

## 7<sup>th</sup> September, 2006 Planning Committee Meeting

**2004/01150/FUL**

Received on 14 July 2004

S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea, SA1 5TN

Mr. & Mrs. D. Evans, Broomwell, Llancarfan, Vale of Glamorgan

### **Broomwell, Llancarfan**

Retention of detached double garage

The application was advertised on 17<sup>th</sup> August, 2004.

### SITE DESCRIPTION

The site relates to a residential property situated in the open countryside to the east of Llancarfan.

### DESCRIPTION OF DEVELOPMENT

This is an application seeking the retention of a detached double garage that has been constructed at the above property. The garage has a length of 6.6 metres and a width of 6.2 metres, and comprises a pitched roof building with a height to the ridge of 4.7 metres. It has been finished in part stone and part render with slate to the roof.

### PLANNING HISTORY

01/01510/FUL – Planning permission was granted on 15<sup>th</sup> May 2002 for the construction of a replacement dwelling at Broomwell, Llancarfan. The new dwelling has since been constructed.

### CONSULTATIONS

Llancarfan Community Council has stated that it appears that the garage encroaches onto a public footpath. The stile of the footpath is directly to the rear right hand corner of the garage, and so the roof of the garage impedes access to the stile and could prove dangerous for users. As a result of excavation during development, the stile can now only be reached by climbing a steep bank.

### REPRESENTATIONS

The application has been advertised as affecting a public right of way. No comments have been received to date.

## REPORT

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The application has also been assessed with regard to the Council's Supplementary Planning Guidance 'Amenity Standards', which provides guidance on the effects of a new development on the privacy and amenity of surrounding properties. In particular, the application has been assessed with regard to Policy REC12 'Public Rights of Way and Recreational Routes', which states that the Council will maintain and improve the existing pattern of public rights of way.

The garage is considered acceptable in visual design terms.

The main issue with regard to the application relates to the fact that the garage has resulted in the obstruction of Public Footpath No. 10 Llancarfan. Prior to the rebuilding of Broomwell, Public Footpath No. 10 ran on land alongside the old house, sloping gradually from north-east to south-west and on to an old access road. The levelling of the site around the new house disrupted the levels along the path, and the construction of the garage blocked it completely. This resulted in the footpath only being accessible by climbing a steep bank, considered to be a dangerous and substandard arrangement and contrary to the aims and objectives of Policy REC12 of the Vale of Glamorgan Adopted Unitary Development Plan.

The application has been held in abeyance pending negotiations between the footpath officer and the applicant with regard to securing a satisfactory diversion of the footpath. An Order for the diversion of the footpath was made in March 2005 and advertised for the statutory period. No objections to the diversion of the footpath were received. Steps have been constructed to provide the new footpath, but the standard of construction is extremely poor. It is therefore recommended that consent be granted for the garage subject to a condition that the footpath be completed to a standard that accords with the Council's requirements.

## CONCLUSION

Having regard to Policy REC12 'Public Rights of Way' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted 'Amenity Standards', Supplementary Planning Guidance and all other material considerations, the proposal is considered acceptable in all respects including its design and parking implications, subject to the satisfactory diversion of Public Footpath No. 10 Llancarfan.

## RECOMMENDATION

In the event of Committee agreeing to the recommendation to approve the planning application, subject to a condition to require the applicants to complete the diversion of Public Footpath No. 10, Llancarfan, the Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure the diversion of Public Footpath No. 10, Llancarfan, completed to the full satisfaction of the Council's Footpaths Officer.

APPROVE subject to the following condition(s):

1. The diversion of Public Footpath No. 10, Llancarfan, including the improvement of the steps leading to the footpath shall be completed in full accordance with details to be agreed with the Local Planning Authority within two months of the date of this consent. The agreed improvements shall thereafter be undertaken within 2 months of the date of this agreement. The footpath shall be maintained at all times thereafter in accordance with the approved details.

Reason:

To ensure the reinstatement of the public footpath.

**NOTE:**

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

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

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

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

C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. , CF63 4LA  
Mr. Richard Williams-Jones, Pant Ruthin Fach Farm, Ruthin, St. Mary Hill, Vale of Glam, CF35 5HY

**Pant Ruthin Fach Farm, St. Mary Hill**

Change of use and alterations to form dwellinghouse

**SITE DESCRIPTION**

The application relates to a stone-built barn forming part of a range of outbuildings at Pant Ruthin Fach Farm, located on the north west fringe of the Vale of Glamorgan and accessed by a minor road leading from St. Mary Hill to the A473 near Coychurch. Pant Ruthin Fach Farmhouse is a Grade II Listed Building, and the barn is listed as it is a curtilage building to the farmhouse.

The barn is a two storey building of varied and random stone with stone quoins and voussoired heads (dressed and curved stone head) to window and door apertures (excluding eaves level windows). The building has a natural slate roof to its southern frontage and corrugated metal sheeting to the northern roofslope. Internally the barn has seen a number of modifications in blockwork for animal and storage purposes.

A further barn, used as an informal store/office in connection with an adjoining stone reclamation business, is sited directly to the north of the application building but no works are proposed to that structure as part of this application.

**DESCRIPTION OF DEVELOPMENT**

This is a full application for the conversion of the barn to a four bedroom dwelling.

**PLANNING HISTORY**

01/00851/LAW – Certificate of Lawfulness for the adjoining stone reclamation business. Approved 17<sup>th</sup> August, 2001.

04/00226/FUL – Conversion of barn to dwelling. Refused 19<sup>th</sup> November, 2004.

04/00244/LBC – Listed Building application associated with ref: 04/00226/FUL. Refused 17<sup>th</sup> January, 2005.

05/01777/LBC - Listed Building application related to the present proposal. Subject of a separate report.

**CONSULTATIONS**

Llangan Community Council were consulted on 20<sup>th</sup> June, 2005 and on amended plans 14<sup>th</sup> November, 2005. No comments have been received to date.

The Head of Visible Services (Highway Development) have no objection subject to adequate parking and turning facilities being provided for both the barn conversion and the existing dwelling.

The Director of Legal and Regulatory Services (Environmental Health) has no objection subject to any soils or similar materials being assessed for contaminants prior to importation to the site. Their memorandum is attached as Appendix A.

Glamorgan Gwent Archaeological Trust has no objection.

Countryside Council for Wales confirm that subject to the mitigation measures for the loss of bat roosting opportunities being implemented as proposed by the applicant there will be no detriment to the favourable conservation status of the species concerned. They note that a licence under the Conservation (Natural Habitats &c) Regulations 1994 will need to be granted by the Welsh Assembly Government prior to work commencing. Their letter is attached as Appendix B.

## REPRESENTATIONS

There are no immediate neighbours other than the existing farmhouse, owned by the applicant. The application was advertised on site on 27<sup>th</sup> June, 2005 and the necessary publicity for development affecting a Listed Building was carried out on 23<sup>rd</sup> August, 2005. No comments have been received.

## REPORT

The applicant advises that the listed farmhouse and associated out buildings are no longer in agricultural use. The applicant operates a stone reclamation business from the site but the barn which is the subject of this application is not required for that operation.

The application building, although having a pleasant appearance when viewed from the farm yard, is not remarkable in terms of historic merit or construction, but it does provide a context to the listed farmhouse as a robust agricultural building. The structure has a footprint of 17.5 x 7.5 metres and is of random stone construction utilising a variety of material. The building currently has a half slate/half corrugated steel roof, which it is intended to replace with natural slate. The interior of the building is essentially modern blockwork, although part of a masonry cross wall remains and this is to be retained as part of the proposed layout of the interior of the dwelling. A structural survey has been submitted in support of the application, and suggests that the barn could be converted without substantial reconstruction, extension or alteration to its external appearance. The Council's Conservation Architect concurs with this view.

An area to the rear of the barn has been used as a tipping area and/or has been backfilled in connection with the stone reclamation business, and this will need to be re-levelled. An area of approximately 0.11 hectare is indicated as new residential curtilage. This will comprise part of the existing farmyard and part of the area currently used for stone reclamation at the rear. The rear boundary of the proposed curtilage is not presently defined on site.

The conversion proposes the addition of 3 new openings in the external fabric of the building; one for the insertion of a kitchen window to the western facing elevation at ground floor level, a further aperture for a doorway to the rear (north facing) elevation and another for an additional window to the north-western corner of the building to provide additional light to a bedroom at first floor level. The Conservation Architect considers this degree of intervention to be acceptable subject to the approval of details.

The existing roof structure (not original) would be renewed and the building provided with a slate roof. This is acceptable. The submitted plans indicate new doors and windows of a simple timber casement design.

### Planning Policies

The proposal has to be assessed in the context of Policies ENV8 (Small Scale Rural Conversions), ENV17 (Protection of Built and Historic Environment) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's approved Supplementary Planning Guidance: The Conversion of Rural Buildings as well as the approved Amenity Standards and Parking Guidelines.

Policy ENV8 sets out a list of criteria which must all be met if the proposal is to be acceptable, whilst Policy ENV27 requires, amongst other things, new development to have full regard to the context of the local natural and built environment and to complement or enhance the local character of buildings and open spaces. Policy ENV17 seeks to protect the environmental qualities of the built and historic environment, and advises that development which has a detrimental effect on the special character, appearance or setting of (amongst others) a building or group of buildings...including listed buildings...will not be permitted.

A submitted bat survey has shown the barn being used by a single Long-eared bat and it is therefore a bat roost that will require a licence to disturb being granted by the Welsh Assembly Government.

### Issues

The major issues to be considered are whether the proposal meets the requirements and criteria of adopted policy and guidance, and the impact on the bat roost.

In terms of Policy ENV8, a structural survey has been submitted in support of the application, which concludes that with the exception of the roof structure the building is generally sound and can be converted to a dwelling without major work. All existing doorways and windows are to be retained, with three new openings (one rear door, one ground floor window and one first floor window) being created. The Council's Conservation Architect agrees with this conclusion and considers this degree of intervention acceptable subject to approval of details. No reconstruction of the external walls is required, and it is concluded that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building.

In terms of Policy ENV17, the proposal involves only minor alterations to the fabric of the barn that will not adversely affect its character or its visual relationship to the Listed farmhouse. Similarly, in terms of Policy ENV27, the proposal involves minimal work to the fabric of the building, which with the necessary repairs should enhance its appearance and the local character of the area.

The proposal generally meets the advice given in the approved Supplementary Planning Guidance: The Conversion of Rural Buildings regarding design, materials, amenity and parking. Nevertheless, the site is in a remote rural location, where the approved guidance advises that residential conversions of isolated buildings will be generally unacceptable. However, in this case the building relates closely and complements the character and appearance of the adjoining Listed farmhouse, and it is considered that in this case that relationship would be retained in the long term by a sympathetic conversion.

In amenity terms, an area of some 0.11 ha. is shown as curtilage for the conversion. This will involve the inclusion of some land currently used by the stone reclamation business (in the same ownership) and part of the existing farmyard. The farmyard is to be used as a shared parking and turning area for the existing farmhouse and the new dwelling, with vehicular access being via the existing gateway on to the adjoining highway. The Council's highway engineers have no objection subject to adequate parking and turning facilities being provided for both dwellings, and have confirmed that the area available on the additional parking layout plan submitted is satisfactory.

Regarding the bat roost, the applicant has proposed mitigation works including the provision of bat boxes and the limitation of works to avoid the winter hibernation period. The Countryside Council for Wales considers that provided these works are carried out the favourable conservation status of the bats should not be adversely affected.

The barn subject of the application adjoins at right angles a similar but smaller barn, which is to be included in the proposed curtilage. No works are proposed to this building, which is to be used for ancillary storage.

## CONCLUSION

The recommendation to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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.

Therefore having regard to Policies ENV8 (Small Scale Rural Conversions), ENV17 (Protection of Built and Historic Environment) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's approved Supplementary Planning Guidance: The Conversion of Rural Buildings, as well as the Council's approved Supplementary Planning Guidance: Amenity Standards and Parking Guidelines, it is concluded that the barn is generally structurally sound and is capable of conversion without substantial rebuilding, that the design of the proposed conversion is visually acceptable and that the private amenity space and car parking are adequate.

### 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 permission shall relate to the amended plans refs. 01, 02, 03 and 04 registered on 11th November, 2005, as supplemented by the bat roost mitigation statement received on 5th June, 2006 and the car parking and access layout drawing received on 15th August, 2006.

Reason: for the avoidance of doubt.

3. Prior to the commencement of development, full details of existing and proposed land levels within the proposed residential curtilage to the north of the barn shall be submitted in writing to and approved in writing by the Local Planning Authority, and that area shall be levelled in accordance with the approved details prior to the development hereby approved being brought into beneficial occupation.

Reason:

In the interests of the satisfactory development of the site.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling 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.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site other than those as approved under Condition No. 8 below without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities.

7. Full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to the development hereby approved being brought into beneficial occupation.

Reason:

To ensure adequate drainage is provided for the development proposed.

8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority 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.

9. Prior to their use in the development, details of all new and replacement windows and doors 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:

In the interests of visual amenity and to preserve the character of the Listed Building.

10. The development hereby approved shall be carried out entirely in accordance with the bat roost mitigation method statement received on 5th June, 2006 or such variation thereto that may first be approved in writing by the Local Planning Authority, and in particular no works shall be carried out between 15th October and 31st March in any year.

Reason:

In order to ensure the conservation of the protected species on the site.

11. Prior to their use in the development, a sample of the proposed roof slate shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out using the approved slate.

Reason:

In the interests of visual amenity and to preserve the character of the Listed Building.

12. Notwithstanding the terms of the Town and Country (General Permitted Development) Order or any Order amending, revoking, or re-enacting that Order the barn located to the north of that subject of this permission shall be used for storage purposes ancillary to the residential use of the converted barn only, and shall not be used for any other purpose or converted to any form of residential accommodation without the prior written approval of the Local Planning Authority.

Reason:

For the avoidance of doubt and to define the development hereby approved.

**NOTE:**

1. **Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
2. **Please note that 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.**

- 3. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**

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

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

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

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

**2005/01143/OUT**

Received on 14 July 2005

G. Powys Jones The Maltings, East Tyndall Street, Cardiff Bay, Cardiff. CF1 5EA  
Andton Properties, C/o Agent.

**Land at Higher End, St. Athan**

Residential development

The application was advertised on 2<sup>nd</sup> August, 2006.

**SITE DESCRIPTION**

The site comprises a field to the north of existing dwellings on Llantwit Road and the side garden of a dwelling known as Fair oak.

**DESCRIPTION OF DEVELOPMENT**

This is an outline planning application seeking residential development on the site.

An illustrative layout has been submitted indicating the footprint of five detached dwellings situated around a cul-de-sac. It shows that the new vehicular access would be constructed off Llantwit Road involving the demolition of an existing domestic garage that currently serves Fair oak.

It has been requested that details relating to access be formally submitted with the application. Full details of the proposed access have been requested including proposed visibility splays. These details are still awaited.

**PLANNING HISTORY**

02/00043/OUT – Outline planning application for a detached bungalow and garage in the side garden of Fair oak, Higher End was refused on 12<sup>th</sup> April, 2002 for the following reason:

“The proposed development would result in no parking provision and insufficient amenity space to serve the existing dwelling of Fair oak, which would not accord with the Council’s approved amenity standards and parking guidelines, and would be contrary to Policy HOUS9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.”

02/01538/OUT – Outline planning permission was granted for a single detached dwelling in the side garden of Fair oak on 14<sup>th</sup> February, 2003.

04/00857/FUL – Full planning application refused on 3<sup>rd</sup> September, 2004 for residential development comprising five detached dwelling houses with associated garaging on the site.

## CONSULTATIONS

St. Athan Community Council has objected to the application on the following grounds:

- Development is contrary to the Vale of Glamorgan Unitary Development Plan.
- The development constitutes 'backland development'.
- The development constitutes 'overdevelopment'.
- Access to the site is at a very narrow section of Llantwit Road.

Defence Estates has stated that the Ministry of Defence has no safeguarding objections to the proposal.

Environment Agency Wales has stated that foul drainage from the site should be connected to the public foul sewer.

Dwr Cymru/Welsh Water has no objection.

Gwent Glamorgan Archaeological Trust has no objection.

The Head of Visible Services (Highways) has requested that additional details are submitted showing the proposed site access in relation to the adopted highway and adjacent land boundaries with visibility splays imposed.

The Director of Legal and Regulatory (Environmental Health) has objected to the application on the grounds of noise. The site falls on the edge of the area eligible for the Noise Insulation Grant Scheme (NIGS) drawn up by the Ministry of Defence 1994. According to measurements made two years ago, the area falls into category C of TAN 11. Under these guidance notes, applications for homes in areas within this category will not normally be granted planning permission.

## REPRESENTATIONS

The application has been advertised by site notice and neighbouring occupiers have been consulted. The occupiers of Oakland, Southdowns, Buckland Cottage, Lilac Cottage, Llwyn Onn, New House and Chimneys have objected to the application. A summary of the representations received is given below:

- The proposal does not constitute infill or rounding off but an attempt to develop land outside the village envelope.
- Concern regarding impact on local infrastructure including drainage and sewerage arrangements and the electricity system.
- Impact on trees, hedgerows and wildlife.
- Impact on the amenities of residents, including loss of light and privacy, impact on visual outlook and on property values.

- Loss of agricultural land and impact on the quiet rural character of the area.
- Concern regarding the highway, traffic and parking implications of the development, in particular difficulties regarding access.
- Loss of amenity space currently serving Fair oak.
- It is alleged that the development encroaches on land outside the applicant's ownership.

Copies of letters received are retained on file for Members inspection.

## REPORT

### Planning Policies

The development plan for the site comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The application site comprises a field to the rear of existing dwellings on Llantwit Road and the side garden of the dwelling known as Fair oak. The majority of the site, with the exception of the side garden of Fair oak, is located outside the settlement boundary of St. Athan, as defined by the Unitary Development Plan. The majority of the site is therefore situated within the countryside, in terms of the planning policy context for this land.

In a supporting statement submitted with the application, the applicant's agent states "the development proposed may be appropriately described as a minor extension to the village. The extension may be implemented without harming the visual amenities of the village itself of the character and setting of this part of the village. It is accepted that the northern boundary of the site, at present, is not clearly defined. Nevertheless, measures can easily be taken so that, in a relatively short period of time, a clear and defensible boundary may be created. The western and eastern boundaries, which are defined, may be strengthened".

St. Athan is identified within Policy HOUS2 'Additional Residential Development' of the Unitary Development Plan as one of the settlements where housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS8 will be permitted within the settlement boundary. Policy HOUS2 'Additional Residential Development' goes on to state that favourable consideration will be given, other than within areas identified as green wedges, to small-scale development which constitutes the 'rounding off' of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS8 and particularly criterion (i).

In defining what constitutes rounding off, paragraph 4.4.63 of the accompanying text states that:

“Small scale rounding off, which for the purpose of this Plan is defined as development which constitutes no more than five dwellings, may also be permitted where the site lies within or immediately adjacent to the settlement boundary and conforms to a logical site boundary. All site boundaries should be existing man made or natural physical features. Arbitrary lines drawn for the convenience of plot size do not qualify as such. Each proposal, if accepted as infilling or rounding off, will be assessed against the policy criteria and will need to be considered in the context of the relationship to areas of attractive landscape, high quality townscape and areas of historical, archaeological or ecological importance.”

Policy HOUS8 ‘Residential Development Criteria; Policy HOUS2 ‘Settlements’ of the UDP states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets a number of criteria, including that the scale, form and character of the proposed development is sympathetic to the environs of the site and the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments.

In addition, Planning Policy Wales (2002) states:

“Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.” (Paragraph 9.3.2 refers).

Whilst the illustrative plan indicates the construction of 5 dwellings, it is not considered that this proposal constitutes “rounding off”. The fence to the northern boundary of the site, which was erected at some time subsequent to the processing of the previous planning application ref: 04/00857/FUL comprises an arbitrary boundary created through an open field. The proposed development would have little regard to the existing settlement pattern and the boundaries of existing residential properties. It is considered that the proposal would not form a logical extension to St. Athan, and would be to the detriment of the rural character and setting of the village.

It is therefore considered that the proposal represents development within the countryside that would not accord with Policies HOUS2 ‘Additional Residential Development’ and HOUS8 of the UDP. It therefore follows that as the development is not necessary or required in the interests of agriculture, the proposal is unacceptable in principle, as it does not accord with the aims and objectives of Policies ENV1 ‘Development in the Countryside’ and HOUS3 ‘Dwellings in the Countryside’ of the UDP, which seek to resist new housing development in the countryside.

