the visual amenities of the street scheme and will not significantly affect the privacy or amenities of adjoining neighbours nor the demand for on-street parking in the area.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The proposed on-site car parking and bicycle storage areas as indicated on Drawings ref: D/AL/00/002 and D/AL/01/001 shall be provided on site in accordance with the approved details prior to the first beneficial use of the development hereby approved and shall thereafter be so provided at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and bicycle storage to serve the development and to meet the requirements of Policies ENV27 and TRAN10 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

3. The site shall be enclosed in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being brought into beneficial use and the means of enclosure shall thereafter be so retained on site unless the Local Planning Authority gives written consent to any variation.

Reason:

To safeguard the visual amenities of the area and to meet the requirements of Policies ENV27 and HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

4. Samples of the proposed brick types to be used in the external finish of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the visual amenities of the area and to meet the requirements of Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

5. The amenity area indicated on Drawing ref: D/AL/00/002 shall be laid out in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained and made available for use by residents on the site at all times.

Reason:

To ensure that amenity space is provided for the occupiers of the development hereby approved and to meet the requirements of Policies ENV27 and HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

6. This consent shall only allow for the provision of affordable housing units as detailed in the supporting documents accompanying the planning application and as detailed on the approved drawings.

Reason:

To ensure the provision of affordable housing units within the scheme in accordance with Policy HOUS13 of the Vale of Glamorgan Unitary Development Plan.

**NOTE:**

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**

- 3. 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.**
- 4. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**

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

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

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

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

**2006/01754/RG3** Received on 7 December 2006

David Prosser, Head of Lifelong Learning, Civic Offices, Holton Road, Barry,  
Vale of Glamorgan. CF63 4RU

David Prosser, Head of Lifelong Learning, Civic Offices, Holton Road, Barry,  
Vale of Glamorgan. CF63 4RU

### **Llantwit Major Youth Centre, Station Road, Llantwit Major**

Change volumized music from one evening a week to 5 evenings. This will include weekly disco's for 230 young people plus weekly music tutoring sessions

#### **SITE DESCRIPTION**

An established educational and community use site located near the historic centre of Llantwit Major and comprising of the subject Youth Centre building, the main site use as St. Illtyds Junior and Infant School and St. Illtyds Family Centre, recently further extended to include a nursery unit.

#### **DESCRIPTION OF DEVELOPMENT**

This renewal application proposes to vary the terms of the original planning permission granted by the former South Glamorgan County Council in November 1994, for the change of use of the then, former YMCA building, to a Community Education Centre, by extending the conditioned limitation of one evening a week's use of amplified music to five evenings a week. This application seeks a permanent change to five days a week after an initial one year consent was granted on the 15 December 2005 and expiring on the 31 December 2006.

#### **PLANNING HISTORY**

04/00963/REG3 - Vary condition to allow 5 days a week Amplified Music.  
Temporary consent approved 15 December 2005.

3650 - Change of Use to Community Education Centre. Approved 10 November 1994.

3650/A - Details of soundproofing. Approved 14 March 1995.

3650/B - Details of Roof materials and security grills. Approved 9 January 1996.

#### **CONSULTATIONS**

Llantwit Major Town Council have deferred making a comment until their full Committee have considered the matter further. However, they do express an initial concern in regard to upward of 230 young persons leaving the site at the same time.

The Director of Legal and Regulatory Services (Environmental Health Officer) has commented that having carried out noise level surveys over the past 12 months, he confirms that measured levels (at 3 locations) are lower now (February 2007) than when previously monitored in January 2006. He has produced a detailed schedule of his findings. He appears however, to still have concerns on the prospect of the sites use in regard to the playing of loud music (disco's), for more than one evening a week.

## REPRESENTATIONS

Adjoining residential properties have been consulted and 4 letters of representations have been received. In brief, the concerns raised are as follows.

- (i) Have the necessary noise attenuation measures been implemented?
- (ii) There is still concern over intrusive noise levels, especially with the Friday night disco.
- (iii) If more disco's are proposed, how are upward of 230 children/youths to be controlled in and around the site, a problem that already exists with the current operation?
- (iv) The age group catered for (11 to 25) is of concern in that the later ages are adults, not youths.
- (v) The site attracts other youths not attending the disco's, with the resulting problems that this can bring (trespass, drinking, smoking and noise).
- (vi) The originally approved hours of operation are not adhered to.

## REPORT

### Planning Policies

Whilst no actual built development is proposed, the application still needs to be assessed against the terms and aims of Policies ENV27 and ENV29 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, both of which seek to protect the built environment. As referred to above, there must be serious concerns on the prospect of having 5 evenings a week amplified music events, albeit given the site management regime, probably highly unlikely, when considering the very close proximity of residential property.