## Other Issues

### Agricultural Land:

The agricultural land classification map classes the site as Grade 3a quality Agricultural Land. One of the reasons that the previous application (ref: 04/00857/FUL) was refused was that residential development would result in the permanent loss of this land for agricultural use. As no exceptional overriding need for the development has been demonstrated, the proposal would be contrary to the aims and objectives of Policy ENV2 'Agricultural Land' and criterion (iii) of Policy HOUS8 'Residential Development Criteria; Policy HOUS2 'Settlements' of the UDP, which presume against new development on land of high agricultural value, other than for the purposes of agriculture.

However, this application has been accompanied by a report prepared by ADAS Consulting Limited on the agricultural land classification of the site. Further to carrying out a field evaluation of the site in March 2005, the report concludes that the site is in practice all of only moderate sub-grade 3b quality, due primarily to limitations of heavy topsoil textures and stone content.

Policies ENV2 and HOUS8 seek only the protection of the best and most versatile land (Grades 1, 2 and 3a). In light of these findings, it is therefore considered that the proposed development would not be contrary to the Council's policies relating to the protection of agricultural land.

### Noise:

A report prepared by Hunter Acoustics has been submitted in support of the application. The report acknowledges that the Noise Contour Map for RAF St. Athan indicates that the site falls within Noise Exposure Category C of Planning Guidance (Wales) Technical Advice Note (Wales) 11<sup>th</sup> October, 1997. This guidance states that, with Category C sites, "planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise."

However, the report goes on to detail the results of an environmental noise survey carried out at the site over a 48 hour period from Monday 14<sup>th</sup> through to Wednesday 16<sup>th</sup> February, 2005. It states that activities at the base have been reduced since the Contour Map was published, for example, the hover testing of harriers no longer takes place at the site. Based on the survey results, it is suggested that the site now falls within Noise Exposure Category B, where according to TAN 11, "noise should be taken into account when determining planning applications". The report concludes that standard thermal double glazing with trickle ventilation would be sufficient to address these concerns.

However, the Director of Legal and Regulatory (Environmental Health) has disagreed with the conclusions of the report. The Council's Regulatory Services officers undertook a survey in February 2006 at the nearby primary school, during which there were six occasions when noise levels exceeded a level that puts the site within Category C. It appears that the category of the site will vary depending upon the level and type of aircraft activity. In view of the potential of the site to be within Category C, the Council's Regulatory Services officers object to the application on the grounds of the impact that aircraft noise would have on the amenities of future occupiers of the site.

In light of this advice, it is recommended that planning permission be refused on these grounds.

#### Highway Issues:

Due to concerns of inadequate visibility at the proposed access, and the adverse implications that the development therefore has in terms of highway safety, the Head of Visible Services (Highways) has requested that additional details are submitted showing the proposed site access in relation to the adopted highway and adjacent land boundaries with visibility splays imposed. However, these details have not been forthcoming from the applicant. In the absence of these details, it is recommended that the application be refused.

#### CONCLUSION

Having regard to Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria, Policy HOUS2 'Settlements', ENV1 'Development in the Countryside', HOUS3 'Dwellings in the Countryside' and ENV27 'Design of New Developments', the proposal is considered to constitute an inappropriate extension of the village, to the detriment of the rural character of the area and the site would provide a poor living environment for future occupiers of the development by virtue of aircraft noise from the RAF base. Furthermore, insufficient information has been submitted to alleviate concerns regarding inadequate visibility at the access to the site.

#### RECOMMENDATION (W.R.)

#### REFUSE

1. The proposal does not constitute 'rounding off' but constitutes development in the countryside, which would have a detrimental impact on the rural character and setting of this part of St. Athan. The proposal is, therefore, contrary to Policies ENV1 and HOUS3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to resist housing development in the countryside, unless in the interests of agriculture or forestry. No such justification has been submitted with this application.

2. The site is considered inappropriate for residential development as it would provide a poor living environment for future residents, by virtue of noise from aircraft operating at the nearby RAF base at St. Athan. It would, therefore, be contrary to the advice contained within Planning Policy Wales (March 2002) and Planning Guidance (Wales) Technical Advice Note (Wales) 11(W) Noise, October, 1997.
3. Insufficient information has been submitted to allow full and proper consideration by the Local Planning Authority of the highway safety implications of the proposed development.

**2005/01777/LBC**

Received on 15 November 2005

C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. , CF63 4LA  
Mr. Richard Williams-Jones, Pant Ruthin Fach Farm, Ruthin, St. Mary Hill, Vale of Glam. , CF35 5HY

**Pant Ruthin Fach Farm, St. Mary Hill**

Change of use and alterations to form dwellinghouse

The property is a Grade II Listed Building.

The application was advertised on 16<sup>th</sup> November, 2005.

**SITE DESCRIPTION**

This proposal relates to a detached barn a short distance away from Pant Ruthin Farmhouse. The barn is independently listed Grade II. The Farm is on the north-western fringe of the Vale of Glamorgan, accessed by a minor road leading from St. Mary Hill to the A473 near Coychurch. The barn is a two storey building of varied and random stone with stone quoins and voussoired heads to window and door apertures (excluding eaves level windows). The building has a natural slate roof to its southern frontage, and corrugated metal sheeting to the northern roofslope. Internally the building has seen a number of modifications in blockwork for milking and animal and storage purposes.

A further barn, used as an informal store/office in connection with a stone sales business is sited directly to the north of the application building and would also be listed in law as a curtilage structure to the farmhouse. However no works are proposed to that structure as part of this application.

**DESCRIPTION OF DEVELOPMENT**

The proposal is for the conversion of the barn to residential use.

**PLANNING HISTORY**

Planning permission and Listed Building Consent (refs: 04/00226/FUL and 04/00226/LBC respectively) were refused for the conversion of the barn to a dwellinghouse in November 2004/January 2005.

A planning application (ref: 05/00874/FUL) for the development detailed in this application for Listed Building Consent is currently being considered.

**CONSULTATIONS**

Llangan Community Council have been advised of the application which was also advertised in accordance with statutory requirements on 16<sup>th</sup> November, 2005.

**REPRESENTATIONS**

None.

## REPORT

The applicant advises that the primary listed farmhouse and associated out buildings are no longer in agricultural use. The applicant operates a stone merchant's business from the site but the barn which is the subject of this application is not required for that operation.

There is no objection to the principle of residential conversion of the barn subject to the retention of the character of the building, which given the degree of past adaptation, effectively relates to the preservation of the exterior fabric and finishes.

The building, although having a pleasant appearance when viewed from the farm yard, is not remarkable in terms of historic merit or construction, but it does provide a context to the listed farmhouse as a robust agricultural building. The structure is of random stone construction utilising a variety of material. The building currently has a half slate/half corrugated steel roof which it is intended to replace with natural slate. The interior of the building is essentially modern blockwork, although part of a masonry cross wall remains and this is to be retained as part of the proposed layout of the interior of the dwelling. This is considered appropriate. A structural survey has been submitted in support of the application, and suggests that the barn could be converted without substantial reconstruction, extension or alteration to its external appearance. The Local Authority Conservation Officer concurs with this view.

An area to the rear of the barn has been used as a tipping area has been backfilled, and this will need to be re-levelled. Details can be required by condition to ensure that no damage will occur to the building.

The conversion proposes the addition of 3 new openings in the external fabric of the building, one for the insertion of a kitchen window to the western facing elevation at ground floor level, a further aperture for a doorway to the rear (north facing) elevation and another for an additional window to the north western corner of the building to provide additional light to a bedroom at first floor level. This degree of intervention is considered acceptable subject to the approval of details.

A Bat survey suggests the need for the placement of two bat-boxes into the walls of the building, one to South and one to the Northern elevations. It is intended that these boxes be fitted into existing openings in the fabric which are intended to be blocked as part of the conversion works. The boxes would only be visible as a small horizontal slot of some 250x25mm. This is considered an acceptable intervention given the degree of nature conservation interest and protective measures resultant of the European directive on protected species.

The existing roof structure (not original) would be renewed and the building provided with a natural slate roof. This is acceptable. The submitted plans indicate new doors and windows would be of a simple timber casement design. This is acceptable.

A conditional consent is therefore recommended.

## RECOMMENDATION

That using the powers delegated to the Local Planning Authority by Cadw, that Listed Building Consent be GRANTED, Subject to the following conditions:

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

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

Reason:

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

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

Reason:

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

3. Notwithstanding the details provided on drawing reference 03 all new ground floor window and door apertures shall have voussoired swept heads to match those existing elsewhere on the building.

Reason:

To ensure that the new openings in the building will be architecturally/aesthetically consistent with those in the existing building.

4. Notwithstanding the details provided on drawing reference 03 all new first floor window apertures shall be provided so that the lintel is obscured by the eaves level fascia board as currently detailed on the southern elevation of the building.

Reason:

To ensure that the new openings in the building will be architecturally / aesthetically consistent with those existing.

5. All internal finishes shall be as described in the recommendations of the structural report submitted as part of the application.

Reason:

For the avoidance of doubt.

6. Prior to the roofing of the building, a sample of the proposed roofing slate shall be submitted to and approved in writing by the local planning authority and only and only slate of the approved type used in the development.

Reason:

To ensure that the roof covering will be appropriate to the special interest of the building.

7. Any necessary re-pointing or stone repair shall be undertaken using either a hydraulic lime mortar NHL 3.5 to 3 parts non dredged sand as per the specification submitted or using a fat lime putty, at the contractors discretion unless otherwise agreed in writing by the Local Planning Authority. Pointing detail shall be flush, or slightly recessed from the stonework face to match existing detail.

Reason:

For the avoidance of doubt and to ensure for a traditional repair/ appropriate external appearance to the building.

8. Prior to their insertion, details of the location and specification of all flues, chimneys, and soil pipes shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the location and specification of any flues, chimneys and soilpipes do not detract from the rural character of the building.

9. This consent shall relate to the development proposed as supplemented by the works proposed in the Bat Roost Mitigation Statement received by the local authority on 5th June, 2006.

Reason:

For the avoidance of doubt and to ensure for the continued use of the historic building by protected species.

10. Prior to the commencement of the works hereby consented to, Full details [to include site sections] of any proposed ground level regrading works shall be submitted to and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with the approved details prior to the beneficial use of the barn for residential purposes.

Reason:

To ensure that any regarding works will not compromise the setting or structural integrity of the building.

**NOTE:**

1. \* Contact:

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

**Tel: 01446 704626/8.**

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

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

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of works will constitute an offence which may lead to prosecution.**

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

**2005/01811/FUL**

Received on 21 November 2005

Anna Bendall, Environmental Manager, RWE npower, Windmill Hill Business Park, Swindon. SN5 6PB  
RWE npower, Aberthaw Power Station, The Leys, Aberthaw, Vale of Glamorgan, CF62 4ZW

### **East Aberthaw Quarry, Aberthaw**

Disposal of pulverised fuel ash (PFA) from Aberthaw Power Station

#### **SITE DESCRIPTION**

The application relates to part of Aberthaw Quarry and adjoining agricultural land.

#### **DESCRIPTION OF DEVELOPMENT**

A full application by RWE npower, the operators of Aberthaw Power Station, for the disposal of pulverised fuel ash (pfa) from the power station in the quarry void, together with a new protected right turn facility off the Rhoose bypass and the creation of a new dedicated vehicular access to the quarry via a new crossing of Castle Road. The application also makes provision for the restoration of the tipped area and is therefore also being treated as a partial amendment to the current restoration scheme for the quarry, approved in 1985.

Members will recall that I reported on this application to the 12<sup>th</sup> July meeting of this Committee, when it was resolved to defer consideration. Members expressed their wish to see a comprehensive and detailed scheme incorporating the transportation of the pfa from the power station site to the quarry by means of a cable/conveyor system. Further discussions have since been held with the applicants and a further letter, setting out their position regarding alternative means of transport, has been submitted. That letter is attached as Appendix L and is referred to in the body of the report.

#### **PLANNING HISTORY**

On Aberthaw Quarry - Numerous applications but of particular relevance are:

0755 and subdivisions - Construction of tunnel under Port Road to create access between quarrying areas to the north and south of the road. Approved on 19<sup>th</sup> October 1979. The Section 52 (now Section 106) Agreement associated with this permission contains in a Schedule the current working conditions for the quarry, whilst subdivision 0755/E approved a quarry floor level restoration scheme. Whilst the approved tunnel has not been excavated, the permission has been implemented by the construction of access gates to Port Road.

3333 - Household waste disposal in the quarry. Refused following call-in by Secretary of State on 6<sup>th</sup> October, 1994.

02/01356/FUL - Temporary diversion of Port Road and construction of a bridge to give access between quarrying areas to north and south of the road. Approved on 19<sup>th</sup> December, 2002.

On Aberthaw Power Station - Numerous applications but of particular relevance are:

06/00800/FUL - Increase in height of the existing pfa mound to 65 metres aod. This application is currently at the consultation stage and will be the subject of a report to a later meeting of this Committee.

06/00681/FUL - Highway works to improve visibility to the west of the Four Cross junction. Approved 12<sup>th</sup> July, 2006.

05/01498/FUL - New plant to treat pfa. Approved on 12<sup>th</sup> January, 2006. Not yet implemented.

04/00580/FUL - Biomass co-firing plant. Approved on 3<sup>rd</sup> September, 2004.

03/01132/OBS - Installation of plant for flue gas desulphurisation. Approved by the Department of Trade & Industry on 14<sup>th</sup> June, 2004 and currently under construction.

02/01351/RES - New plant to treat pfa. Approved 16<sup>th</sup> January, 2003. The plant has not been constructed but the permission has been implemented by the carrying out of highway improvements at the B4265 Four Cross junction.

01/00071/FUL - Recovery of pfa from existing ash mound. Approved on 25<sup>th</sup> July, 2001.

00/01395/OUT - New plant to treat pfa. Outline approved on 25<sup>th</sup> July, 2001.

### CONSULTATIONS

The application site lies in the Rhoose Community area, where there is no Community Council.

St. Athan Community Council (adjoining) - Has no objection to the infilling of the quarry but have serious concerns over the adequacy of the highway between the Four Cross junction and the proposed site access, particularly at the Old Mill corner. The Council also consider that the existing protected right turn off the Rhoose bypass to serve Burton Hill is of inadequate length, and recommend that any new right turn facility created as part of this proposal is of sufficient length to accommodate two heavy goods vehicles. Their letter is attached as Appendix A.

Councillor Jeffrey James (The Leader) - Is concerned to ensure that this proposal should not detract from the good maintenance of the existing pfa ash mound, and that problems of windblown dust are not exacerbated. His memo is attached as Appendix B.

Glamorgan Gwent Archaeological Trust - Note that it is unlikely that any features of historical or archaeological value survive in the working quarry. However, the proposed access road may affect part of a field pattern of medieval origin and a triangular earthwork to the west of the site. They therefore recommend the carrying out of an archaeological watching brief during the construction of the access route. Their letter is attached as Appendix C.

Cardiff International Airport (Safeguarding) - Have no objection subject to access to the site being granted throughout the duration of the project for their Bird Control Co-ordinator, the operating plan including the non-feeding of birds and the correct disposal of food waste and the construction of a one metre high fence at the high water mark between the existing lake and the landfill, to restrict the movement of geese. Their letter is attached at Appendix D.

The Director of Legal and Regulatory Services (Pollution Control) - Have no objection in principle but are concerned about potential noise nuisance to Home Farm, Fonmon from workings in evenings, on Sundays and Bank Holidays. They conclude that to avoid nuisance, tipping operations on the top bench within 300 metres of Fonmon Road should be restricted to 0800 to 1900 hours on Mondays to Saturdays only, and that reversing sirens should not be used. Noise levels during evening working should be limited to 42 dBA. Their memo is attached as Appendix E.

Countryside Council for Wales - Note that, following the carrying out of surveys at their request, there are no great crested newts on the site. However, they note the presence of a pair of breeding Peregrine falcons (a protected species under Schedule 1 of the Wildlife & Countryside Act 1981) on the site, and suggest leaving an appropriate distance between the tipping operation and the nest site during the breeding season. They would also welcome the provision of a platform at the Power Station as an alternative nest site for future years. Their letter is attached as Appendix F.

Environment Agency Wales - Have concerns over the design of the proposed artificial geological barrier to be used as a liner for the quarry prior to the deposit of ash and require the submission of a hydro geological risk assessment. However, they have confirmed that they will deal with these issues under the parallel application under the Pollution Prevention and Control Regulations. On other issues, they recommend that any discharge should be designed so as not to cause or exacerbate flooding and note the proximity of the East Aberthaw Coast Site of Special Scientific Interest and the potential ecological importance of the quarry site. These issues have been the subject of separate consultation with the Countryside Council for Wales and the Council's Ecologist. A copy of the Agency's letter is attached as Appendix G.

HM Inspector of Quarries (Health & Safety Executive) - Has 'no adverse comments to make'.

Welsh Assembly Government Regional Planning Advisor (re: proposed agricultural restoration) – Advises that on the information supplied to date and in line with the advice given in Technical Advice Note (Wales) 6, it cannot be confirmed that agriculture is an appropriate use for all or part of the site. A number of issues are raised concerning the proposal, including:

- (a) The shortage of natural soils within the site may cause the land restored as proposed in the application not to provide for sustainable agriculture capable of producing meaningful and economic levels of output by normal agricultural methods. The significant difference between establishing vegetation for amenity purposes and the requirements of agriculture is emphasised.
- (b) Due to the uncertainty of the performance of the end product, the use of the limited amounts of soil available as a pfa improver may be a wasteful use of a valuable natural resource.
- (c) If pfa proves to be unsuitable as a constituent of soil, large quantities of soil may have to be imported, raising issues of sustainability and availability.
- (d) The possibility of the need for studies and trial work to be carried out before commencement of the first phase of restoration.

The full text of the letter and covering email is attached as Appendix H.

### REPRESENTATIONS

The occupiers of 72 of the closest dwellings, including all those in Fonmon, East Aberthaw and Burton were notified individually on 2nd December, 2005 and the application was advertised by four site notices in the locality on the same date. The necessary publicity for an application accompanied by an Environmental Statement has been carried out. Ten letters of objection have been received, mainly from residents of Fonmon but including one from West Aberthaw, objecting on the grounds of:

- (a) Highway safety issues on the B4265.
- (b) The unsustainable use of road vehicles to transport the ash rather than rail or conveyor and the lack of consideration of alternative modes of transport.
- (c) Noise from transport and from the pfa deposition and levelling process in the quarry.
- (d) Concern that the scope of the material to be tipped could include domestic waste.
- (e) Concern over disturbance due to operations in the evenings.
- (f) Concern over potential dust pollution.
- (g) Increase in heavy vehicles on Castle Road and through Fonmon.
- (h) Increased nuisance from traffic noise, dust and fumes to residents of West Aberthaw; and
- (i) Concerns over leachates and potential detriment to water quality.

Three typical letters are attached as Appendices I, J and K and the remainder are retained on file for Members' inspection.

## REPORT

Aberthaw Power Station is a 1500 MW coal-fired power station, which produces approximately 400,000 tonnes of pfa annually. Since the construction of the 'A' station in the 1950s, all the ash that could not be sold as aggregates has been deposited on the existing ash mound, covering some 57 hectares on the east bank of the canalised River Thaw, between the power station and East Aberthaw village. Ash disposal on the mound is currently controlled by a planning permission granted in 1980 (ref: 79/2300/FUL) which restricts the height of the mound to a maximum of 53 metres above Ordnance datum. At the present rate of ash deposition, current permitted capacity on the mound will be exhausted within two years.

Work being carried out currently to install flue gas desulphurisation equipment to the power station will permit the continued operation of the station for the foreseeable future, with a possible increase in power generation that could lead to a 25% increase in annual ash production.

Pfa has a value as an alternative lightweight aggregate, and the plant for its treatment approved in January this year will, if constructed, process up to 200,000 tonnes per year for sale or recycling as fuel for the power station. There will nevertheless be a continuing need for large-scale ash disposal facilities for many years.

RWE npower, the current applicants, have also recently submitted an application (ref: 06/00800/FUL) for an increase in the height of the ash mound from 53 to 65 metres aod. That proposal will be the subject of a report to a future meeting of this Committee, but the applicants advise that that proposal would be a 'fallback' solution if the quarry proposal does not proceed. However, it is likely that some increased capacity may be required on the mound due to the lead times involved in commencing disposal in the quarry. This is however not a matter for consideration now.

Aberthaw Quarry, operated by Lafarge Cement Limited is a 100 hectare, 20 metre deep Liassic limestone quarry located approximately 1 km to the east of the power station complex, which supplies material exclusively for the adjoining Aberthaw Cement Works. Mineral extraction in the current quarry bowl (the 'north' quarry) is nearing exhaustion, and planning permission has existed since 1957 for quarrying in a further 100 hectare (approx) area to the south of Port Road, with a bridge under that road linking the two areas. It is likely that quarrying will transfer entirely to the southern area within the next few years. Proposals for the temporary diversion of Port Road to allow the construction of the bridge were approved in 2002 and that work is nearing completion.

The approved restoration scheme for the 'north' quarry is for quarry floor level restoration to agriculture. A pilot scheme was carried out in the 1980s but progress has been halted for some years pending revised proposals for the future of the site. Members may recall that a proposal for the infill of the quarry with domestic waste was refused in 1994 following a major Public Inquiry.

The current proposal is for the disposal of pfa in an area of 41.7 ha of the eastern part of the north quarry, with all material being transported by road from the power station via a new protected right turn off the Rhoose bypass; the upgrading of an existing agricultural track, and a new vehicular crossing of Castle Road on the northern quarry boundary to a new quarry entrance. The site would be filled in four phases to the existing ground level and restored to grassland. The applicants consider that the site would have sufficient capacity for at least 15 years' ash production at current rates. The remainder of the north quarry bowl lies outside the application site and would remain under the control of Lafarge Cement.

In summary, the various parts of the development comprise:

- Construction of a protected right turn facility off the Rhoose bypass at a point approximately 300 metres east of the Burton Hill junction.
- Upgrading of a 300 metre length of existing agricultural track between the bypass and Castle Road to a two-lane surfaced road.
- Construction of a new gated surface crossing of Castle Road and a new entrance to the quarry on its northern boundary, approximately 400 metres east of the Castle Road/Burton Hill junction.
- Development of a ramped access into the quarry to give access to the ash disposal area.
- Battering of the quarry faces to a 1:3 slope and the installation of a lining and drainage system to Environment Agency approval.
- Filling with ash in four phases, generally moving in a south-east direction across the quarry. 'Conditioned' ash (i.e. ash mixed with a controlled amount of water) would be transported by lorry via the new access route and deposited in 3-metre thick layers across each phase, beginning in the area close to the access ramp and to the east of the existing lagoons in the quarry. The side slopes of the tipped area will be progressively seeded, and each phase will be restored at final ground level prior to operations moving into subsequent phases. The final surface level of the restored site is to be at surrounding ground level. Tipping hours are proposed to be 0800 – 2200 seven days per week.

## Policy Issues

Aberthaw Power station produces, and following the installation of the flue gas desulphurisation plant will continue to produce, very large quantities of pfa. Whilst pfa has a value for use as a sustainable alternative aggregate, limits to the potential market mean that large quantities will require disposal. Apart from increasing the size of the existing mound (subject of a separate application currently being processed) the only realistic alternatives are filling of the quarry or transport to more distant landfill sites. At the same time, the quarry is a very large void which is reaching the end of mineral extraction and requires beneficial restoration. In the most general terms, therefore, there appear to be advantages to the current proposal, subject to assessment of ash transport and local environmental impact.

The proposal has to be considered in the context of the Waste policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy WAST 1 (Provision of Waste Management Facilities) encourages waste management facilities where they are on (amongst others) operational mineral working sites, subject to the criteria in Policy WAST 2.

Policy WAST 2 (Criteria for Assessing Waste Management Facilities) sets out a list of criteria against which waste management proposals must be assessed. In terms of Criterion 1, the applicants have taken various steps to reduce the amount of pfa requiring disposal by bringing forward proposals for the treatment and sale of increased quantities of ash as aggregate, and the aims of the 'proximity principle' are met with the quarry being very close to the power station. The environmental and highway issues covered by other criteria are assessed later in this report.

## Ash Transport and Access

The proposal to move all the pfa to the quarry by road would involve 20 tonne vehicles making a maximum of 100 two-way movements (i.e. 100 arrivals and 100 departures), seven days a week, although the applicants consider that 50 two-way movements would be more usual. Lorry movements would 'in the main' (applicants' quote) be restricted to 0800 to 1900 daily.

It has to be borne in mind that the unimplemented scheme for recovery of ash from the existing mound approved in 2001 (planning permission for which expired in July this year) and the recently approved ash processing plant would both involve all ash produced being removed from the station by road. Junction improvements have already been carried out on the eastern side of the Four Cross junction and a concurrent application (ref: 06/00681/FUL) has been submitted for further improvements to the west of that junction.

The Council's highway engineers have been involved in detailed discussions with the applicants, and confirm that they have no objection subject to conditions being attached to any permission to cover:

- (a) Visibility improvements on the western side of the Four Cross junction being approved and implemented prior to the commencement of ash disposal.
- (b) The protected right turn off the B4265 and the Castle Road crossing being constructed to the appropriate standards.
- (c) The installation of part-time traffic lights on the Castle Road crossing.
- (d) The sheeting or covering of all vehicles carrying ash to the quarry, and
- (e) The installation of a wheel wash at the exit to the site on to Castle Road;

and subject to the satisfactory completion of the necessary legal agreements under Section 278 of the Highways Act 1980.

The proposed new access off Castle Road will involve the removal of lengths of hedgerows on both sides of the road that qualify as Important under the ecological criteria of the Hedgerow Regulations 1997. The Council's Ecologist supports the creation of a new hedgerow on the eastern side of the improved track between the B4265 and Castle Road, and recommends that the sections of hedgerow classed as Important and associated ground flora should be translocated behind the new visibility splays wherever possible. All hedgerow removal should take place outside the March – August bird nesting season. These matters can be addressed by conditions.

Whilst it is concluded that the ash can be transported satisfactorily by road, it is disappointing that alternative transport modes are not proposed for the relatively short distance but very large quantities involved. Although cost and wayleave issues are understood to present serious difficulties at present, I would encourage more sustainable proposals for ash transport by conveyor, pipeline or rail if opportunities arise.

Since the previous deferment, the applicants have submitted an additional statement regarding the feasibility of conveyor or pipeline transport systems (Appendix L). In that statement they confirm that a feasibility study into the technical and financial viability of such systems is currently under way, and if the results of that study are positive then work would be undertaken as soon as reasonably practicable to commence obtaining wayleaves and consents for the installation of such a system. However, they cannot guarantee that a feasible solution will be found and even if technically feasible it would depend on resolution of other issues outside their control such as the granting of wayleaves, planning permission and any consents required from the Environment Agency under Pollution Control legislation.

The applicants stress that, whilst all other options of ash disposal and recycling are being pursued, permitted tipping capacity on the existing mound will be exhausted by the fourth quarter of 2007. The earliest possible start of deposition in the quarry, assuming rapid resolution of the planning and other regulatory issues, is the third quarter of 2007 and more realistically the second quarter of 2008. Although they stress that their objective is to minimise additional deposition on the ash mound, in view of these difficulties with timescales an increase in capacity of the ash mound will be required by the end of 2007 if large-scale off-site disposal to distant sites is to be avoided.

In their statement, the applicants undertake to make every effort to achieve commencement of deposition into the quarry as soon as possible after consents are granted, and will make every effort to conclude the feasibility study by the end of 2006 and hopefully finalise the design, agree all wayleaves and consents and implement a technically and commercially viable alternative transportation system by 2010. This will, however, necessitate the use of road transport for an indeterminate period, probably of some three years, even if additional capacity on the ash mound is made available. It is on this basis that the application is reported back to Planning Committee.

### Visual Impact

All activities, apart from placing and restoring the final 3-metre layer of ash, will take place below the level of the surrounding ground surface. Despite its size, there are very few external viewpoints from which the quarry bowl can be seen, and it is unlikely that the proposal will have any significant visual impact.

### Residential Amenity

The eastern boundary of the application site is within 130 metres of the closest dwellings in Fonmon. The proposed activities in the site, consisting of the arrival of ash in lorries and its spreading and grading by bulldozer, are not in themselves likely to be particularly noisy activities, and almost all the work will be effectively screened from the village by the existing quarry faces.

Following survey work, the applicants conclude that noise from daytime (0700 – 1900) ash disposal operations will meet the requirements of Minerals Technical Advice Note 1: Aggregates. Whilst that advice is designed to relate to mineral working sites, the operations proposed, with heavy vehicles and plant traversing the site, are similar in many respects to the current quarrying operations and this guidance appears relevant in this case. Whilst evening (1900 – 2200) operations would meet the MTAN 1 guidelines in Phases 1, 2 and 4 of tipping, due to the proximity of part of Phase 3 to Home Farm there is some risk of evening operations exceeding the MTAN 1 night-time (1900-0700) limits. In this phase locations of evening tipping will be selected to avoid this problem, with additional monitoring being carried out to ensure compliance.

Nevertheless, the Council's Pollution Control officers consider that to avoid any noise nuisance to occupiers of Home Farm, operations on the top bench within 300 metres of Fonmon Road should be restricted to 0800 to 1900 hours on Mondays to Saturdays only and that 'bleeper' type reversing sirens should not be used. Noise levels during evening working should be limited to 42 dBA.

Dust from the existing ash mound has been the subject of various complaints over many years, mainly from residents of East Aberthaw. Fonmon is downwind of the ash disposal site in the quarry, and operations will have to be controlled carefully if problems are to be avoided. Potential dust sources are the movement of vehicles on haul roads and the process of tipping and profiling the pfa.

At the power station, fresh ash will be contained in an enclosed silo, and all lorries carrying ash will be covered. In the quarry, ash will be compacted by bulldozer and when there is potential for dust a water spray system will be used. Once ash deposition has been completed in a particular area the surface will be sealed by either a PVA/water mix or a hydroseeded grass seed/manure mix. Wheel washing facilities will be provided at the exit to the quarry to minimise potential for ash trapped in wheels to be deposited on the highway. Subject to good on-site management, these measures are considered acceptable. Day to day operations will also be controlled by the separate PPC authorisation to be issued by the Environment Agency.

### Drainage

The present quarry is worked 'dry', with the quarry floor being above the local water table. Present surface water management relies on the slope of the quarry floor to direct runoff to the lagoons in the north west corner of the quarry, from which it is directed via an open channel, a culvert and an aqueduct to the River Kenson.

Pfa has a naturally low water conductivity which is reduced further by the natural development of a cementitious layer when the ash comes into contact with water. This means that the bulk of rainfall landing on the tipped area will run off its surface.

The application proposes that the final landform will be slightly domed above the level of the adjoining land to encourage surface water runoff toward the perimeter, with steeper slopes on the southern edge where the landfill edge will lie on the base of the quarry. The existing quarry faces will be cut back to a 1:3 slope and a lining system constructed, comprising a stone drainage layer and a geological barrier layer formed of ash mixed with clay, with permeability designed to allow the small amount of leachate generated to pass through it rather than building up over it. The capping of the landfill will consist of 0.7 metre of pfa overlain by 0.3 metre of topsoil.

As stated previously, the Environment Agency are currently not satisfied with the technical details of the drainage system, but they have confirmed that this issue will be dealt with under the parallel PPC authorisation application, without which approval the development cannot proceed. Any planning permission granted should not attempt to duplicate the Agency's responsibilities.

## Ecological Issues

The Countryside Council for Wales confirm the presence of a pair of breeding Peregrine falcons (protected under Schedule 1 of the Wildlife & Countryside Act 1991) on the site. They suggest that an appropriate distance should be left between works and the nest site during the breeding season. Due to the size of the site, large areas of the quarry will remain undisturbed whilst ash disposal is concentrated in each specific phase. The Council's Ecologist considers that an alternative nesting site should be provided prior to the loss of the current site, either within the quarry or in the power station. She also recommends that an annual survey should be carried out of the quarry faces likely to be affected during the following breeding season, to identify any nesting peregrines. In the event that any are present then she concurs with CCW's comment that a sufficient standoff must be created to avoid disturbance to the birds. CCW also recommend the provision of an alternative nesting site at a suitable location within the power station. I am satisfied that these matters can be dealt with by condition.

Following an inspection of the site, the Ecologist notes that the current quarry floor provides potential habitat for Little Ringed Plover, also protected under Schedule 1 of the Wildlife & Countryside Act 1981. Again, it is recommended that an annual survey be undertaken to identify any nesting birds, with a sufficient distance being maintained between the works and the nest site.

The Council's Ecologist has concerns over the proximity of the proposed tipping area to the existing lagoons in the quarry, which are of importance to wintering wildfowl and breeding birds. As shown on the submitted phasing plan, tipping is to take place up to the edge of the lagoon and the applicants have confirmed verbally that the only 'standoff' is intended to be the width of an access track immediately adjoining the 'high water mark' of the lagoons. Whilst not shown in detail on the submitted plans, they point out that the initial creation of a 3 metre high graded bank of ash alongside the lagoons would be a relatively quick operation, with each successive 3 metre layer being 9 metres further away to create the required 30 degree side slope to the ash mound. The resulting slope facing the lagoon would be wooded or planted as appropriate once it is completed, and all further tipping would take place behind it. The applicants consider that their operations would have a similar impact to the current quarrying operations, which appear not to have any detrimental effect on the bird population.

Nevertheless, following an inspection of the site the Council's Ecologist considers that tipping close to the lagoons as indicated on the phasing plan would result in disturbance to over-wintering and breeding wildfowl, and recommends that the boundaries of the closest phases of tipping be revised prior to commencement of tipping in those phases. A revised phasing scheme, including full details of proposed operations, the creation of a sufficient buffer zone between the lakes and the infill area and mitigation measures to prevent undesirable run-off into the lagoons should be approved prior to work commencing in those phases.

In addition, an area close to the proposed access ramp has potential habitat for reptiles, and the ecologist recommends that a scheme for the clearance of reptiles should be approved prior to work commencing in that area.

On an allied issue, the applicants' operational land also includes, to the south east of the current ash mound, a rare saline lagoon and associated habitats that form part of the East Aberthaw Coast site of Special Scientific Interest and a local Wildlife Trust Nature Reserve. However, this area also forms part of the area granted permission for ash disposal in the original consent for the power station granted in the 1950s. Whilst no ash has been deposited in the sensitive area, and the commitment by the applicants to conserving the biodiversity of the nature reserve is appreciated, and whilst they have stated that they have no intention of extending the mound laterally, it is possible that continuing demand for ash disposal capacity could increase pressure for tipping in this area in future. If Members are minded to approve the current application, however, there would be no foreseeable need to tip in the lagoon and as the lagoon lies within the applicants' control I recommend that a condition be attached to any permission for ash disposal in the quarry prohibiting any lateral extensions to the southern and eastern boundaries of the ash mound as existing today.

### Restoration

Proposals for final restoration of the tipped area, as set out in the Environmental Statement, are extremely general and set out little in the way of specific methodology. It is intended that soil material stockpiled around the quarry perimeter will be used to improve the top 300mm of pfa by screening where necessary and rotovating into the top of the pfa capping layer. It is not envisaged that materials will be imported to the site for this purpose. Areas will then be seeded, planted and irrigated until adequately established.

As set out previously, the Welsh Assembly Government's Regional Planning Advisor has serious concerns about the potential for successful agricultural restoration of the site due to the nature of the tipped material and the availability of suitable restoration materials. Considerable additional work will be necessary to establish the best methods to obtain the most beneficial after-use of this extensive site, but in view of the considerable period, likely to be several years at least, before ash disposal on any part of the site would be completed, I am of the view that this issue can be dealt with by conditions requiring the submission and approval of detailed restoration schemes for each phase.

## CONCLUSION

The proposal represents both a long-term solution for the disposal of pfa and an opportunity to achieve a better restoration of the quarry than would be possible at quarry floor level, but the environmental impact of the disposal operation will require careful management and control if it is to be carried out without adverse impact to residential amenity or to the ecological interest in the site. The highway engineers are satisfied that the proposed new junction with the Rhoose bypass and the crossing of Castle Road can be achieved safely, and improved visibility to the west at the Four Cross junction will be achieved by works approved in July this year. Nevertheless the potential major increase in heavy goods vehicles for an indefinite period is neither desirable nor sustainable, and whilst the applicants' short-term ash disposal difficulties are appreciated I consider that every effort should be made to achieve an alternative ash transport system for the long term. The applicants' recent statement regarding progress with a feasibility study is acknowledged, but it is recognised that even if proved feasible an alternative system will not be in place prior to the quarry being required for disposal early in 2008. In the circumstances I consider that permission should be granted on the basis of road haulage but subject to a condition requiring the formal review of ash transport options after three years. In addition and notwithstanding the above a condition is also recommended to ensure that the transportation of pulverised fuel ash to the quarry by road will cease on or before 31<sup>st</sup> December, 2011, to ensure that the transportation of ash to the quarry is controlled in the long term.

Having regard to Policies WAST 1 (Provision of Waste Management Facilities) and WAST 2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and all other material considerations, the proposal is considered acceptable in terms of the principle of the development, its design, impact on amenity and, subject to a review after three years, highway implications. Therefore planning permission is granted subject to the conditions listed.

## 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. Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement and supporting documents received on 21st November, 2005.

Reason:

To define the development and in the interests of general amenity.

3. With the exception of any material specifically required for the treatment of the quarry floor or faces to prepare the site for the deposition of ash, or soils for use in the final restoration of the site, no material other than pulverised fuel ash arising from Aberthaw Power Station shall be deposited in the site.

Reason:

For the avoidance of doubt and in the interests of amenity.

4. Highways and Access

Prior to any pulverised fuel ash being deposited in the quarry, full engineering details of the proposed protected right turn off the B4265, the upgrading of the track between the B4265 and Castle Road, the crossing of the Castle Road and the new access to the quarry off Castle Road shall be submitted in writing to and approved by the Local Planning Authority. The approved scheme shall include details of proposals for traffic lights to control the Castle Road crossing and of the location and design of any gates at the Castle Road crossing and at the new quarry entrance.

Reason:

In the interests of highway safety and general amenity.

5. Prior to any pulverised fuel ash being deposited in the quarry a scheme of visibility improvements at the 'Four Cross' junction on the B4265 shall be implemented in accordance with details to be first submitted in writing to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety.

6. All loaded vehicles carrying pulverised fuel ash for deposition in the quarry and all empty vehicles leaving the quarry having deposited ash, shall use the new entrance to the site off Castle Road as described in the application documents.

Reason:

In the interests of highway safety.

7. By no later than 30th September, 2007 the results of a feasibility study into alternative methods of ash transport to the quarry shall be submitted in writing to the Local Planning Authority. The feasibility study shall include an assessment of the technical and way-leave issues involved in transporting ash by conveyor or pipeline, with conclusions on preferred long-term ash disposal options.

Reason:

To minimise the environmental impact of transporting ash to the quarry and in the interests of highway safety.

8. Notwithstanding the terms of this consent, the transportation of pulverised fuel ash by road from Aberthaw Power Station to the quarry road shall run for a temporary period expiring on or before 31st December, 2011, after which date the transportation of pulverised fuel ash to the quarry by road will cease, unless otherwise agreed by the Local Planning Authority.

Reason:

To review the impacts of transporting ash to the quarry by road and to assess alternative options of importing pulverised fuel ash into the quarry site.

9. All vehicles transporting pulverised fuel ash from the power station to the site shall be enclosed or sheeted.

Reason:

In the interests of highway safety and general amenity.

10. 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.

11. Prior to the commencement of any site preparation works in the excavated quarry bowl and prior to the deposition of any pulverised fuel ash in the quarry, a scheme for the cleaning of the wheels and chassis of vehicles leaving the site shall be implemented in accordance with details to be first submitted in writing to and approved by the Local Planning Authority. All vehicles leaving the quarry having deposited pfa shall use the cleaning facilities, which shall be retained in use throughout the duration of tipping operations and the subsequent restoration of the site.

Reason:

In the interests of highway safety.

12. The developer shall ensure that a suitably qualified archaeologist is present during the construction works required for the widening of the access route, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists and the Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the access route construction works, of the name and address of the said archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

13. Notwithstanding the Phasing Map submitted with the application, prior to the commencement of development a revised phasing scheme and method statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme and statement shall contain:
- (a) detailed proposals to avoid disturbance to birds over-wintering and/or nesting on the lagoons in the quarry floor;
  - (b) proposals for an appropriate stand off distance between the lagoons, the ash deposition area and any access tracks;
  - (c) full details of the method of ash deposition within each phase, including face slopes and bench thicknesses.

Reason:

In the interests of the protection of the ecological interest in the site.

14. Working Methods

Access to the site shall be provided on request at all reasonable times for the Bird Control Co-ordinator of Cardiff Wales Airport.

Reason:

In the interests of aviation safety.

15. Prior to the deposition of any ash in the site, a 1m high fence designed to restrict the movement of geese shall be erected between the high water mark of the lagoons in the quarry and the ash deposition area in accordance with details and in a location to be first approved in writing by the Local Planning Authority.