A specific aim of Policy ENV29 is to consider the acceptability of development in the context of peoples health and environment and to protect those persons from the unacceptable effects of excessive noise and vibration. The Councils Pollution Control Officer has expressed concerns on the prospect of more than one evening a week events (the current situation), based on his site surveys and these findings must therefore be considered and given considerable weight in the decision making process.

## Issues

This application seeks to make permanent, after an initial 12 months temporary consent, the relaxation of the terms of the current restrictive condition imposed on the original former South Glamorgan County Council planning permission reference 3650, issued on the 10 November 1994, which states :

“That disco’s and the use of amplified music shall not take place on more than one evening a week within the limits imposed by Condition No. 4 (hours of operation) hereof without the prior written approval of the Local Planning Authority.”

The relaxation sought is to allow the option of 5 evenings a week amplified music (described on the application forms as volumised music). When reporting the first application to Committee on the 14 December 2005, it appeared from complaints received by the Enforcement Unit, that the above condition was being breached on a regular basis with the use of the premises for amplified band practice in addition to the weekly disco. However, it should also be noted that within the strict interpretation of the relevant condition, no form of amplified music is permitted more than one evening a week, between the hours of 5.00 p.m. to the approved closing time of 10.00pm (6.00 p.m. Sundays). This could include the playing of radios, record players, PC’s etc. which in practice, would probably not give rise to complaint.

Whilst in practice, the playing of what may be considered as incidental, background music to support many of the centres activities, is not seen as problematic, it is nevertheless clear that certain activities, especially those referred to above (discos and band practice) do involve the use of loud amplified music and have a proven impact upon nearby residential properties, two of which are sited (building to building) only some 3 and 10mts away.

The Llantwit Major Youth and Community Centre has been established as a community facility for some 12 years and from supporting documentation, is used for a wide variety of activities covering all age groups. Demand for the weekly disco night does appear high, attracting upward of 230 young persons. Some of the complaints received appear more related to the use of the site as a whole in terms of attracting the younger youth elements to the site who possibly have no business there. However, this is not a planning matter. It should be noted that the centre is permitted to be open 7 days and 6 evenings a week until 10.00 p.m. in any event, with only a Sunday being limited to 6.00 p.m.

Notwithstanding the above, in considering the merits of this application, which as submitted, must be read as potentially allowing 5 evenings a week of ‘loud’ amplified music, the proximity of residential property immediately adjoining must be a primary consideration. However, as was the case in considering and reporting the first application in 2005, there is a clear problem of attempting to word a condition suitably, which attempts to separate ‘loud’ amplified music from that which may be termed as quite incidental music.

In considering this application, it should be noted that since first application was made back in 2005, a bespoke recording studio has been subsequently constructed within the fabric of the main building and this facility is now used for both band practice, training and recording purposes. Its design is such that it is sonically isolated, thus reducing any noise transmission and breakout to negligible levels. The availability of this facility is therefore considered to overcome many of the past problems of amplified music at the site.

The Pollution Officer of the Councils Environmental Health Division has carried out noise surveys of the site on the problematic Friday disco night, both in response to complaints received and for the purposes of this application and reports, with some reservations, that noise breakout is at acceptable levels, being on or around the recommended 45db level at the sites boundaries. These surveys have been carried out over a period of 18 months or more, most recently this last February. However, he does nevertheless express concern on the prospect of more than one evening a week of 'loud' music, which if permitted, he considered would warrant an objection.

Having discussed this with the manager of the Youth Centre, it does now appear that main reason for the application is not so much to allow the greater flexibility for the centres use, but as referred to previously, to cover the issue of the use of other amplified music sources within the centre, the result of a complaint received some years ago wherein the restrictive terms of the original 1994 consent was brought to the attention of the centre management. It does appear that currently the only occasion when loud music is played, is the Friday night disco.

I am advised that all recommended noise attenuation measures have now been implemented and my officer reports that he was shown evidence of the roof void above the main hall/performance area, had been lagged with acoustic wadding. Some additional window openings have now been bricked up and it is understood that the only minor area of concern is the rear fire door, where there remains some noise breakout. The main problem area appears to be more ground transmitted, bass notes. I am again advised that every effort is made to isolate speakers by placing them upon acoustic mats.