Reason:

In the interests of aviation safety.

16. No pulverised fuel ash shall be deposited at any level higher than those shown on plan reference 5.10 submitted with the application.

Reason:

In the interests of visual amenity and to ensure the beneficial restoration of the site.

17. Except as required by Condition No. 18 below, the deposition of pulverised fuel ash in the quarry and its consolidation shall take place only between the hours of 0800 and 2200 on any day.

Reason:

In the interests of residential amenity.

18. No ash deposition or consolidation operations shall be carried out in any location, on the top bench within 300m of Fonmon Road outside the hours of 0800 to 1900 on any day or at any time on Sundays or Bank and Public Holidays.

Reason:

In the interests of residential amenity.

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

In order to protect groundwater resources.

20. Amenity and Ecology

During each bird nesting season throughout the period of ash deposition at the site, a survey shall be carried out of:

- (a) any quarry faces that may be affected or disturbed by works during the subsequent breeding season, to identify the location of any breeding Peregrine falcon, and
- (b) the quarry floor to identify the location of any Little Ringed Plover or any other ground nesting bird.

The complete survey, together with proposals for mitigating the effect of ash deposition operations on the identified species, shall be forwarded to the Local Planning Authority within one month of its completion, and ash deposition during the following year shall be carried out entirely in accordance with the submitted survey or any variation thereto that may be first approved in writing by the Local Planning Authority.

Reason:

In order to mitigate the effects of the operation on interests of acknowledged ecological importance.

21. Prior to the carrying out of any site preparation or ash deposition operations within the excavated quarry bowl, a scheme for the provision of an alternative Peregrine falcon nesting platform at an appropriate location within Aberthaw Power Station shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve months of its approval and shall be so retained for use throughout the duration of ash deposition operations in the quarry.

Reason:

To ensure the protection of the ornithological interest in the site.

22. Prior to the commencement of construction of the new access to the quarry off Castle Road or of any internal access ramp from that access to the quarry void, a scheme for the mitigation of the impact of these parts of the development on any reptiles within the site shall be submitted in writing to and approved in writing by the Local Planning Authority. All subsequent operations shall be carried out entirely in accordance with the approved scheme or any variation thereto that may first be approved in writing by the Local Planning Authority.

Reason:

In order to mitigate the effects of the operation on interests of acknowledged ecological importance.

23. The removal, replanting or translocation of any hedgerows and ground flora required to create new or improved accesses to the B4265, Castle Road and the quarry shall be carried out entirely in accordance with a scheme to be first submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall include detailed provisions for any translocation works and details of species and density of any new planting, and for the creation of a new hedgerow on the eastern side of the improved track between the B4265 and Castle Road.

Reason:

In order to protect the ecological interest in the site and in the interests of visual amenity.

24. Any hedgerow removal, forming part of the scheme approved under Condition No. 23 above, shall be carried out only during the months of September to February inclusive.

Reason:

In order to protect the ecological interest in the site and in the interest of visual amenity.

25. Notwithstanding the submitted documents, prior to the commencement of development, a scheme for noise attenuation and for the regular monitoring of noise from the development at or as close as practicable to Home Farm, Fonmon, shall be submitted in writing to and approved in writing by the Local Planning Authority, and the approved scheme or such variation thereto that may first be approved in writing by the Local Planning Authority shall thereafter be fully implemented throughout all periods of ash deposition and subsequent restoration of the site. The approved scheme shall have particular regard to the advice given in Technical Advice Note 11 (Noise) and Minerals Technical Advice Note 1 (Aggregates) in assessing appropriate noise limits at dwellings.

Reason:

In the interests of residential amenity.

26. All reversing sirens on mobile plant, machinery or vehicles shall be of the self-attenuating type with a variable sound power level, automatically adjusted dependent on background noise levels such that the sound power level of the units does not exceed 10 dB above background noise levels.

Reason:

In the interests of local amenity.

27. Prior to the deposition of any pulverised fuel ash in the quarry, a scheme for the minimisation and mitigation of dust arising from operations at the site shall be submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall include a working plan and operational procedure to be followed, including actions, roles and responsibilities, shall be implemented at the time of the first deposition of ash in the quarry and shall be retained in operation throughout all periods of ash deposition and subsequent restoration of the site.

Reason:

In the interest of general and residential amenity.

28. No later than twelve months following the date of commencement of ash deposition in each of the phases approved under Condition No. 13 of this permission, a detailed restoration scheme for that phase shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve months of its approval and shall make provision for formation of topsoils and subsequent seeding and appropriate aftercare.

Reason:

To ensure the satisfactory restoration of the site.

29. The scheme approved under Condition No. 28 above shall have particular regard to the nature and quantities of any capping material to be imported, and shall make provision for an appropriate agricultural aftercare scheme.

Reason:

To ensure the satisfactory restoration of the site.

30. All soils and soil-forming materials on the site at the date of this permission shall be retained for use in the scheme of agricultural restoration to be approved under Condition Nos. 28 and 29 above.

Reason:

To ensure the satisfactory restoration of the site.

31. Notwithstanding the provisions of planning permission reference 79/02300/FUL or the deemed planning permission granted on 3rd November, 1955 by the former Minister of Fuel and Power, no further lateral extension shall take place to the southern or eastern perimeters of the ash mound at Aberthaw Power Station as existing at the date of this permission.

Reason:

In order to protect the ecological interest of the adjoining Site of Special Scientific Interest.

**NOTE:**

1. **You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**

- 2. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
- 3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 4. 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.**
- 5. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
- 6. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account the environmental information submitted with this application.**

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

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

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

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

**RECOMMENDATION 2**

That the proposal be approved as a revised restoration scheme for the eastern part of the quarry bowl in discharge of Clause 1(e) of the Section 52 (now Section 106) Agreement signed on 19<sup>th</sup> October, 1979.

**2006/00124/FUL**

Received on 30 January 2006

E. R. & D. L. Jenkins, Briar Hall, Llantarnam Gardens, Newport Road, Torfaen. ,  
NP44 3HN

E. R. & D. L. Jenkins, Briar Hall, Llantarnam Gardens, Newport Road, Torfaen. ,  
NP44 3HN

**HM land registry title number WA594793, land at Trehill, St. Nicholas**

2 no. detached residences

The development/property is situated within/adjoining the St. Nicholas  
Conservation Area.

The application was advertised on 7<sup>th</sup> February, 2006.

**SITE DESCRIPTION**

The application relates to an undeveloped area of open land on the north western  
fringe of St. Nicholas. Cottrell Park golf course is located to the north west of the  
site.

**DESCRIPTION OF DEVELOPMENT**

This is a full planning application seeking to construct 2 No. detached residential  
properties on the site. Both properties have four bedrooms. Access to Plot 1 is  
proposed off the lane whilst Plot 2 would be accessed via the private drive serving  
existing residential properties to the south of the site.

**PLANNING HISTORY**

97/01117/FUL – Planning application for a detached dwelling was refused on 11<sup>th</sup>  
December 1997 but a subsequent appeal was allowed on 2<sup>nd</sup> June, 1998.

99/00885/FUL – Full planning permission was granted on 27<sup>th</sup> January, 2000 for a  
dwelling on the site.

05/00016/FUL – Full planning permission was granted on 24<sup>th</sup> March, 2005 to  
renew planning permission ref: 99/00885/FUL for a dwelling on the side.

**CONSULTATIONS**

St. Nicholas and Bonvilston Community Council object to the application which  
would constitute over development of the site. The Community Council has been  
consulted on the revised plans recently submitted and any comments received will  
be reported at Committee.

Glamorgan Gwent Archaeological Trust has no objection to the application.

Vale of Glamorgan Conservation Advisory Group considered that the  
development of the site would have an adverse effect on the Conservation Area,  
being out of keeping with the character of the Conservation Area.

The Head of Visible Services (Highways Engineers) has requested that revised plans be submitted regarding the proposed access arrangements.

## REPRESENTATIONS

Neighbouring occupiers have been consulted. The occupiers of Charnwood, The Old Manse and Gates End House have objected to the application (see letters attached as Appendix A). Neighbours have been re-consulted on the amended plans and any comments received will be reported at Committee.

## REPORT

This application was deferred for a site inspection by Planning Committee on 12<sup>th</sup> July, 2006.

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site lies within the St. Nicholas residential settlement boundary. The eastern part of the site is located within the St. Nicholas Conservation Area. The site also immediately adjoins the Ely Valley Special Landscape Area to the north.

Policy HOUS2 states that housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS8 will be permitted within the settlement boundaries of rural settlements including that of St. Nicholas.

Policy HOUS8 of the Unitary Development Plan states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets a number of criteria, including that the scale, form and character of the proposed development is sympathetic to the environs of the site and the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments.

Policy HOUS11 states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Two planning permissions have previously been granted to construct a single dwelling on the site, although these permissions have not been implemented. The site is located within the settlement boundary, and so the principle of constructing two houses on the site is considered acceptable.

The main issues with regard to the proposal are considered to be firstly the scale and extent of development, having regard to the Council's adopted Supplementary Planning Guidance 'Amenity Standards', and secondly, the impact of the proposal on the appearance and character of the conservation area, in light of Policies ENV17 and ENV20 of the Unitary Development Plan.

Further to concerns being expressed by this Department regarding the scale and design of the development, the plans have been revised as follows:

- The proposed dwelling on Plot 1 has been increased slightly (by just under a metre) in terms of its width to 23.2 metres but reduced in terms of its depth compared to the originally submitted plans. The height of the dwelling has also been reduced by a metre (now 9 metres). However, more importantly, the design of the proposed dwelling has been significantly simplified. The original plans for Plot 1, which proposed a very flamboyant design involving a mix of styles have now been withdrawn. The dwelling on Plot 1 would now match the style of the dwelling on Plot 2, albeit slightly larger. A separate garage/outbuilding previously proposed on Plot 1 has been omitted from the scheme.
- The size of the proposed dwelling on Plot 2 has been reduced by 2.2 metres to a width of 21.3 metres and in depth by approximately a metre to 13 metres. The roof structure has been simplified and the height of the proposed dwelling has also been reduced by 0.3 metres to 8.5 metres.

The Council's approved standards on amenity space require 1 square metre of amenity space per 1 square metre of floor area. The property on Plot No. 1 would have a total floor area of approximately 486 square metres, whilst the garden area would be approximately 531 square metres. The proposed dwelling on Plot 2 would have a floor area of approximately 402 square metres, whilst the garden area would be only approximately 410 square metres. It is considered that sufficient garden area would be provided to serve the two properties.

The eastern part of the site is located within the St. Nicholas Conservation Area. The design of the existing properties to the south of the site does little to contribute to the architectural and historic context of St. Nicholas, which is variable and centred around the historic buildings largely situated along the A48 frontage. However, the existing properties are of reasonably pleasant appearance that do nothing to harm the character and appearance of the area.

Whilst the proposed dwellings remain significant in terms of their scale, the design now proposed is more traditional in style and would have a less unsettling impact upon the character of the area. On balance, it is considered that the proposed development would preserve the character of the area and would therefore accord with Policies ENV17 and ENV20 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

In terms of privacy implications, a bedroom window on the front elevation of the proposed dwelling on Plot 2 would be sited within 18 metres of a bedroom window in the property opposite (Trehill Manor), but given the orientation of the respective dwellings it is considered that no undue loss of privacy should occur.

There are concerns regarding the point of access to Plot 1, which has the potential to result in vehicular conflict with vehicles exiting the existing private drive. However, subject to agreement with the applicant to revise the proposal to create the access off the existing private drive, this is an issue that can be easily resolved by condition.

There is a large Ash tree on the site that is protected by a Tree Preservation Order. No tree survey has been submitted with the application but it is reasonably clear that the construction of the dwelling on Plot 2 will require the tree to be felled. However, the tree is old and in relatively poor condition and so whilst its loss would be regrettable it is not considered that the application could be resisted on the grounds of the loss of this tree. A condition is recommended to require the planting of a replacement tree on the site.

## CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, 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 (In Regard of Infill Development), HOUS8 (Residential Development Criteria), HOUS11 (Residential Privacy and Space), ENV17 (Protection Of Built And Historic Environment), ENV20 (Development in Conservation Areas) and ENV27 (Design of New Developments) and all other material considerations, the proposal is considered acceptable in terms of its principle, impact on the amenities of nearby occupiers, highway considerations and impact on the Conservation Area. Therefore, planning permission is granted subject to the conditions listed.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 1, 2, 3, 4, 6, 7, 8 received on 26th June, 2006 and reference 5A received on 28th June, 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.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no additional windows shall be inserted in the western elevation of the dwelling on Plot 2 hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers.

6. The first floor windows serving the bathroom and the guest bedroom in the western side elevation of the proposed dwelling on Plot 2 shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the dwelling on Plot No. 2 and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded.

7. Full details of a scheme for surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to the beneficial occupation of the dwellings hereby approved.

Reason:

To ensure an orderly form of development.

8. Notwithstanding the submitted plans, prior to the commencement of development, revised plans shall be submitted to and agreed in writing with the Local Planning Authority showing the proposed vehicular access to Plot 1 to be served off the existing private drive. 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 approved details and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision of parking and turning facilities to serve the development and in the interests of highway safety.

9. 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.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

12. In pursuance of Condition Nos. 10 and 11, a replacement tree shall be planted in the first planting season following occupation of the dwellings or completion of the development, whichever is the sooner in accordance with full details which shall have first been submitted to and agreed in writing with the Local Planning Authority.

Reason:

To compensate for the loss of a protected tree.

13. Full details of windows, including roof lights, eaves, doors, rainwater goods and all external finishes and materials shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out strictly in accordance with these details.

Reason:

To preserve the character of the Conservation Area.

**NOTE:**

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

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

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

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

**2006/00163/FUL**

Received on 7 February 2006

Loyn & Co. Architects, 21, Victoria Road, Penarth, Vale of Glamorgan. , CF64 3EG

John Lean Esq, 68, Huddleston Road, London. , N7 0AG

### **9, Kymin Terrace, Penarth**

Demolition of existing garage and stores to be replaced with new dwelling, together with new forecourt for car parking servicing original house

The development/property is situated within the Penarth Conservation Area.

The application is for demolition within the Penarth Conservation Area.

The application was advertised on 17<sup>th</sup> February, 2006.

### **SITE DESCRIPTION**

The site relates to part of the rear garden of a substantial, end of terrace Victorian property which fronts onto Kymin Terrace but being a corner property also has a side boundary to Bradford Place.

The site is generally triangular having a boundary of approximately 70m to Bradford Place. The site also backs onto the rear lane serving properties on Kymin Terrace, Bradford Place and Beach Lane.

There is a garage of stone and brick construction with a flat roof situated at the rear of the site. A stone boundary wall encloses the site.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks consent to demolish the existing garage and to erect a single dwelling on part of the rear garden. The area to be occupied by the house and curtilage including parking for 2 No. cars, extends approximately 26m from the rear lane into the rear garden with a maximum width of approximately 18m.

The dwelling will be part single, part two storey. The footprint will measure approximately 15.7m in depth by 17.2m in an L-shape. The two storey element will run at right angles to Bradford Place, filling the full width of the site.

It will be finished with a flat roof and materials of construction will be dressed blue pennant stone wall, render to first floor walls (mid grey colour) with translucent glass end wall elevation facing Bradford Place. Ground floor walls to be coloured render (off white).

The maximum height of the building will be 5.7m with 3.6m above the existing stone boundary wall with Bradford Place and 6.4m above garden level nearest to the boundary with No. 8 Kymin Terrace.

A letter submitted by the applicant's agent is attached as Appendix A.

## PLANNING HISTORY

Planning consent and Conservation Area Consent was granted in 1992 for demolition of the existing garage and its replacement with a two storey garage. This has not been fully implemented (ref: 92/00845/FUL).

04/00436/FUL – Replace roof with slate. Approved 6<sup>th</sup> August, 2004.

## CONSULTATIONS

Penarth Town Council in respect of the amended plans now before the Local Planning Authority comment as follows:

“Having considered the amended plans/further details received by the Vale of Glamorgan Council on 26<sup>th</sup> May, 2006 the Town Council maintains the view that the application should be refused on the basis that the prominent siting, design, form and external finishes of the proposed new dwelling are considered to have an adverse impact on the visual amenities of the streetscene, which would neither preserve nor enhance the character and appearance of the Penarth Conservation Area.”

Vale of Glamorgan Conservation Advisory Group at its meeting on 29<sup>th</sup> June, 2006 recommended approval of the application.

Environment Agency Wales standard advice applies.

The Head of Visible Services (Highway Development) “Further to receiving amended scheme details in relation to the above application, I would comment as follows:

The amended plans show that the parking, which was previously proposed within the front of the existing dwelling will not be provided and the existing parking within the rear garage will be allocated for the use of the proposed dwelling on the site.

Consequently the development proposals will increase the existing parking deficiency at the development site from 1 to 3 parking spaces for the existing dwelling.

Therefore, the Highway Authority object to the development proposals based on the loss of existing parking.”

Dwr Cymru/Welsh Water. See Appendix B.

## REPRESENTATIONS

Representations objecting to the proposed development have been received from 11 (13 in total with two properties having written twice) properties the main objections to the development can be summarised as follows.

1. The site is in a Conservation Area.

2. Highway safety and traffic congestion.
3. Building proposed does not accord with its surroundings.
4. Possibility of setting a precedent.
5. Effect on the value of surrounding properties.
6. Possibility of overlooking.

The 6 letters received in respect of the amended scheme are reproduced as Appendix C.

## REPORT

The site lies within the settlement boundary defined for Penarth in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site also falls within the Penarth Conservation Area.

### Planning Policies

The relevant policies to be considered in the determination of the application therefore include:

ENV17 – ‘Protection of the Built and Historic Environment’ whereby development which has a detrimental effect on the special character, appearance or setting of Conservation Areas will not be permitted.

ENV20 – ‘Development in Conservation Areas’ will be permitted where they preserve or enhance the character of the area and includes that development will need to reflect the scale, design, layout, character, materials and setting of the area.

ENV21 – ‘Demolition in Conservation Areas’ will be strictly controlled including boundary walls where they make an important visual contribution to the quality of the streetscene and demolition will only then be permitted where full planning permission has been granted for the new use or development.

ENV27 – ‘Design of New Developments’ lists 9 criteria, including that the development complements or enhances the local character of buildings and open spaces, which new development should meet.

HOUS2 – ‘Additional Residential Development’ permits small scale development and redevelopment in defined settlements including Penarth, subject to residential development criteria contained in Policy HOUS8.

HOUS8 – The criteria include reference to scale, form and character.

HOUS11 – ‘Residential Privacy and Space’ whereby areas characterised by high standards of privacy and spaciousness will be protected against overdevelopment and insensitive or inappropriate infilling.

Other relevant policy advice includes that contained in Planning Policy Wales (2002), TAN12 Design and the Council's Penarth Appraisal.

### Issues

The Penarth Appraisal refers to Kymin Terrace as a whole as key frontages with the former Lindens being a weak frontage and out of context. However it should be noted that the Lindens site has been converted and improved since this document was written.

In defining the area of Kymin Terrace and Bradford Place the Appraisal indicates that the character of the area has been severely weakened by modern flat developments. These being conspicuous by their lack of street frontage, out of scale massing and ill defined public/private/semi private space. Kymin Terrace itself however is a key frontage being "an important example of a unified Victorian Terrace built out of local limestone. Its setting is enhanced by its relationship with the adjacent landscaped open space at Kymin Gardens" (page 23: para 4.6.3).

The development will broach the area of open vista above the boundary wall of No. 9 Kymin Terrace with Bradford Place. Currently the length of garden creates an open landscaped area between the built development of Nos. 2-4 (even) Bradford Place and the existing dwelling at No. 9. Whilst this will change the open area an assessment should be made of the impacts that the development will make on the area as whole, to the setting of No. 9 Kymin Terrace and to the amenities and privacy of neighbours with particular reference to No. 8 Kymin Terrace.

### Impact on the Conservation Area

The area is characterised by a mix of relatively substantial Victorian properties and more modern blocks of flats. Generally the properties are set within relatively substantial plots. The older properties front the highway. The development will differ in that it sits at right angles to the road and thus will be at variance with the prevailing arrangement of development in the area. The site when viewed along Bradford Place appears as an open space behind the relatively high limestone boundary wall and whilst the site is relatively large and the development would intrude into this open space this would not in itself be unacceptable. Space would remain visually between Kymin Terrace and the site and housing on Bradford Place. The garden area has value as an open space albeit this has not been specifically referred to in the Penarth Appraisal. It is therefore necessary to consider whether this intrusion would be so detrimental to the character and setting of the Conservation Area as to warrant refusal. The dwelling would lie some 6m from the nearest part of the rear elevation of No. 9 Kymin Terrace. The amended design of the property and its amended orientation have undoubtedly reduced the impact of the development when walking west to east along Bradford Place. Due to the distances between Kymin Terrace and housing on the same side of Bradford Place as the site, an element of open space would remain even though the development would be seen end on and in walking the other way along the road would present a visual break to the current openness of this part of the Conservation Area. To the rear east facing elevation a blank 'wall' of development is presented and this has been relieved only by the indicative planting on the submitted drawings, and not by design features.

It should be noted that this site historically had a two storey Coach House located at the western extremity of the rear garden. The planning application in 1992 which was not fully implemented allowed for rebuilding of that building. The details of the scheme provided for a building 8.5m x 4.7m x 6.4m in height adjacent to the rear lane with pitched roof. Whilst this development will be seen, it is not considered that this would be unacceptable, subject to securing the screen planting as shown indicatively on the submitted plans.

The loss of the flat roofed garage would not be detrimental to the character of the Conservation Area however the stone boundary walls should be retained in limestone to enclose the site.

### Design

As a development in its own right the contemporary form and detailing is of a good design, and subject to the use of quality materials, would present a building of some quality. In terms of the design in relation to the adjoining properties, and in this respect No. 9 Kymin Terrace is also to be considered, there is however some concern. It presents a blank wall at a height of between 5.7m and 6.4m for the full width of the rear garden of No. 9 and in the side elevation to No. 8 Kymin Terrace's gardens, but screen planting will offer relief in this respect.

### Residential Amenity

The scale of the garden, orientation of the site, and distance from No. 8, lying approximately 13m from the rear of that dwelling's main building is such that again it is not so harmful to amenity that the development should be refused.

In respect of the impact on No. 9 Kymin Terrace, the proposed tree screening, distance and relatively extensive garden remaining for that property after the development is such that it will not be adversely affected. One existing tree is shown as to be retained and this also 'breaks up' the elevation when viewed from the surrounding streetscene.

The design and detailing of the dwelling are such that privacy of neighbours is generally safeguarded.

### Car Parking

The development will provide parking on site for the dwelling but as a consequence will displace the parking provided for the original dwelling. It is noted that the dwellings on Kymin Terrace, whilst there are rear garages served off the rear lane, there is a reliance on on-street parking. Whilst Kymin Terrace is generally fully parked during evenings there is parking available in the near vicinity including on Bradford Place. To resist the scheme solely on this basis is not considered to be a sustainable justification.

## Amenity Standards

The dwelling will provide a private garden 'courtyard area'. This provides approximately 144 square metres of garden area enclosed behind walls for a dwelling extending to 205 square metres approximately. The development is, therefore deficient by 61 square metres. Whilst all development should seek to provide amenity space to meet the Local Planning Authority's standards, the privacy of the enclosed areas provided is such that a refusal on the basis of deficient space in this instance would be difficult to support.

## CONCLUSION

Having regard to Policies ENV17 – Protection of the Built and Historic Environment, ENV20 – Development in Conservation Areas, ENV21 – Demolition in Conservation Areas, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, HOUS11 – Residential Privacy and Space, the Council's adopted 'Amenity Standards' and the Penarth Appraisal, the scale, design and location of the development is such that it is considered to represent an acceptable contemporary development in this location which does not adversely affect the character or setting of the Conservation Area nor the amenities and privacy of nearby residents in Kymin Terrace or Bradford Place and provides adequate parking without adverse effect on highway safety.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the dwelling or the completion of the development, whichever is the sooner, and shall include details of all existing trees showing those to be retained and those to be removed.

Reason:

In the interests of the visual amenities of the Conservation Area and the amenities of adjoining occupiers.

3. 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.

4. A scheme providing for the fencing of the trees to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area.

5. Prior to the layout of the slab full details, including sections of the site, showing existing ground levels, finished floor levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the visual amenities of the Conservation Area and the amenities of adjoining occupiers.

6. Prior to their use on site, details and samples of the materials to be used in the roofing, guttering and rainwater goods and details of any flues, vents or other external pipework shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved samples and details.

Reason:

To safeguard the visual amenities of the Conservation Area and the amenities of adjoining occupiers.

7. Details of the proposed boundary enclosures including the materials to be used and mortar details and details of the extent of and a method statement for, the repair of existing walls, and details of any gates, shall be submitted to and approved in writing by the Local Planning Authority and all enclosures and any gates shall thereafter be provided in accordance with the approved details and thereafter so retained at all times.

Reason:

To safeguard the visual amenities of the Conservation Area and of adjoining occupiers.

8. The 2 car parking spaces indicated on Drawing Ref: 0502/P13 shall be provided on site prior to the first beneficial occupation of the dwelling hereby approved and shall be surfaced at the time of construction in materials, samples of which shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. The 2 car parking spaces shall thereafter be provided at all times to serve the dwelling hereby approved.

Reason:

To ensure the provision of on-site parking to serve the dwelling.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for the purpose incidental to the enjoyment of 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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, walls, gate or other means of enclosure other than as approved under Condition No. 7 above shall be placed, erected or constructed on site without the prior consent of the Local Planning Authority.

Reason:

To safeguard the visual amenities of the Conservation Area.

**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. Please note that this site lies within a Conservation Area. Under the Town and Country Planning Act 1990 a person who wishes to carry out work to trees must give the Local Planning Authority six weeks notice in writing of their intentions. Work to the trees must not be carried out during this period without permission, if you do you could be liable to prosecution. You may also be required to plant a replacement tree. There are exceptions to this rule and it would be advisable to check with the Local Planning Authority before undertaking works to trees within the Conservation Area.
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.
5. The Applicant / Developer should be aware of the requirements under the Wildlife and Countryside Act 1981. Account must be taken of the need to protect habitats. For specific advice you may contact the Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff, Tel: 029 207 72400.

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.**

Pengraf Design, 4, Spowart Avenue, Llanelli  
Mr R Evans, Powersport Ho. , Queens Road, Bridgend, CF31 3UT.

**Plot adjacent to Beech House, 69 Broadway, Cowbridge**

New dwelling house.

**SITE DESCRIPTION**

The application site relates to the side garden of a large detached dwelling known as Beech Court at No. 69 Broadway, Cowbridge. The existing dwelling is an inter war 30's style detached dwelling with a hipped roof and rendered elevations. The dwelling sits in a large, curtilage where the dwelling and existing access is sited in an off-set position on the western side of the curtilage.

The application site is 24 metres wide by a depth of 33 metres, with a frontage onto Broadway enclosed by an existing stone retaining wall and bounded by mature trees. The site is some 1-2 metres below the level of the main house, accessed by steps.

The application site has recently been cleared and levelled, although this part of the garden was originally occupied by a swimming pool, pool house and the remaining garden area is landscaped with mature trees along its boundaries. It should be noted that the application site is covered by several Tree Preservation Orders.

**DESCRIPTION OF DEVELOPMENT**

Following approval of outline planning permission ref: 05/01140/OUT which approved access, this is a reserved matters application for the construction of a detached dwelling.

The scheme as amended relates to a large detached five bedroom dwelling of split level modern design, with integral garage, providing accommodation over three levels.

The dwelling will be set back some 11 metres from the highway and will be off-set towards the eastern side of the plot. The dwelling is of an irregular footprint and measures a maximum width of 16 metres by a maximum depth of 14 metres with eaves heights of 5 metres and ridge height of 8.7 metres. The dwelling will have a modern double height glazed gabled entrance and to the rear a triple height curved bay. The dwelling will be finished in roughcast render and facing brickwork on windows heads and cills and lower level plinth, with a slate roof and upvc windows.

The dwelling will be served by 3 parking space to the front and side of property and two spaces within the integral double garage.

## PLANNING HISTORY

05/001140/OUT - Outline application for the construction of one dwelling. Approved 23<sup>rd</sup> September, 2005 subject to conditions.

05/00824/TPO - Fell 3 douglas firs. Approved 7<sup>th</sup> June, 2005.

04/001670/OUT - Construction of one dwelling. Withdrawn.

## CONSULTATIONS

Cowbrige with Llanblethian Town Council were consulted and raised an objection to the application on the following grounds:

- i. The proposal fails to improve or enhance the Conservation Area.
- ii. It is out of keeping with a number of surrounding properties.
- iii. The scale of the development will dominate properties to the west considering the fall of the land and will also dominate the landscape.
- iv. Members are concerned with the narrowness of the road at the point of the new access.
- v. The Committee notes that the entrance has already been created which makes this part of the application retrospective.

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

Dwr Cymru/Welsh Water were consulted and have requested that conditions and an advisory note shall be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site.

The Head of Visible Services (Highways Development) was consulted and has stated the following:

“The submitted drawings and supporting information has been assessed and the proposals for the development are considered to be acceptable in principle. There are no highway grounds to sustain an objection to the development, provided that the developer submits the required details for approval prior to commencement of the development. These details, listed below, should be made conditional to the planning approval.

- i. A detailed design of the proposed access to the development is required to be submitted for approval in writing by the Highway Authority before commencement of development.

- ii. Visibility splays from the proposed access shall be provided at 2.0 x 70.0m in both directions along Broadway. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.
- iii. Access to the development will have a hard surface of concrete or bituminous material for a minimum distance of 10.0m from the highway boundary.
- iv. No surface water from the development site shall drain onto the adopted highway or into the Highway Authority drainage system. The applicant must take provision for the disposal of surface water on site.

### REPRESENTATIONS

Adjacent occupiers were notified on the original and amended scheme and to date letters of representation have been received from the occupiers of the adjacent dwellings of Maes Glas and No. 86 Broadway which is located opposite the application site. The comments made are summarised below :

- i. Increase in traffic onto a narrow road with poor visibility.
- ii. Height of property will be obstructive.
- iii. Proposed windows will result in a loss of privacy to adjacent occupiers.
- iv. The fact that the excavated material has been tipped in the field to the rear of the property.

### REPORT

Policy HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries, where the following criteria are relevant:

1. The scale, form and character of the proposed development is sympathetic to the environs of the site.
2. The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
3. The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
4. When appropriate and feasible the provisions of Policy REC3 are met.

5. The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
6. Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

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

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

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

It should be noted that the site does not fall within the Cowbridge with Llanblethian Conservation Area.

### Issues

Given that the principle of development has been approved including access, the main matters to be considered relate to the appropriateness of siting, scale, design and materials of the dwelling, its impact on the privacy of adjacent occupiers and impact on the street scene.

In relation to siting, the dwelling is set well back from the highway (11 metres) and is in keeping with the general building line of the dwellings located either side of the application site on Broadway. Furthermore the site is well screened by mature planting and protected trees which will further reduce the visibility of the dwelling from the road. The trees covered by a Tree Preservation Order will be unaffected by the development subject to a condition to ensure that they are protected during the course of the development.

In terms of scale and design, the dwelling is of a large modern split level design where the split level design divides the dwelling into two distinct elements which reduces the scale and massing of the dwelling as a whole. In terms of the height of the dwelling, the submitted cross section plan in shows that the ridge height of the dwelling will fall between that of No. 69 Broadway and Maes Glas and as such will follow the stepped ridge heights of the adjacent dwellings and is therefore considered acceptable. The materials and finishes proposed comprise a mix of render and facing brick which will match that of adjacent dwellings in Broadway and is therefore considered acceptable.

In terms of impact on privacy and amenity of adjacent occupiers, the original scheme proposed several habitable windows in the side elevation of the dwelling and a balcony. This would have resulted in overlooking of the adjacent dwelling of Maes Glas. Following representations received from the occupier of the adjacent dwelling, revisions were made reducing the number of habitable windows, omitting the balcony and indicating obscure glazing to the stairwell windows. The adjacent occupier however still raises concern over the opening of the obscured windows and overlooking of other windows. However it should be noted that there are no habitable windows in the amended plans which fall within 21 metres of habitable windows in the adjacent dwelling which would accord with the Amenity Standards SPG. Furthermore the proposed dwelling will not impact on the privacy of the other adjacent dwelling of No. 69 Broadway which is at a higher level.

## CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 (Design of New Developments), HOUS8 (Residential Development Criteria – Policy HOUS2 Settlements) and HOUS11 (Residential Privacy and Space) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Amenity Standards Supplementary Planning Guidance and all other material considerations, the proposal is considered acceptable in terms of its siting, scale, design and materials, impact on neighbours, street scene, highway implications and impact on the protected trees within the site.

The following recommendation is made.

## RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent shall relate to the plans registered on 13th February, 2006 other than where amended by plans reference 002 (A) - 005 (A) and cross-section through site received on 10th July, 2006.

Reason:

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

2. Notwithstanding the submitted site plan, further plans of the access to a scale of 1:100 indicating the detailed design of the access, visibility splay, the height and location of the proposed retaining stone walls and details of the driveway and parking areas and their means of construction, shall be submitted to and agreed in writing with the Local Planning Authority before commencement of the development and the access, driveway and parking areas shall thereafter be constructed in full accordance with the agreed scheme prior to the first beneficial occupation of the dwelling hereby approved and so retained thereafter at all times to serve the dwelling hereby approved.

Reason:

In the interests of highway safety and visual amenity.

3. A scheme providing for the fencing of the trees to be retained and all protected trees on site showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area.

4. Prior to their use on site samples of slate, ridge/hip tiles and facing brick to be used in the construction of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using only those materials approved as samples by the Local Planning Authority.

Reason:

To ensure that the visual amenities of the area are safeguarded.

5. Notwithstanding the submitted plans, further details and specifications of the proposed windows, doors, rooflights, eaves and verge details to a scale of 1:10, 1:20 or 1:50 as appropriate, 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 full accordance with the agreed details.

Reason:

In the interests of visual amenities of the area.

6. Details of a scheme of landscaping including details of all planting, its size, species and density shall be submitted to the Local Planning Authority for their approval in writing.

Reason:

To safeguard local visual amenities.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of 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.

8. Prior to the first beneficial occupation of the dwelling hereby approved, the boundary defining the southern part of the approved residential curtilage shall be reinstated with a post and rail fence (which shall not exceed a height of 1.5m) and shall be inter-planted with plants of approximately 90cms size at planting, planted in a double staggered row comprised of hawthorn, hazel and field maple, planted at 30cm centres and shall thereafter be so maintained at all times. Any plants which within a period of 5 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 a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities and to ensure a satisfactory reinstatement of the established residential curtilage.

**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.**

**2006/00555/FUL**

Received on 20 April 2006

Martin Tomlinson, Bryn Hyfryd, Primrose Hill, Cowbridge, Vale of Glamorgan. ,  
CF71 7DU  
Martin Tomlinson, Bryn Hyfryd, Primrose Hill, Cowbridge, Vale of Glamorgan. ,  
CF71 7DU

**Bryn Hyfryd, Primrose Hill, Cowbridge**

Removal/alteration of conditions to allow building to be used for short term holiday lets

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

The application was advertised on 16<sup>th</sup> May, 2006.

**SITE DESCRIPTION**

The application site relates to the curtilage of a detached house and a stand alone stable building approved for use as a self contained granny annex, located on the southern side of Cardiff Road on the eastern side of Cowbridge, within the Cowbridge with Llanblethian Conservation Area.

**DESCRIPTION OF DEVELOPMENT**

This is a full application for removal of a condition to allow the building to be used for short term holiday lets. More specifically the application relates to the variation of Condition No. 4 of planning permission reference 98/00314/FUL which granted consent for the conversion and extension of the stable to form a granny annex. Condition No. 4 states:

The proposed granny accommodation hereby approved shall be used solely as ancillary accommodation incidental to the use of Bryn Hyfryd as a single dwelling unit and not as a separate unit of accommodation.

*Reason:*

For the avoidance of doubt as to the nature of this consent.

**PLANNING HISTORY**

94/00328/FUL – Proposed new dwelling (Bryn Hyfryd), on land to rear of Eastfield House. Approved 26<sup>th</sup> July, 1994 subject to conditions.

98/00314/FUL – Conversion of stable and extension to form granny annex. Approved 12<sup>th</sup> June, 1998 subject to conditions.

98/01000/FUL – Change of use of annex to separate dwelling. Withdrawn.

## CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on the original scheme and raised an objection on the grounds of the access being via a very narrow land and the increase in vehicular movements. The Town Council were reconsulted on the additional drawings which related to revised access and parking arrangements, although to date no comments have been received.

The Head of Visible Services (Highway Development) – “Further to receiving amended plans in relation to the above application, I would comment that the Highway Authority are unable to sustain an objection to the development proposals provided that the following details are made conditional to the planning consent.

- (1) Access to the proposed holiday let shall only be provided from Coxen Lane.
- (2) Access to Bryn Hyfryd shall only be provided via the existing private drive currently serving The Orchard and Bryn Hyfryd.
- (3) The proposed boundary wall and fence as shown on the amended plan (Drawing No. 2006-1 Rev) segregating both uses on the development site shall be constructed before beneficial occupation of the holiday let and shall be maintained and retained at all times.
- (4) One parking space and a manoeuvring area shall be provided within the boundary of the site of the proposed Holiday Let and four parking spaces (three residential and one visitor space) shall be provided within the boundary of Bryn Hyfryd. The allocated parking shall be maintained and retained at all time for the purpose associated with each use on the development site.”

## REPRESENTATIONS

Adjacent properties were consulted on the original scheme and on the additional drawings. To date the occupiers of five neighbouring dwellings have objected, one of which (from the occupiers of East Court) is attached as Appendix A. The objections are summarised below:

1. Increase use of Coxen lane and the private driveway.
2. Increase hazard with drivers turning onto Primrose Hill and Cardiff Road.
3. Potential increase in noise and disturbance from occupiers of the holiday let.

## REPORT

Planning permission ref: 98/00314/FUL was granted for the conversion of stable and extension to form granny annex. The stable building has been substantially converted although to date appears to remain unoccupied.

### Planning Policies

The proposal relates to the conversion to a holiday let within the settlement boundary of Cowbridge. There is no specific policy which relates to the proposal however, however the most relevant policy would be Policy TOUR 3 - Conversion of Buildings to Guest Houses and Bed and Breakfast Accommodation within Settlement Boundaries, contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, which states:

PROPOSALS FOR THE CONVERSION OF EXISTING BUILDINGS WITHIN SETTLEMENT BOUNDARIES TO GUEST HOUSES AND BED AND BREAKFAST ACCOMMODATION 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; AND
- (vii) PARKING IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S

The application site also falls within the Conservation Area and therefore Policy ENV20 – Development in Conservation Areas is relevant. This policy states that:

PROPOSALS FOR NEW DEVELOPMENT OR ALTERATIONS TO BUILDINGS OR FEATURES WITHIN CONSERVATION AREAS WILL BE PERMITTED WHERE THEY PRESERVE OR ENHANCE THE CHARACTER OF THE CONSERVATION AREA. SUCH PROPOSALS WILL NEED TO REFLECT:

- (i) THE SCALE, DESIGN, LAYOUT, CHARACTER, MATERIALS AND SETTING OF THOSE BUILDINGS WHICH ESTABLISH THE CHARACTER OF THE AREA,
- (ii) THE PATTERNS OF USE WHICH ESTABLISH THE CHARACTER OF THE AREA;
- (iii) IMPORTANT OPEN SPACE WITHIN AND ADJOINING CONSERVATION AREAS;
- (iv) IMPORTANT TREES AND HEDGEROWS; AND

(v) PONDS AND STREAMS.

### Issues

This is a Section 72 application for the removal/alterations of conditions. The application therefore relates to what is effectively a change of use of the approved granny annex to a holiday let. The main considerations are therefore the impact on amenity on neighbouring occupiers, impact on parking, access and highway safety and impact on the character of the Conservation Area.

The use of the stable building as a holiday let will still retain a residential type use similar to that of the granny annex, albeit not strictly an annex to the main house. The use as a holiday let is considered acceptable and in terms of the intensity of the use (given the limited size of the one bedroom unit) is unlikely to have a much greater impact than its approved use as a granny annex. Furthermore such tourist use is likely to be seasonal and the intensity of use, in terms of additional impact on amenities of adjacent occupiers in terms of noise and disturbance would be minimal.

In terms of access and parking arrangements, the Council is aware that the applicant uses both Coxen Lane and the private drive directly off Cardiff Road to access the dwelling (Bryn Hyfryd). Clarification was sought from the applicant regarding access arrangements to the existing house and to the holiday let. The Head of Visible Services (Highways Development) has confirmed that there would be no objection to the use of Coxen Lane provided that it is only used to access the holiday let and not the main dwelling. Additional drawings have now been submitted indicating a physical separation of the holiday let from the main house by way of a 1.4 metre high fence built off a 0.6 metre high wall / 2metre wall, with provision of vehicle parking for two cars and on site turning area. The Head of Visible Services (Highways Development) is satisfied with the access and parking arrangements for the proposed development and existing house.