In response to the complaints received, these all appear to centre on the Friday night disco event, wherein not only is there an issue with occasional noise breakout, but also the matter of the congregation of youths attracted to the site. I am advised that the main age group catered for at the disco events is age range 11 to 19. Reference is also made in one letter of complaint that music practice/tutoring causes concern but I am again advised that any amplified music practice either takes place wholly off-site, or within the new studio facility.

It cannot be doubted that the proximity of residential property to the Centre is problematic, at least in terms of noise breakout, and/or, ground transmitted bass notes, from amplified music events, especially when considering that the 2 nearest properties are within 10mts of centre building itself, with another 5 within 35mts. Whilst it does appear that some of the problems neighbours have in-counted are more related to the behaviour of youths in and around the Centre and not the actual use of the Centre itself, it would be nevertheless remiss not consider the implications arising from allowing an extended use of the Centre.

As Members will have read from the above, the primary issue to be considered is whether an extension of loud amplified music events from 1 to 5 evenings would be acceptable at this site, given the very close proximity of residential property. It may also be considered that a secondary issue is the prospect of the regular attendance of youths at the site, over and above the current situation, although given the consented use of the site, this could already occur within the terms of that consent.

In making a recommendation on this application, the view held is that whilst there are serious concerns in terms of the application as made, it is nevertheless considered that there is some scope for allowing a nominal extension of evenings use in terms of the use of amplified music events. As previously stated, it does appear that the application is more concerned in seeking consent to allow the playing of occasional music to support the centres various activities for 5 evenings a week, and not to extend the sites use to allow additional disco's and band performance events. That said however, it is still necessary to control such activities by tightly worded conditions in order to protect neighbouring properties from excessive noise and vibration and it is therefore proposed to recommend that appropriately worded conditions be imposed that allows some additional flexibility for amplified music/performance events, but it is suggested that this be limited to no more than 12 additional events in any calendar year.

## 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 Development and ENV29 - Protection of Environmental Quality, it is considered that subject to the imposition of suitably worded performance conditions that seek to limit the number of additional events within and to the main hall area, and given the fact that the Centre now also benefits from a dedicated studio/recording facility, the proposal is considered acceptable.

## RECOMMENDATION

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

1. Notwithstanding the submitted plans and documents, all amplified musical performances or discos shall only take place within the room annotated 'hall' on plan reference SK1, dated January 2005, submitted for the purposes of application reference 04/00963/REG3, and approved on the 15 December 2005, or in the case of amplified band practice, rehearsal or recording, only within the dedicated studio facility located on the same plan SK1 within that area annotated sound studio and art/quiet room.

Reason:

In the interests of residential amenity and to comply with the terms and aims of Policy ENV29 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2. Notwithstanding the submitted plans and documents or the terms of Condition No. 1 above, in addition to the current limitation of one evening a week's use of amplified music as afforded by Condition No. 5 of the former South Glamorgan County Council planning permission reference 3650 issued on the 10 November 1994, this consent shall permit only an additional 12 amplified music, and/or, public performance events in any one calendar year. All such additional performance events shall be restricted to the same hall area as referred to in Condition No. 1.

Reason:

In the interests of residential amenity and to comply with the terms and aims of Policy ENV29 of the Unitary Development Plan.

3. The Youth Centre and Community Centre building shall not be open to the public before 9.00 a.m. or after 6.00 p.m. on Sundays, before 9.00 a.m. and after 10.00 p.m. on Saturdays or before 8.00 a.m. and after 10.00 p.m. on any other day, unless with the prior written approval of the Local Planning Authority.

Reason:

In the interests of residential amenity and to comply with the terms and aims of Policy ENV29 of the Unitary Development Plan.

4. Any use of amplified music shall ensure that any noise breakout shall not exceed 45db at any of the sites boundaries, and in particular, the sites boundaries with the adjoining properties known as The Bower, The Court House and Langland, No. 7, Station Road, Lantwit Major.

Reason:

In the interests of residential amenity and to comply with the terms and aims of Policy ENV29 of the Unitary Development Plan.

5. Any performance event within the hall area shall ensure that any floor mounted speakers or percussion instruments used shall be mounted upon acoustic mats to minimise the transmission of noise and vibration.

Reason:

In the interests of residential amenity and to comply with the terms and aims of Policy ENV29 of the Unitary Development Plan.

6. Notwithstanding the limitations imposed by Condition Nos. 1 and 2 above, the use of amplified music sources in any other of the Centre's rooms shall be limited to the playing of radios, music centres, personal computers and portable music sources only, and shall not include any disco type of equipment or amplifiers which could be used to service musical functions.

Reason:

In the interests of residential amenity and to comply with the terms and aims of Policy ENV29 of the Unitary Development Plan.

**NOTE:**

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**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.**