In terms of the impact on the conservation the use of the stables as a holiday let would be in keeping with the residential character of this part of the Conservation Area and would not have an adverse impact on the character of the Conservation Area as whole.

Consideration should also be given to place limitations on any consent granted to ensure that the use of the building can be effectively controlled as a holiday let on the basis that the proposal is only considered acceptable under a tourism policy and not used as a small self contained dwelling. It is considered that appropriate conditions can be placed on any consent to sufficiently control the nature of the use.

### CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, 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 TOUR 3 (Conversion of Buildings to Guest Houses and Bed and Breakfast Accommodation within Settlement Boundaries) and ENV20 (Development in Conservation Areas) and all other material considerations, the proposal is considered acceptable in terms of its principle, impact on the amenities of nearby occupiers, highway considerations and impact on the Conservation Area.

### RECOMMENDATION

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

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

Reason:

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

2. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas shown serving The Old Stables and Bryn Hyfryd , including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 2006-1 Rev 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.

3. Notwithstanding the submitted plans, further details of the means of enclosure of the holiday let hereby approved, in relation to elevation details and materials/finishes shall be submitted to and agreed in writing by the Local Planning Authority and the agreed means of enclosure shall be fully completed prior to the first beneficial occupation of the holiday let hereby approved and shall thereafter be so maintained at all times.

Reason:

To safeguard local visual amenities and to control the nature of the use of the site in relation to access.

4. This consent only relates to the conversion of 'The Old Stable' to a holiday let, and shall be used solely for the purpose of a single holiday let. Each letting shall be for a period not exceeding four weeks duration and no letting shall be renewed within six months of the end of a previous letting to any of the same occupants in any calendar year.

Reason :

In order for the Local Planning Authority to monitor, as necessary, the occupancy of the holiday let.

**NOTE:**

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

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

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

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

**2006/00790/OUT**

Received on 1 June 2006

Alwyn Jones Penseiri Architect The Bank, 5, Cardiff Road, Taffs Well, Cardiff.,  
CF15 7RA  
P. W. Davies, Slade, Southerndown, Vale of Glamorgan., CF32 0RF

### **Land above Seamouth, Dunraven Bay, Southerndown**

5 No. environmentally sensitive holiday accommodation units

#### **SITE DESCRIPTION**

The application site comprises an area of agricultural land, approximately 0.78 hectares, located above Seamouth at Dunraven Bay, Southerndown.

#### **DESCRIPTION OF DEVELOPMENT**

This is an outline application, with all matters other than siting reserved for subsequent detailed approval, for the construction of five units of holiday accommodation.

The application is supported by a Planning Statement and Concept Design booklet which highlights the environmental sensitivity of the proposed development.

The submitted siting details show a staggered row running north east – south west, of five individual 'L' shaped units set around a private courtyard. The illustrative design details show single storey, earth-sheltered buildings cut into the slope and following the contours of the land. The proposed design will be shaped by current best practice in sustainable construction. A possible vehicular access is shown from the end of the adopted highway opposite Seamouth Lodge along the public right of way that runs between the Heritage Centre and Seamouth Cottage and which turns north towards Slade Farm.

Whilst the Concept Design booklet is available on file for Committee Members' inspection, a copy of the Planning Statement is reproduced at Appendix A.

#### **PLANNING HISTORY**

06/00689/REG3 – Relocation/realignment of access road to Dunraven Bay. Approved on 13<sup>th</sup> July, 2006, subject to a condition requiring that no vegetation clearance be carried out outside of the months of September to February, inclusive.

#### **CONSULTATIONS**

St. Brides Major Community Council were consulted and comment : "I enclose a written report by one of our Councillors and approved by all other members of the Council as our formal response to the above planning application to which they unanimously and strongly object.

I trust that the enclosed report will be brought to the attention of the Planning Committee at its appropriate meeting.”

A copy of the report is reproduced at Appendix B for Committee Members' inspection.

Environment Agency Wales were consulted and comment : “Thank you for referring the above application which was received on 19<sup>th</sup> June, 2006. The Environment Agency has considered this proposal and requests the following conditions are included in any planning permission granted:

Condition : No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

Reason : To prevent pollution of the water environment.

Condition : The foul drainage from the proposed development shall be discharged to a Private Treatment Plant and soakaway system, which meets the requirements of British Standards BS 6297 : 1993 and which complies with the following:

- (a) There is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse.
- (b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaways (BS 6297 : 1983, refers).

Reason : To prevent pollution of the water environment.

Condition : No trees shall be removed from the adjacent woodland.

Reason : To protect local biodiversity.

The following comments should also be considered:

We note the applicant proposes use of a Private Treatment Plan and soakaway system for the disposal of foul and surface water. Our comments and above conditions on private drainage system are made only on the understanding that no public foul sewer is available to serve the development, which otherwise would be the preferred option. The above conditions are required as this application includes no information on the siting of the drainage systems proposed.

Depending on the volume to be discharged to soakaway a Water Quality discharge consent will be required and can be gained by contacting our External Relations Team on 02090 245154.

The site is adjacent to an area of semi-natural, broad-leaved woodland which must not be adversely affected by the development.

Should it be necessary to remove any vegetation, this should not be undertaken during the months of March to June (inclusive) in order to protect breeding birds. Breeding birds are protected by the Wildlife and Countryside Act 1981.

This development proposal is adjacent to Southerndown Coast SSSI and therefore the Countryside Council for Wales should be consulted.”

Glamorgan Gwent Archaeological Trust should also be consulted regarding this development on this site, given the historical and archaeological importance of Dunraven Bay.”

Dwr Cymru/Welsh Water were consulted and comment : “Further to the above consultation we would provide the following comments:

### **Sewerage**

### **Condition**

As the applicant intends utilising private drainage facilities, we as Network Development Consultants on behalf of Dwr Cymru Welsh Water have no comment to make on the above Planning Application. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred, we must be re-consulted on this application.

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

Cadw : “Thank you for your letter of 15<sup>th</sup> June, 2006 enclosing a copy of the planning application for the proposed development as described above.

This proposal lies within the ‘essential setting’ of Dunraven Park, which is included on the Cadw/COMOS Register of Parks and Gardens of Special Historic Interest in Wales, Grade II. Please find enclosed a copy of the relevant details about this important site from the register.

The National Assembly’s policies towards the protection of the historic environment are set out at chapter 6 of Planning Policy Wales (2002). Para. 6.5.23 advises that “local planning authorities should protect parks and gardens and their settings on the first part (parks and gardens) of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales”. The essential setting of a registered park or garden is defined as ‘a concept developed for the register in order to safeguard areas adjacent to the historic parks and gardens which, although outside them, form an essential part of their immediate background and without which, in their present state, the historic character of the site in question would be diluted and damaged’.

It is the view of Cadw that the proposed units would harm the 'essential setting' of the park which lies on rising ground to its north-west, most of which is highly visible from the park. Its character is largely one of open pasture, with some scrubby vegetation and gorse, and an area of woodland at the north-east end. The only building in 'the essential setting' visible from the park is the picturesque thatched Seamouth Cottage, whose present character is probably the result of early nineteenth century landscaping.

Cadw considers that by introducing modern residential units of unspecified character into this rural landscape, its character would be fundamentally altered. This alteration would be harmful not only to the character of the area itself but to the setting of the historic park, which is essentially rural and coastal.

These views are provided without prejudice to the Welsh Assembly Government's consideration of the matter, should it come before it formally for determination."

The Countryside Council for Wales comment : "Thank you for your letter dated 15th June, 2006 regarding the above proposals. For the reasons outlined below, the Countryside Council for Wales objects to the proposed development and recommends that the application be refused.

The Countryside Council for Wales (CCW) is the statutory adviser to Government on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment throughout Wales and its inshore waters. With English Nature and Scottish Natural Heritage, CCW delivers its statutory responsibilities for Great Britain as a whole, and internationally, through the Joint Nature Conservation Committee.

Although the proposed development is unlikely to have any adverse effects on the Southerndown Coast SSSI, CCW consider that given the location of the proposed development in the open countryside, it would be detrimental to the undeveloped character of the Glamorgan Heritage Coast. Additionally, the proposed development is contrary to a number of policies contained in the recently adopted Vale of Glamorgan Unitary Development Plan, including Policy ENV1 (Development in the Open Countryside), ENV5 (The Glamorgan Heritage Coast), TOUR4 (Caravan, Chalet and Tent Sites), and EMP7 (Farm Diversification).

CCW therefore objects to the proposed development and recommend that the application be refused.

The proposed development would be sited in an environmentally sensitive location. We note, however, that no Landscape and Visual Impact Assessment of its impacts on the Heritage Coast has been undertaken and submitted in support of the application.

The application site is also within 200m of the Southerndown Coast Site of Special Scientific Interest (SSSI), which is notified for its geological and grassland interest. Whilst we do not anticipate that there will be any implications for the SSSI, we would have expected this to be addressed in the supporting material.

Should your authority depart from the adopted UDP policies for the area and consider granting planning permission for this proposal, we recommend that assessments of the development's impacts on the SSSI and on the landscape of the Heritage Coast are undertaken, before a final decision on the proposal is taken.

I would be grateful if you could inform CCW of your Authority's decision.

Should you wish to discuss any of the points set out above, please do not hesitate to contact me."

Glamorgan Gwent Archaeological Trust was notified on 16<sup>th</sup> June, 2006.  
Comments are awaited.

The Head of Visible Services (Highway Development) was notified on 15<sup>th</sup> June, 2006. Comments are awaited.

Operational Manager, Countryside and Environmental Projects comments : "The proposed development is within the designated Glamorgan Heritage Coast, in open countryside and unrelated to any other development.

As such, it is contrary to Policies ENV1 and ENV5 of the Adopted Unitary Development Plan.

In particular, this proposal would not 'conserve and enhance the special environmental qualities of the Glamorgan Heritage Coast' (Policy ENV5), and nor would it conserve the undeveloped character of the coastline. This policy is reinforced by the assessment within the "Landscapes working for the Vale of Glamorgan" document which states 'in public perception this was area the most highly valued landscape resource in the Vale therefore needing greatest protection'. The recommended strategy in that document was to 'continue protection of the Heritage Coast and restrict development'.

Despite the commendable design concept and sustainable principles, the proposal cannot be justified on grounds of need or farm diversification. I recommend that the proposal should be refused as contrary to Policies ENV1 and ENV4 within the approved Unitary Development Plan which seek to conserve the open countryside and in particular to protect the attractive undeveloped landscaped within the Glamorgan Heritage Coast.

Council's Public Rights of Way Officer was notified on 15<sup>th</sup> June, 2006.  
Comments are awaited.

The Council's Ecologist comments:

#### "Reptiles

The application site includes habitat which could potentially be used by reptiles.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.

- It is recommended that a condition of consent be that a reptile clearance methodology be submitted to the local authority for approval prior to the commencement of works.

### Pant-y-Slade Wood cSINC, Tree and Bat Issues

#### Tree Issues

The application site lies immediately adjacent to Slade Wood, candidate Site of Importance for Nature Conservation (cSINC), designated for its ancient woodland habitat.

The proposed new access to the application site cuts through Slade Wood.

A pedestrian path goes through the wood at this location but some tree removal/works would be required to create a new road access.

The existing hardcore pedestrian path which runs from Dunraven Bay towards Slade Farm would also need to be widened which would require some tree works within Slade Wood.

- It is recommended that prior to the granting of consent a tree survey be submitted showing which trees along the access route are proposed for removal, retention and tree works.

#### Bat Issues

At least one mature tree exists close to the proposed access route through Slade Wood which may offer potential roost opportunities for bats.

- It is recommended that the applicant be made aware that British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In relation to structures used by bats for shelters or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.
- If the proposals will result in removal of, or works to, any mature trees, it is recommended that prior to consent being granted, a full bat-survey be conducted by a licensed surveyor or any trees which the surveyor assesses to have potential bat use to ascertain presence/absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

## Nesting Birds

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

- It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- It is recommended that to comply with the law, a condition be included in any consent which states that any vegetation clearance be done outside the nesting season which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent.

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

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

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

Tourism and Marketing Manager – No adverse comments.

## REPRESENTATIONS

The occupiers of properties in the vicinity of the application site were notified on 15<sup>th</sup> June, 2006. In addition the application was advertised on site and in the press on 20<sup>th</sup> June, 2006.

A letter of objection has been submitted by the occupier of No. 15 Heol-y-Felin, Llantwit Major. In addition letters of objection have been submitted by the Campaign for the Protection of Rural Wales and Friends of the Glamorgan Heritage Coast Association. These are reproduced at Appendix C for Committee Members inspection.

The applicant has submitted a letter in support of the proposal which is reproduced at Appendix D.

## REPORT

The application site lies outside the settlement boundary for Southerndown in a countryside location and within the Glamorgan Heritage Coast. The site comprises 0.78 hectares of agricultural land approximately 250m to the south of Slade Farm. The development relates to new build holiday accommodation. As such the following policy background is relevant to the determination of the application.

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV2 of the UDP refers to Agricultural Land and states:

THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3A) WILL BE PROTECTED FROM IRREVERSIBLE DEVELOPMENT, SAVE WHERE EXCEPTIONAL 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 ENV5 relates to the Glamorgan Heritage Coast:

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

The designation of the Heritage Coast recognises its national importance as an area of attractive undeveloped coastline with one of the primary objectives being to ensure its undeveloped character is conserved.

Policy ENV10 supports these objectives and relates to the Conservation of the Countryside. It states that:

MEASURES TO MAINTAIN AND IMPROVE THE COUNTRYSIDE, ITS FEATURES AND RESOURCES WILL BE FAVOURED, PARTICULARLY IN THE GLAMORGAN HERITAGE COAST, AREAS OF HIGH QUALITY LANDSCAPE, AND AREAS SUBJECT TO DEVELOPMENT PRESSURE AND/OR CONFLICT SUCH AS THE URBAN FRINGE.

In addition Policy ENV11 relates to the Protection of Landscape Features and states:

DEVELOPMENT WILL BE PERMITTED IF IT DOES NOT UNACCEPTABLY AFFECT FEATURES OF IMPORTANCE TO LANDSCAPE OR NATURE CONSERVATION, INCLUDING: TREES, WOODLAND, HEDGEROWS, RIVER CORRIDORS, PONDS, STONE WALLS AND SPECIES RICH GRASSLANDS.

It is noted that the possible vehicular access to the site would cut through Slade Wood a candidate Site of Importance for Nature Conservation (cSINC) designated for its ancient woodland habitat.

Another policy of relevance in this case is Policy ENV17 – Protection of Built and Historic Environment. This states:

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

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

WILL NOT BE PERMITTED.

The application site lies within the “essential setting” of Dunraven Park which is included on the Cadw/ICOMOS Register of Parks and Gardens of Special Historic Interest in Wales, Grade II.

Policy ENV27 of the UDP relates to the Design of New Developments and whilst it is appreciated that the application has been submitted in outline with all matters other than siting reserved for subsequent approval, nevertheless siting and the context of the site is an important element in the overall design concept and likely impact. The policy states:

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES;

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

The supporting information makes reference to the existing farming enterprise of the applicant and diversification. Policy EMP7 relates to Farm Diversification and states:

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.

The application relates to holiday accommodation and as such Policy TOUR4 – Caravan, Chalet and Tent Sites is also considered to 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 CHALETTS 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).

Strategic Policies of the UDP include Policy 1, which seeks to protect and enhance the Vale of Glamorgan's distinctive rural, urban and coastal character, and Policy 2 that favours proposals which encourage sustainable practices, including:

- (ii) PROPOSALS WHICH ARE LOCATED TO MINIMISE THE NEED TO TRAVEL, ESPECIALLY BY CAR AND HELP TO REDUCE VEHICLES MOVEMENTS OR WHICH ENCOURAGE CYCLING, WALKING AND THE USE OF PUBLIC TRANSPORT;

Strategic Policy 6 favours tourism developments where they:

- (i) ASSIST THE DEVELOPMENT OF THE LOCAL ECONOMY, AND/OR
- (ii) SAFEGUARD OR ENHANCE THE QUALITY OF THE ENVIRONMENT.

Policy 8 favours developments in locations which:

- (i) ARE HIGHLY ACCESSIBLE BY MEANS OF TRAVEL OTHER THAN THE PRIVATE CAR; AND
- (ii) MINIMISE TRAFFIC LEVELS AND ASSOCIATED UNACCEPTABLE ENVIRONMENTAL EFFECTS.

In addition to the above policies the Council also has adopted Supplementary Planning Guidance (SPG) including the Sustainable Development SPG and Design in the Landscape SPG. The SPG on Sustainable Development covers guidance on a wide range of sustainability issues relating to land use planning, accessibility, energy efficiency, drainage and water conservation, waste management, landscape and biodiversity. In undertaking site assessments the guidance states:

“Careful consideration should also be given to choosing a location for development as this can have a significant impact on the sustainability of the proposal, as can the choice of land for development. In this respect developers are encouraged to reuse brownfield land or existing buildings.”

The SPG on Design in the Landscape seeks to encourage good standards of design in the countryside, considering the characteristics of the local landscape, settlement pattern and building character.

National guidance is contained within Planning Policy Wales, March 2002. Paragraph 5.5.1 states that:

“The natural heritage of Wales includes its geology, land forms and biodiversity and its natural beauty and amenity. It embraces the relationship between landform and landscape, habitat and wildlife, and their capability to sustain economic activity and to provide enjoyment and inspiration. The natural heritage is not confined to statutorily designated sites but extends across all of Wales – to urban areas, the countryside and coast. Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well being of individuals and communities. Biodiversity and landscape are important in the economic life of many communities and the quality of the environment is often a factor in business location decisions.”

In addition paragraph 6.5.23 states that:

“Local planning Authorities should protect parks and gardens and their settings on the first part of the ‘Register of landscapes Parks and Gardens of Special Historic Interest in Wales’.”

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

It is considered that the principle of holiday accommodation in the location proposed is entirely contrary to Council policy and national guidance. The site lies within the designated Glamorgan Heritage Coast with the objective of ensuring the conservation of its undeveloped character. Whilst Dunraven is identified as one of the areas where limited informal recreational facilities may be acceptable this does not allow for permanent new build holiday accommodation. Appropriate recreational use is defined within the supporting text to Policy ENV1 – Development in the Countryside and this envisages uses such as walking, angling, climbing and picnicking, as well as the provision of car parking and toilet blocks subject to sensitive integration into the countryside. Despite the concept design, which seeks to minimise the visual impact of the buildings whilst maximising the views for prospective visitors, due to the prominent and exposed nature of the site, the development cannot be wholly hidden and will be visible within the landscape thereby detracting from the undeveloped, unspoilt nature of the coastline. The supporting text to Policy ENV5 states:

“If there is irreconcilable conflict between recreation and conservation objectives, conservation and enhancement of the natural beauty should take precedence.”

Within the Heritage Coast farming is recognised as a major activity and the UDP seeks to support the maintenance of a viable agricultural industry, including appropriate farm based diversification. Policy ENV2 seeks to protect the most versatile agricultural land from irreversible development. It is noted that the application site is Grade 2 agricultural land and in conjunction with its Heritage Coast designation, should be protected from the type of development proposed.

In addition to the sites Heritage Coast designation it lies in proximity to the Grade II Historic Dunraven Park. Cadw has advised that the proposal falls within the “essential setting” of Dunraven Park which is defined as “a concept developed for the Register in order to safeguard areas adjacent to the historic parks and gardens which, although outside them, form an essential part of their immediate background and without which, in their present state, the historic character of the site in question would be diluted and damaged”. Cadw have objected to the application on the grounds that the proposed units would harm the “essential setting” of the park which lies on rising ground to its north-west, most of which is highly visible from the park. Cadw contend that the introduction of modern residential units into this rural landscape would fundamentally alter its character. Such alteration would be harmful not only to the character of the area itself but to the setting of the historic park, which is essentially rural and coastal. Thus the proposal would fail to comply with Policy ENV17 – Protection of Built and Historic Environment, criteria (iii) which relates to historic parks.

In addition it has previously been noted that the illustrative vehicular access to the site follows a public right of way that runs through Slade Wood, a candidate Site of Importance for Nature Conservation (cSINC) designated for its ancient woodland habitat. Whilst no specific highway details are provided at this stage, and the comments of the Council’s Highway Engineer are still awaited, nevertheless it is almost certain that improvements will be required to the access track to provide adequate vehicular access to the site which would inevitably require some tree work, including removal, to facilitate such development. Such development would not be supported by Policy ENV11 – Protection of Landscape Features.

The supporting information submitted with the application seeks to justify the development on a number of grounds. The statement refers to farm diversification, however no business case or specific evidence has been provided in this respect. Even if an argument could be made that the development would be necessary to sustain the viability of agricultural operations on the site, it is considered that this could not justify the significantly harmful location of the scheme.

Reference is made to the lack of “appropriately sited small scale tourist accommodation with strong environmental credentials”, the development of which assists the rural economy and increases access to the heritage coast. Again, whilst local and national policies promote such objectives this is not without qualification. Policy TOUR4 of the UDP – Caravan, Chalet and Tent Sites, does allow for tourism uses such as the development proposed but it clearly states “outside the boundary of the Glamorgan Heritage Coast”.

The supporting statement also refers to the track record of the applicants in relation to the environmental management of the land holding, and the application seeks to build on the contribution already made to local sustainability. Without denigrating the environmental achievements of the applicants to date and accepting that the sustainable design approach to the scheme is laudable, nevertheless this does not provide sufficient justification to allow such development within the Heritage Coast and setting of Dunraven Park.

The Planning Statement also argues that the development will increase access opportunities for cycling, walking, etc. On a wider scale however, the location of the site, remote from local facilities, will only serve to encourage car use contrary to the objectives of Strategic Policy 8 of the UDP. The applicant also refers to the potential “planning gain” in relation to the Council’s own scheme for the realignment of the access road to Dunraven Bay, reference 06/00689/REG3. The applicant has offered to incorporate the substantial part of the spoil generated in the road diversion works within his own scheme, thereby minimising any environmental impacts and costs.

The Planning Statement contends that the proposed development is in alignment with national and local planning policy and other material considerations. The above assessment however clearly highlights that the proposal is contrary to local policy and national guidance and that there are no other material considerations that could justify any departure from those policies

Finally in terms of the consultation responses, it has already been noted that Cadw have objected to the application. The Countryside Council for Wales (CCW) has also objected on the grounds of the detrimental impact on the undeveloped character of the Glamorgan Heritage Coast. CCW also note that the application site is within 200m of the Southerndown Coast Site of Special Scientific Interest (SSSI) which is notified for its geological and grassland interest. Whilst they do not anticipate any implications for the SSSI, nevertheless they have recommended that if the Council is minded to approve the development then assessments of the development's impacts on the SSSI and on the landscape of the Heritage Coast are undertaken before a final decision is taken. It is also noted that responses are still awaited from a number of consultees, including the Glamorgan Gwent Archaeological Trust who have been consulted in relation to the historical and archaeological importance of Dunraven Bay.

In conclusion it is considered that the development of holiday accommodation in this sensitive and prominent location within the Heritage Coast and in proximity to the historic Dunraven Park and Southerndown Coast SSSI, would have a significant adverse impact on the unspoilt undeveloped nature of this rural, coastal location.

#### RECOMMENDATION (W.R.)

#### REFUSE

1. In the opinion of the Local Planning Authority the proposal represents an inappropriate and unjustified development in the countryside that would have a significant adverse impact on the character, appearance and setting of both the Glamorgan Heritage Coast and Dunraven Park contrary to Strategic Policies 1, 2, 6 and 8 and Policies ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV5 - Glamorgan Heritage Coast, ENV10 - Conservation of the Countryside, ENV11 - Protection of Landscape Features, ENV17 - Protection of Built and Historic Environment, ENV27 - Design of New Development, EMP7 - Farm Diversification and TOUR4 - Caravan, Chalet and Tent Sites of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; Supplementary Planning Guidance on Sustainable Development and Design in the Landscape; and national guidance contained in Planning Policy Wales, March 2002.

**2006/00861/FUL**

Received on 15 June 2006

Hepher Dixon, Bridewell Gate, 9, Bridewell Place, London, EC4V 6AW  
J.D. Wetherspoon, C/o Agent,

**37-39, Windsor Road, Penarth**

Variation of condition 6 of planning permission 97/00755/FUL

**SITE DESCRIPTION**

The application site comprises of a relatively modern public house converted approximately ten years ago. The pub is located within the Penarth Town Centre with an electric appliance / post office use on one side and a discount shop on the other. To the rear of the site is Arcot Lane, which separates the shops from residential properties on Ludlow Street.

**DESCRIPTION OF DEVELOPMENT**

The application seeks permission to vary Condition No. 6 of planning permission ref: 97/00755/FUL. The condition relates to opening hours and states:

“The hours of opening shall be confined to between 08.00 hrs and 23.30 hrs on weekdays and Saturdays and between 08.00 hrs and 23.00 hrs on Sundays.”

The opening hours now proposed are: Mondays to Sundays 8:30 a.m. to 12:30 a.m. An opening time of 8:30 a.m. is requested to enable the premises to open for breakfast. Alcohol sales would not commence until 9 a.m.

**PLANNING HISTORY**

05/01783/FUL - Vary Condition No. 6. Refused 11<sup>th</sup> October, 2006.

97/00755/FUL - Change of use to licensed premises. Approved.

00/00183/FUL - Alterations to the rear. Refused 13<sup>th</sup> April, 2000.

**CONSULTATIONS**

Penarth Town Council were consulted on 28<sup>th</sup> June, 2006 and comment that the application should be refused as the extension of opening hours is considered to be detrimental to the amenities of adjoining occupiers and in particular, against the interests of residential occupiers living in the vicinity of the application site.

Barry Police were consulted on 28<sup>th</sup> June, 2006. No comments have been received to date

The Head of Visible Services (Highway Development) was consulted on 28<sup>th</sup> June, 2006. The highway authority have no objection to the proposed development.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 28<sup>th</sup> June, 2006 and have no objection to this proposal.

## REPRESENTATIONS

Nos. 35 & 41 Windsor Road, Penarth were consulted on 28<sup>th</sup> June, 2006.

Nos. 32, 34, 36, 38 & 40 Ludlow Street, Penarth were consulted on 28<sup>th</sup> June, 2006. One letter of objection was received by No. 38 Ludlow Street, Penarth. The main issues raised relate to noise from the pub when it is open and people leaving and using the outside area as well as noise when the closes and customers are leaving.

## REPORT

The application site comprises of a relatively modern public house built approximately ten years ago. The property is located within the Penarth Town Centre and to the rear of the site is Arcot Lane, which separates the shops from residential properties on Ludlow street. The history to the site relates specifically to the Change of Use in 1997 and the 2005 refusal to vary the hours of operation until 1.00 a.m. With respect to policy it is necessary to take into account Policy ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

## Issues

The public house as noted is located within Penarth Town Centre, however, there are a number of residential properties to the rear of the pub at Ludlow Street as well as a number of residential flats above some of the existing shop units in the area. For this reason, the issue of residential amenity is a significant one in the determination of the application.

It is noted from the report above, that the Environmental Health officer is satisfied with the proposed opening hours of the public house as well as the extended licensing hours being permitted. Notwithstanding the Environmental Health observations the view is taken that the suggested opening hours will have a considerable effect upon the residential amenity of the neighbours to the rear. For instance, a neighbour's representation suggests that at present they are aggravated by the noise generated from the public house including staff and customers accessing the lane from the rear of the pub creating a further disturbance to the general noise created from the pub, especially on the summer evenings when windows and fire doors are kept open.

It should be taken into account that planning history highlights that issues of impact upon residential amenity have been considered in the past. It is considered that the extra hours proposed, both throughout the year and more especially during the hotter summer months would be regarded to have an adverse impact upon the immediate residential amenity. In considering the previous refusal for an application for extension of hours to 1.00 a.m., it is believed that a decrease of half an hour is not significant enough and would do little to lessen the adverse harm.

In acknowledgment of the approved licensing hours stated by the applicants agent and in light of the changes to licensing control, the applicant is asking for the hours to be granted in order to create consistency between the two regimes. However, as stated in the last refusal, a recent appeal decision relating to the Schooner Inn, Penarth and in comments made by an Inspector in an appeal for Pizza Island, No. 24 Broad Street, Barry, the two regulatory systems are separate and should be considered separately. Two Planning Inspectors have independently given their view that planning and licensing are different regimes, and that “the protection of residential amenity under planning legislation is a separate matter where harm to such amenity may fall short of constituting either a public nuisance or disruption to local residents”.

It is therefore clear from the above that the Council is entitled to take a separate and independent view on the considerations relating to the protection of residential amenity. As such, it is considered that the proposal to extend the hours seven days a week would be contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 by reason of the extended hours impact upon the nearby residential amenity.

### CONCLUSION

Having regard to Policy ENV27 - Design of New Developments the proposed open hours are considered unacceptable. It is considered that the proposed extension of opening hours would by reason of the application site's close proximity to adjacent residential occupiers, result in the loss of amenity to local residents by virtue of noise disturbance at unsociable hours. Therefore, planning permission is recommended for refusal on the grounds of being contrary to Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

### RECOMMENDATION (W.R.)

### REFUSE

1. The proposed extension of opening hours would, by reason of the application site's close proximity to adjacent residential properties, result in the loss of amenity to local residents by virtue of noise disturbance at unsociable hours. The proposals would therefore be contrary to Policy ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

**2006/00932/FUL**

Received on 30 June 2006

G. Powys Jones, The Maltings, East Tyndall Street, Cardiff., CF24 5EA  
Mr. and Mrs. G. George, C/o Agent.

**Mill Farm (Y Felin Fach), Monkash**

Erection of domestic storage building, also a change of use - extension of residential curtilage.

**SITE DESCRIPTION**

A former barn conversion on the edge of Monkash.

**DESCRIPTION OF DEVELOPMENT**

A full planning application seeking to:

- Extend the authorised residential curtilage of the property to the north of the converted barn by an area of 288 square metres.
- Erect a domestic storage building on this land. The building would have a pitched roof with a maximum height of 4 metres to ridge and a total floor area of 44 square metres. The building would be finished with a mix of stonework and timber cladding.

**PLANNING HISTORY**

99/00671/FUL - Was refused on 29<sup>th</sup> July, 1999 for the conversion of the barn subject of this application to a residential unit. This was due to the amount of rebuilding which had already taken place and was also proposed as part of the application, which was contrary to national and local planning policies relating to the reuse and adaptation of rural buildings.

00/00577/FUL - Was submitted which indicated a significant reduction in the amount of rebuilding required to implement the scheme and so planning permission was granted on 19<sup>th</sup> January, 2001 for the refurbishment and partial reconstruction of disused buildings to provide a dwelling.

However, the works did not proceed on site according to the approved plans, and accordingly it was considered that the previous consent had fallen. A new planning application (ref: 02/01276/FUL) was submitted to regularise matters and planning permission was granted in November 2002 for the conversion of the barn.

04/01360/FUL – Planning application for an external garage and store, external stairs to the first floor and replacement of the glass roof with a traditional roof was refused on 18<sup>th</sup> March, 2005 for the following reasons:

1. The proposals would adversely affect the character of both the barn and the surrounding rural area and so would fail to preserve or enhance the special quality of this part of the Glamorgan Heritage Coast and the Monknash Conservation Area.
2. The proposals amount to insensitive and unjustified new development within the countryside, contrary to policies that seek to resist new development in the countryside that is not in the interests of agriculture.

05/01165/FUL – A planning application seeking to erect a porch, a garage/store, modify the access and extend the residential curtilage was refused in September 2005 for the reason that the proposals constituted unjustified development in the countryside which is not in the interests of agriculture and that the proposals would have adversely affected the character of the area.

A subsequent appeal was allowed with regard to the porch and a replacement roof section. However, the appeal was dismissed with regard to the remainder of the proposal due to the fact that these proposals “fundamentally change the informal context of this part of the site and the modest qualities of the existing dwelling resulting in a significant intrusion of domestic form into the rural landscape. The proposal would be harmful to the character and appearance of the countryside, the environmental qualities of the Heritage Coast and it would fail to preserve or enhance the character or appearance of the Conservation Area.”

### CONSULTATIONS

St. Donats Community Council has been consulted. No comments have been received to date.

Glamorgan Gwent Archaeological Trust has requested that an archaeological watching brief be conducted.

The Head of Visible Services (Highways) has no objection subject to the storage building being used for domestic purposes in association with the existing residential use at the site.

Dwr Cymru/Welsh Water has stated that there are no public sewers in the area.

### REPRESENTATIONS

The application was advertised in the press and by site notice. Neighbouring occupiers have also been consulted. No comments have been received to date.

The application is being reported to Committee at the request of Councillor Gwyn John.

## REPORT

### Planning Policies

The development plan for the site comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The application site is located in the countryside, and so the proposal has been considered with regard to Policy ENV1 'Development in the Countryside'. The site is located within the Glamorgan Heritage Coast and within the Monknash Conservation Area, and so the proposal has also been assessed with regard to Policies ENV5 'The Glamorgan Heritage Coast', ENV17 'Protection of Built and Historic Environment' and ENV20 'Development in Conservation Areas'.

Policy ENV8 'Small Scale Rural Conversions' requires that a barn to be converted should be structurally sound, the conversion should be achieved without substantial alteration and extension and that amenity space can be provided without undue incursion into the rural landscape. The adopted Supplementary Planning Guidance the Conversion of Rural Buildings elaborates on the provisions of Policy ENV8.

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

### Issues

This current application differs from the previous proposal (ref: 05/01165/FUL) in that the proposed building would be solely for storage purposes and not used to garage vehicles, it is no longer proposed to alter the access arrangements at the site and create a new driveway and the new residential curtilage proposed has been reduced to that area of land owned by the applicant to the rear of the dwelling.

The proposed building would be of the same height and materials and very similar in scale to the previously proposed building with the main difference being that the ridge of the building would run at an angle of 90 degrees compared to the previous scheme.

The agent has made the following comments in support of the application:

- The extent of building works undertaken in 2002 when the building was 'converted' to a residential dwelling would mean that the building would comprise a 'wholly new build dwelling', and so the proposal should not be assessed having regard to Policy ENV8 'Small Scale Rural Conversions' or the Council's approved Supplementary Planning Guidance 'The Conversion of Rural Buildings'.

- The justification for the application is that the applicant has no external storage space. The Inspector in his decision notice relating to the previous application stated that “Given the siting of the proposed garage/store on lower ground, its subordinate scale and the use of sympathetic materials, I not consider that, by itself, it would significantly detract from the character or appearance of the existing dwelling or its rural context”.

With regard to the first issue, the Inspector in the previous appeal stated that “the question of whether the existing building constitutes a new build or a conversion is far less important than the actual impact of the proposal on its surroundings. I consider that the general thrust of the latter policy and guidance to ensure that new uses for rural buildings are sympathetic to their surroundings is pertinent to this appeal”.

The area is located within the Monkash Conservation Area and within the Glamorgan Heritage Coastal Zone. Paragraph 3.4.16 of the Unitary Development Plan states that “the undeveloped, unspoilt nature of the coastline is fundamental to the character of the Glamorgan Heritage Coast. If the sense of isolation and natural scenery is to be retained it is considered important to strictly control new development.” The site is also located within the ‘Remote Zone’, as identified by the Management Plan for the Glamorgan Heritage Coast project, where conservation and environmental protection is paramount.

The proposed garage would constitute new development in the countryside contrary to Policy ENV1 of the Unitary Development Plan, which seeks to resist such development that is not in the interests of agriculture. No such justification has been submitted with this application. When planning permission was granted, the barn was considered of sufficient size as not to warrant additional buildings on the site. A number of outbuildings were previously demolished but it is not considered that the removal of these buildings justifies the development proposed.

It is acknowledged that the store would be on lower ground than the existing dwelling and located to the rear of the existing building in relation to the adjoining lane. However, the store would comprise a relatively large building that would be clearly visible from the surrounding rural area and would result in built development extending into land that is strongly associated with the surrounding rural area.

This, together with the increase in residential curtilage would, as a result of the inevitable introduction of various domestic paraphernalia which could not all be controlled by conditions, domesticate the appearance of the site, to the detriment of the rural qualities of the area. The new curtilage would encroach onto an area agreed to be subject to woodland planting as part of landscape mitigation in relation to planning permission ref: 02/01276/FUL the original barn conversion. It is considered that the approved residential curtilage is adequate to serve the occupiers of the dwelling. The Inspector at paragraph 4 of the appeal decision considered that the development as a whole “would fundamentally change the informal context of this part of the site and the modest qualities of the existing dwelling resulting in a significant intrusion of domestic form into the landscape”. It is considered that this scale of development, and its location would similarly detract from the rural scene.

## CONCLUSION

The application has been assessed having regard to the aims and objectives of Policies ENV1 'Development in the Countryside', ENV5 'The Glamorgan Heritage Coast', ENV8 'Small Scale Rural Conversions', ENV17 'Protection of Built and Historic Environment' and ENV20 'Development in Conservation Areas' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's adopted Supplementary Planning Guidance the Conversion of Rural Buildings and the advice contained in Planning Policy Wales March 2002. It is considered that the proposed store and extended residential curtilage would constitute unjustified new development in the countryside that would be harmful to the character and appearance of the countryside, the environmental qualities of the Heritage Coast and it would fail to preserve or enhance the character or appearance of the Conservation Area.

## RECOMMENDATION (W.R.)

### REFUSE

1. The proposed store and extended residential curtilage would constitute unjustified new development in the countryside and Heritage Coast that would be harmful to the character and appearance of the countryside, the environmental qualities of the Heritage Coast and it would fail to preserve or enhance the character or appearance of the Monkash Conservation Area. The proposals are therefore considered to be contrary to Policies ENV1 'Development in the Countryside', ENV5 'The Glamorgan Heritage Coast', ENV8 'Small Scale Rural Conversions', ENV17 'Protection of Built and Historic Environment' and ENV20 'Development in Conservation Areas' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's adopted Supplementary Planning Guidance the Conversion of Rural Buildings and the advice contained in Planning Policy Wales March 2002.

**2006/01044/OUT**

Received on 25 July 2006

Rhys Morgan, Treetops, Nash, Nr. Cowbridge, Vale of Glamorgan., CF71 7NS  
Rhys Morgan, Treetops, Nash, Nr. Cowbridge, Vale of Glamorgan., CF71 7NS

### **Treetops Farmyard, Nash**

Removal of Dutch barns and construction of two, two storey detached family homes

#### **SITE DESCRIPTION**

The application site relates to a small enclosed yard comprising of a large modern farm building along the northern boundary. The site is located immediately to the east of a detached dwelling known as Treetops located in the small rural hamlet of Nash some 150 metres to the west of the main Llantwit Major to Llysworney Road (B4270) and to the south west of the village of Llysworney.

The site itself is roughly rectangular in shape with a road frontage and width of 40 metres by a depth of 60 metres. The site is bounded by agricultural land along its northern and eastern elevation. The existing farm buildings are currently in use for storage of agricultural machinery and the buildings appear to be in a good state of repair.

#### **DESCRIPTION OF DEVELOPMENT**

This is an outline application with all matters reserved for the demolition of the existing barns and the construction of two, two storey detached family houses.

#### **PLANNING HISTORY**

06/01044/OUT – Removal of Dutch barns and construction of two storey detached family houses. Withdrawn.

#### **CONSULTATIONS**

Llandow Community Council were consulted on 4<sup>th</sup> August, 2006 and to date no comments have been received.

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

“Further to the site inspection undertaken in relation to the above application, I would comment that in order to undertake a formal assessment of the development proposals, details of the proposed means of access including visibility along the adjacent highway is required to be submitted to the Highway Authority for consideration. Furthermore, details of how the adjoining fields to the development site will be accessed if the dwellings are constructed are also required to be submitted.”

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

Dwr Cymru/Welsh Water were consulted on the application and to date no comments have been received. However, as the applicant intends to utilise private drainage facilities, it is unlikely that Dwr Cymru/Welsh Water would have any formal comments to make on this matter.

## REPRESENTATIONS

Neighbouring residential properties were consulted on 4<sup>th</sup> August and to date no letters of representation have been received.

## REPORT

The application site is located adjacent to a residential curtilage, however the site does not fall within a residential settlement boundary and as such is classified as falling within the countryside.

The proposal relates to the construction of new houses in the countryside and as such the relevant policy in assessing this application is Policy ENV1 (Development in the Countryside) contained in the Vale of Glamorgan Adopted Unitary Development Plan 2006-2011. This policy states that within the delineated countryside permission will only be granted for:

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.
- (ii) Appropriate recreational use.
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
- (iv) Development which is approved under other policies of the plan.

Policy HOUS3 relates more specifically to dwellings in the countryside and states:

Subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

The proposal should also be judged against national guidance concerning the erection of new dwellings in the countryside. The relevant guidance contained with Planning Policy Wales (March 2002) is as follows:

(para. 2.5.7) Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, but new building in the open countryside away from existing settlements or areas allocated for development in UDPs must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

*(para. 9.2.18) In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment... In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside away from existing settlements recognised in UDPs, or from other areas allocated for development, must be strictly controlled... "Many parts of the countryside have isolated groups of dwellings. Sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."*

*(para. 9.3.1) New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern.*

*(para. 9.3.6) New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.*

The application site whilst located in the countryside is located adjacent to an existing dwelling which forms one of several dwellings comprising of the small rural hamlet of Nash. Paragraph 9.2.18 of Planning Policy Wales (March 2002) makes reference to isolated groups of dwellings in the countryside and states that "sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable", it adds that "this depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."

It is considered that the proposal for the construction of two detached dwellings would not constitute infill within an isolated group of dwellings and would result in a significant extension of what is a small group of sporadically located dwellings within the countryside. Furthermore the application site would be 900 metres from the nearest settlement of Lysworney and as such given the absence of any direct public footpath links to the village the proposed dwelling would be highly dependant on car use. As such the proposal is not considered to be located in a sustainable location.

Whilst the application is submitted in outline, the construction of two, two storey dwellings would be visible from the single track lane with a developed frontage of some 40 metres width. Furthermore it is also likely that the dwellings could be glimpsed from the main road (B4270) at its junction with Cowbridge. Any residential development of the site would cause unacceptable harm to the rural character of the site and wider locality.

In terms of access arrangements, whilst the application is submitted in outline, the Head of Visible Services has requested details of the proposed means of access including visibility along the adjacent highway including the submission of details of how the adjoining fields to the development site will be accessed if the dwellings are constructed. Given that the proposal is contrary to Policies ENV1 and HOUS3 of the above referenced adopted plan, no further details have been requested in relation to highway matters.

In light of the above, this outline application for the construction of two new dwellings in the countryside would both breach and undermine policies which seek to guard against unacceptable and unjustified development in the countryside, where no special justification exists to justify a departure from such a policy presumption. The following recommendation is therefore made.

#### RECOMMENDATION (W.R.)

#### REFUSE

1. The proposal represents an unjustified form of residential development in the countryside, which would also cause demonstrable harm to the character and appearance of the countryside. It is therefore contrary to Policies ENV1 (Development in the Countryside) and HOUS3 (Dwellings in the Countryside) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and to guidance contained within Planning Policy Wales 2002.

**2006/00412/REG3**

Received on 23 March 2006

EPT Partnership, Ty Cefn, Rectory Road, Canton, Cardiff, , CF5 1QL  
Vale of Glamorgan Council, The Alps, Wenvoe, CF5 6AA ,

### **Parc Bryn Y Don, Dinas Powys**

Construction of single storey, pitched roof pavillion and changing rooms with access road and parking for two disabled drivers

#### **SITE DESCRIPTION**

The application site is located within the Parc Bryn-y-Don playing fields which are located at the southern edge of Dinas Powys. The precise location of this proposed development lies to the south of the tennis courts and temporary changing rooms facilities and to the west of the central car parking area.

#### **DESCRIPTION OF DEVELOPMENT**

This proposal is for a new single storey pitched roof pavilion to be used mainly for changing rooms but also including a club room. The building will be 24.7m by 19m in dimensions and will have a height of 2.6m to eaves rising to a maximum height of 7.2m to the roof ridge. External finishes are shown to be render to walls (colour to be agreed) and concrete roof tiles (colour grey). Parking for disabled and access are entailed as is removal of portacabins.

#### **PLANNING HISTORY**

89/01067/REG4 was the original application to use the land for playing fields, and this was approved in November, 1989.

94/00439/REG3 for temporary changing rooms accommodation was approved on 22<sup>nd</sup> June, 1994.

97/00838/REG3 for the retention of the temporary accommodation (prior to the construction of permanent facilities) was approved on 11<sup>th</sup> September, 1997 for a temporary period of five years (expiring on 10th September, 2002) but the temporary units are still in place.

#### **CONSULTATIONS**

Dinas Powys Community Council – “No objection”.

Glamorgan Gwent Archaeological Trust – “Have no objection to the determination of the application”.

The Head of Visible Services (Highway Development) – Has indicated that he is “unable to sustain an objection to the development proposals”.

Environment Agency Wales – See Appendix ‘A’.

The Head of Visible Services (Engineering Design) – See Appendix ‘B’.

Countryside Council for Wales – Comments awaited.

Dwr Cymru/Welsh Water – See Appendix ‘C’.

Council’s Ecologist – See Appendix ‘D’.

## REPRESENTATIONS

A letter received from the occupiers of No. 1 Porth-y-Green Close, Llanblethian is attached as Appendix ‘E’, following site notice on 11<sup>th</sup> April, 2006.

## REPORT

The development relates to improved changing facilities within the established public playing fields and open space provision at Parc Bryn-y-Don, lying at the southern limits of Dinas Powys and outside the settlement boundary identified in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

### Planning Policies

The relevant policies are considered to include:

ENV1 – ‘Development in the Countryside’ : listing developments which could be considered acceptable, including (ii) appropriate recreational use. These being of an informal nature and compatible with the rural landscape, nature conservation and visual amenity. Where considered appropriate strict control will be maintained over car parks and toilet blocks and should be sensitively integrated into the countryside.

ENV11 – ‘Protection of Landscape Features’ : whereby development should not unacceptably affect features of importance to the landscape or native conservation, including trees, woodland, ponds, etc.

ENV16 – ‘Protected Species’ : Permission will only be given for development that would cause harm to or threaten the continued viability of 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.

ENV27 – ‘Design of New Developments’ : whereby criteria are listed to ensure a good standard of design.

REC7 – ‘Sport and Leisure Facilities’ : setting out nine criteria against which new sport and leisure facilities would be assessed where they are to be provided outside existing Town and District Centres, including that they do not significantly or cumulatively undermine the vitality, viability or attractiveness of Town or District Centres.

TRAN10 – ‘Parking’ : to be in accordance with the approved parking guidelines and related to the type of land-use.

### Issues

The site lies within the boundaries of the established playing pitches approved in 1989. The facilities to be provided will enhance the use of these pitches by providing changing rooms, clubroom with kitchen and improved access for the disabled with two parking spaces provided adjacent to the building.

The development is located in a position close to the existing parking areas and set relatively centrally to serve the pitches, netball and tennis courts. No bicycle parking is detailed but should be provided.

The development will be screened from the open land to the south by established trees and to the north will be seen set against these trees. The building will lie approximately 130m to the south of the nearest dwellings on Southra Park Estate.

It is considered that the development will enhance the use of the sports facilities established at the site and that they will not adversely affect the privacy or amenities of residential properties in the area nor the visual amenities of this countryside location.

The drainage to the site for foul water is acceptable and Welsh Water’s comments are provided as Appendix ‘C’.

In terms of the site’s location in relation to the watercourse, the Pwll Erw-Naw, and ponds in the area two issues have arisen.

The first issue relates to the site’s potential for flooding. The site lies within Zone C2 as defined in the development advice maps and therefore as required by TAN15 – ‘Development and Flood Risk’ an assessment of flooding consequences was required. This assessment was received and following referral to the Environment Agency they have advised that they find it acceptable, thus having no adverse comment but recommend conditions as noted as Appendix ‘A’ comments.

In relation to the ponds. The area has been assessed for the presence of protected species. Investigations have established the presence of Great Crested Newts (GCN). Details of their presence and proposed mitigation measures have been received and are attached as Appendix ‘F’. The mitigation includes requirements both pre, during and post development stages. The mitigation is also reliant upon works on a third party’s land, which includes a management agreement with that landowner to fence, restrict livestock access and to excavate her pond, thinning and cutting down of trees to the south of the pond and post project monitoring, for example over five years, is also a requirement.

Having regard to the advice from the National Assembly of Wales, The Council's Ecologist and the Countryside Council for Wales' comments, the development has been sited to best serve the established facilities at the site. The development would be acceptable if the mitigation measures are implemented in full and thus no derogation to the GCN population should occur as habitats are protected by mitigation and enhanced by the measures detailed.

## CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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', ENV11 'Protection of Landscape Features', ENV16 'Protected Species', ENV27 'Design of New Developments', REC7 'Sport and Leisure Facilities' and TRAN10 'Parking', of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 the development is designed and located so that it will not adversely affect the visual amenities of this rural location, is reasonably required in connection with the established leisure uses on the site and will ensure mitigation measures to safeguard protected species such that deemed consent is recommended subject to the deferment of the issuing of any decision notice until such time as the 21 days notification to the owner of the land outside the Local Authority's ownership has expired or the full consideration of any representations made following the service of Notice No. 1 on the owner, whichever is the longer.

## RECOMMENDATION

The issuing of a formal decision notice be deferred until 21 days has expired following the service of Notice No. 1 on the other landowner, or any representations received from the owner within that 21 day period have been fully assessed.

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

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

Reason:

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

2. No works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any species listed under Schedules 2 or 4 of the Conservation (Natural Habitats and c.) Regulations 1994 has been granted in accordance with these regulations and a copy of the licence has been submitted to the Local Planning Authority.

Reason:

To ensure that the habitats and protected species on the site are safeguarded and not derogated by the development.

3. No materials shall be tipped on the site unless full details of their extent and type have been submitted to and approved in writing by the Local Planning Authority prior to their use on site.

Reason:

To prevent pollution of the water environment and to safeguard the visual amenities of the area.

4. Any facilities for the storage of oils, fuels or chemicals, whether during or post construction, shall be sited on impervious bases and surrounded by impervious bund walls, which shall be at least equivalent to the capacity of the tank or storage vessel plus 10%. Details of any such permanent storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site.

Reason:

To prevent pollution of the water environment.

5. Prior to the commencement of construction work for the building hereby approved, details of the scheme for control of surface water shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall limit the flows to greenfield run off. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the water environment and prevent the exacerbation of flooding in the area.

6. Prior to the commencement of work on the site details of the method for maintaining flows for the watercourse/land drain through the site 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 prevent the exacerbation of flooding in the area.

7. There shall be no external lighting to the development hereby approved other than in accordance with details, including details of the hours of illumination, which shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation on site. Any lighting on the site shall be installed and operated in accordance with the approved details.

Reason:

To safeguard the environment in this rural location.

8. The scheme of mitigation for protected species on the site as detailed in the report by Bradley Consulting dated 20th June, 2006, shall be fully implemented in accordance with those details and details of the extent of any tree felling or coppicing, works to the pond(s), gravelled livestock access and fence line and of the Management Team and Plan shall be submitted to and approved in writing by the Local Planning Authority prior to works on site. The findings of the post project monitoring shall be submitted to the Local Planning Authority within three weeks of the monitoring visits.

Reason:

No details of these works have been submitted and are required to ensure a satisfactory form of development and to safeguard protected species on the site.

9. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 05176 - 100 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.

10. Full details of parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development.

11. Prior to its installation on site details of the gas storage facility indicated on Drawing No. 05176 - 100C 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:

No details of this part of the development have been submitted.

12. This consent shall relate to drawings reference 05176 - 100C, 05176 - 101, 05176 - 105, received on 26th June, 2006; drawings reference 9985/2001B, 9985/2003B, 9985/2002B, 9985/2004B, received on 28th April, 2006.

Reason:

For the avoidance of doubt as to the approved plans.

**NOTE:**

1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
2. **Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**
3. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
4. **The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.**

**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.**

**2006/00482/REG3**

Received on 23 June 2006

Jeff Mabbitt (B3 Burgess Ltd) Castle Building, Womanby Street, Cardiff. , CF10 1RG  
Vale of Glamorgan, 69, Queens Road, Penarth, Vale of Glamorgan.

**69, Queens Road, Penarth**

Rebuild front elevation to 69, Queens Road in cavity blockwork, rendered externally in accordance with Minute No. 1979, May 2002

**SITE DESCRIPTION**

The site relates to a terraced property located in a predominantly residential area in Penarth. The majority of the properties located along the terrace block of Queens Road are having the frontages of the dwellings rebuilt.

**DESCRIPTION OF DEVELOPMENT**

The application seeks permission to rebuild the front elevation of the property at No. 69, Queens Road, Penarth.

**PLANNING HISTORY**

None.

**CONSULTATIONS**

Penarth Town Council were consulted on 19<sup>th</sup> April, 2006 and comment that the application should be approved.

**REPRESENTATIONS**

Nos. 68 & 70 Queens Road, Penarth were consulted on 19<sup>th</sup> April, 2006. No representations have been received to date.

No. 15 Paget Road, Penarth was consulted on 19<sup>th</sup> April, 2006. No representations have been received to date.

**REPORT**

The site relates to a terraced property located in a predominantly residential area in Penarth. The majority of the properties located along the terrace block of Queens Road are having some replacement work done to the frontages. There is no history to the site and the policy will relate specifically to Policy ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

## Issues

The proposal is considered to be appropriate. The window and door installations are uniformly positioned and the external spa dash finish will match the existing properties that have been completed. There are no design issues that would mean the proposal would cause any harm to the existing dwelling or the future street scene.

As such, the proposal is considered acceptable and the recommendation is for approval.

## CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policy ENV27- Design of New Developments and the Council's 'Amenity Standards' Supplementary Planning Guidance is considered acceptable. The design is considered to be appropriate for a two storey terrace property and the finished materials will suit the uniformity of the terrace street scene.

## RECOMMENDATION

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

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

Reason:

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

## NOTE:

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

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

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

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

**2006/00883/RG3**

Received on 21 June 2006

Michael Delvin, Vale of Glamorgan Council, The Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA  
Sue Robberts, C/o Cadoxton Nursery School, Victoria Park Road, Barry, Vale of Glamorgan., CF63 2JS

**Cadoxton Nursery School, Victoria Park Road, Barry**

Metal storage container (Minute No. 1979, May 2002)

The application was advertised on 3rd July, 2006.

**SITE DESCRIPTION**

The application site comprises a modern nursery school with a garden to the rear and a car park to the front along Victoria Park Road. Victoria Gardens is situated to the west of the site, and a clinic and a community centre are located to the east.

**DESCRIPTION OF DEVELOPMENT**

This application seeks consent for the installation of a metal storage container to be located within the children's play area on the eastern boundary, towards the rear of the site. The container will be used for storage for educational purposes, and will measure 2.4 metres in width, 6 metres in depth and 2.4 metres in height. The container will be colour coated green.

**PLANNING HISTORY**

1990/01107/OBS - New Nursery School, approved.

**CONSULTATIONS**

Barry Town Council were consulted on 3<sup>rd</sup> July, 2006. No objection to a temporary consent of appropriate length subject to the Local Planning Authority being satisfied with the location of the container and its external finish/colour.

**REPRESENTATIONS**

A site notice was posted on 5<sup>th</sup> July, 2006. To date, no representations have been received.

**REPORT**

**Planning Policies**

NONE.

## The Issues

The proposed storage container will not be visible from the residential properties to the south of the site as they are set at a lower level than the application site. Furthermore, there are mature trees and hedges along the southern boundary. The container is also set well back from the highway and therefore, will not represent an unduly obtrusive addition to the site when viewed from the main entrance.

It is considered that the storage container will have no detrimental impact upon adjoining areas nor the occupiers and users of the adjoining buildings.

The proposed colour for the storage container is green which is considered to be acceptable given its location in the garden area.

## CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

Having regard to Policy ENV27 – Design of New Developments, and all other material considerations, the proposal is considered to be acceptable in terms of the principal of development, its design and the impact upon the adjacent area.

## RECOMMENDATION

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

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

Reason:

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

2. The container hereby approved shall be for a temporary period only, and it shall be removed from the site on or before the 1st January, 2010.

Reason:

Given the temporary nature of the structure hereby approved.

**NOTE:**

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

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

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

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

**2006/00986/RG3**

Received on 13 July 2006

Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry.,  
CF63 4RU  
Director of Environment & Economic Regeneration, Dock Offices, Barry, Vale of  
Glamorgan., CF63 4RT

**Fleet Maintenance Depot, The Alps, Wenvoe**

Adaptations of the existing fleet maintenance depot at the Alps to provide a  
reception area and offices for the Manager, Reception Clerk and Foreman on  
ground floor

**SITE DESCRIPTION**

The application relates to the existing fleet maintenance building within the  
Council's Alps Depot.

**DESCRIPTION OF DEVELOPMENT**

An application under Regulation 3 of the Town and Country Planning General  
regulations for alterations to the building to provide a reception area and offices  
for the manager, reception clerk and foreman.

**PLANNING HISTORY**

There is extensive history on the Alps Depot site but none directly relevant to this  
application.

**CONSULTATIONS**

Wenvoe Community Council were consulted on 25<sup>th</sup> July, 2006. Comments  
awaited at the time of preparing this report.

**REPRESENTATIONS**

The application was advertised by a site notice on 25<sup>th</sup> July, 2006. No comments  
have been received.

**REPORT**

**Planning Policies**

None.

## Issues

The proposal involves the insertion of a single external pedestrian door and 0.6 x 0.9 metre window on the eastern elevation of this large workshop building, and the insertion of two 0.6 x 0.9 metre windows on the southern elevation. The works are required to improve facilities for the public visiting the building for MOT tests, and will utilise the Mower Repair Workshop that is currently surplus to requirements.

These minor proposals will have no material impact on the visual appearance of the building and will not be visible from outside the Alps Depot complex. There are no nearby dwellings and no loss of amenity will result.

## CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policy ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 it is concluded that the proposal will have no visual impact and will not adversely affect residential amenity. Therefore planning permission is granted subject to the conditions listed.

## RECOMMENDATION

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

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

Reason:

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

## NOTE:

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

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

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

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

**2006/00990/RG3**

Received on 13 July 2006

Architects/Property Section, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU  
Vale of Glamorgan Council, Learning & Development, Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU

**St. Cyres Comprehensive School, St. Cyres Road, Penarth**

Replacement of burnt out History block with two classroom demountable unit

**SITE DESCRIPTION**

The application site relates to an existing concrete slab and adjacent land located on the western side of St. Cyres County Comprehensive School, Penarth.

**DESCRIPTION OF DEVELOPMENT**

This application is for the replacement of a burnt out history block with two linked classroom demountable units and associated works to include a ramped access, steps and railings.

The demountable unit will measure 14.4 by 9.7 metres, with a pent style roof measuring 2.8 metres to eaves level and 3.5 metres to ridge level, set on a raised plinth. The classroom will be served by external stairs and ramp on the front (eastern) elevation of the building and a stepped access on the northern and southern elevations.

The building will be finished in a textured white coating, with a profiled metal roof deck, white aluminium door and a black fibre cement plinth board.

The new demountable unit will partly sit on the existing slab which will be resurfaced with paving slabs and partly bounded by hoop top 1.1 metres high railings.

**PLANNING HISTORY**

06/00659/FUL – Proposed gym hall/club. Application currently undetermined.

**CONSULTATIONS**

Penarth Town Council were consulted and to date no response has been received.

**REPRESENTATIONS**

Nearby occupiers were consulted (Nos. 13, 15 and Wayside, Sully Road) and a site notice was also posted. To date no letters of representation have been received.

## REPORT

This is an application made under Regulation 3 of the Town and Country Planning General Regulations by the Director of Learning and Development (in accordance with the Constitution giving Chief Officers or Service Heads delegated authority).

### Planning Policies

In terms of planning policy, the application site although within the grounds of the school, is nevertheless classified as falling outside the defined settlement boundary of Penarth and is located within the Dinas Powys and Penarth Green Wedge. As such the most relevant policies in assessing this application are Policies ENV3 - Green Wedges and ENV27 – Design of New Developments contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

### Issues

The school falls between the settlements of Penarth and Dinas Powys, where the Green Wedge designation seeks to protect vulnerable undeveloped land and prevent urban coalescence. However, given that the application site was formerly occupied by a building of much the same size and closely relates to the main school building for educational use, it is not considered that the proposal would result in development on vulnerable land or lead to coalescence of the settlements.

In terms of impact, the proposal building is small in scale and would be viewed from the western side of the site against the backdrop of the existing school building. In terms of materials and finishes the unit whilst not matching the brick of the main building is nevertheless considered acceptable, being a small scale building and is typical of demountable units found within school grounds. The proposal will have no impact on the privacy and amenity of any nearby residential occupiers.

## CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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 ENV3 - Green Wedges and ENV27 - Design of New Developments, the proposal is considered acceptable in terms of its siting, scale, design, impact on public amenities and will have no discernable impact upon the open character of the Green Wedge.

## RECOMMENDATION

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

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

Reason:

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

### NOTE:

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

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

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**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.**