

## **Planning Committee Meeting – 8<sup>th</sup> February 2007**

**2006/00062/FUL** Received on 19 January 2006

Gateway Homes ( Wales) Ltd., C/o. 124, High Street, Barry, Vale of Glamorgan. , CF62 7DT

Peter Jenkins Architects, 124, High Street, Barry, Vale of Glamorgan. , CF62 7DT

### **Land adjacent to the Colcot Arms, Colcot Road, Barry**

Construction of 2 No. Town Houses

#### **SITE DESCRIPTION**

The application site relates to land adjacent to the Colcot Arms Public House, located at the northern end of Colcot Road near its junction with Port Road West, Barry.

The application site comprises of a rectangular piece of land which currently serves the public house as open amenity space and is located between the recently laid out beer garden and lane adjacent to No. 192 Colcot Road which provides a footpath link between Hinchsliff Avenue and Colcot Road.

The application site is a flat rectangular piece of grassed open space with a road frontage of 19 metres wide by a depth of 39 metres.

#### **DESCRIPTION OF DEVELOPMENT**

This is a full application and as amended now relates to two dwellings, comprising of detached modern hipped roof dwellings fronting and accessing onto Colcot Road.

The proposed dwellings are of the same design and have a footprint of 12.8 metres by a width of 8.2 metres with an eaves height of 5 metres and ridge height of 7.7 metres. The dwellings will provide four bedroom accommodation and include an integral garage. The dwellings will be constructed in facing brick with contrasting brick courses and grey concrete interlocking roof tiles.

The dwellings are set back some 12.5 metres from the edge of the highway and each dwelling has a rear garden of 18.5 metres and an area of 180 square metres.

The dwellings will be served by a block paved parking and turning area to the front of the dwellings, accessed by a shared 6 metre wide offset access. The boundary fronting Colcot Road is shown to comprise of a 0.6 metre high boundary wall with metal railings and shrub planting.

The plots will be subdivided and separated from the adjacent public house by 1.8m high boarded fencing.

## PLANNING HISTORY

The site has not been subject to any previous planning applications.

## CONSULTATIONS

Barry Town Council were consulted on the original scheme for three dwellings and raised a "STRONG OBJECTION". The Town Council opposes the principle of development of the site for residential purposes as it forms part of a visual prominent green area on one of the town principle "gateway routes".

On the amended scheme they have raised no objection subject to the Highway Authority being satisfied with the access to and from the site.

The Head of Visible Services (Highways) has considered the revised scheme for two dwellings and has stated that vehicles would be able to manoeuvre and exit the site in a forward gear.

The Environment Agency were consulted and have responded with a "Standard Advice" guidance note for developers.

Dwr Cymru/Welsh Water were consulted and have stated that the proposed development would overload the existing public sewerage system and that improvements are planned for completion by 1 April 2007. They consider any development prior to this date to be premature and therefore object to the proposals unless appropriate Conditions can be attached to prevent occupation prior to the completion of these essential works.

The Director of Legal and Regulatory Services Environmental Health (Pollution Section) following their objection to the application in relation to the original scheme they have reiterated their objection in relation to the revised scheme:

"Further to our memo of the 15 February 2006 we are writing to reiterate our objections. Also since the original application and are objections to it additional landscaping works have been carried out in the beer garden which would adjoin the development. The hard patio surface that has replaced the original grassed play area will allow use of the area over many months as will the current provision of large patio umbrellas. The use of outside areas in relation to all public houses will also increase with the introduction of the smoking ban in April 2007 thereby increasing the likelihood of noise, litter and general disturbance.

Past and current experience with in this department has shown that beer gardens and the noise generated by them can result in significant problems as can activities associated with public houses-kitchen extract systems, Regulated Entertainment, deliveries and waste collections which can result in nuisance and loss of amenity in terms of not just noise but also odour, pests etc.

As explained to the applicant Ms Preen during a telephone conversation on the 16 January 2007 issues such as noise and odour generated on a premise can lead to complaint and nuisance problems which can severely affect the residential amenity. Due to the close proximity of the proposed development to the public house we have no alternative but to object to the application."



## REPRESENTATIONS

Neighbouring residential properties were consulted on 31 January, 2006 on the original scheme and reconsulted on 8 November 2006 on the amended scheme and to date, no representations have been received.

## REPORT

### Planning Policies

Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 supports housing infill, small-scale development and redevelopment within the settlement boundary of Barry, where the criteria listed in Policy HOUS9 are met. Policy HOUS9, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

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 REC 3 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 areas 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.

Policy ENV29 (Protection of Environmental Quality)

Development will not be permitted if it would be liable to have an unacceptable effect on either people's health and safety or the environment:

1. by releasing pollutants into water, soil or air, either on or off site; or

2. from smoke, fumes, gases, dust, smell, noise, vibration, light or other polluting emissions.

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

### Issues

The site is bounded to the north and east by residential dwellings and to the south by a beer garden serving the public house with a principal road frontage onto Colcot Road. Therefore the site could be considered acceptable in principle as an infill Plot. In terms of the appropriateness of the residential development at the site, the proposed site is relatively large and of flat usable shape which could support residential development, subject to the number of dwellings proposed and their size and scale and other considerations as set out in the above referenced policies.

The original scheme proposed the construction of three town houses, comprising of a detached town house fronting Colcot Road and a pair of semi detached town houses access via Hinchsliff Avenue. This scheme was considered to result in an over-scaled and inappropriate form of development, inappropriate to the context of the site and would adversely impact on the street scene of Colcot Road and Hinchsliff Avenue. Furthermore the scheme was considered to result in a loss of privacy to the existing adjacent occupiers and proposed occupiers, and result in a substandard provision of adequate and usable amenity space to serve the proposed development.

Accordingly a revised scheme has been submitted which now relates to two detached dwellings which front and access onto Colcot Road. The revised scheme now provides a more acceptable layout which reflects the character of the area, with frontages onto Colcot Road with large rear gardens. Furthermore in terms of the scale of the dwellings, whilst they are detached, they are two storey dwellings as opposed to three storey in the previous scheme, with a reduction in the ridge heights and as such are now comparable to that of the nearest neighbouring dwelling.

In terms of the overall design, the dwellings are of a modern design although elements of the design reflect that of the dwellings along Colcot Road which comprise of a mix of inter war hipped roof semi-detached dwellings and detached dwellings. As such the proposed design is not considered at variance with the character of the area. Furthermore, the proposed materials are considered acceptable subject to samples being submitted by way of planning condition if this application is approved.

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metre of amenity space per 1 square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape.

The two detached dwellings have 176 square metres of floor space and the garden area to the rear of each of the dwellings is some 180 square. The revised scheme now proposes a level of amenity space which is of a size in accordance with the Council's standards and would itself not be overlooked by nearby residential occupiers.

The proposed dwellings have principal windows on the front and rear elevations and the orientation and siting of the dwellings is such that these dwellings will not result in any overlooking of adjacent dwellings within a distance of 21 metres between opposing habitable windows which is in accordance with the guidance given in the Amenity Standards SPG.

In terms of access, the Head of Visible Services (Highways) has not objected to the application, which now relates to a single access to serve the dwellings from Colcot Road, which provide the necessary turning areas and provision for off street parking in accordance with the Parking Guidelines.

The existing public house is located within large grounds, where the application site comprises of the main area of green open space and acts as a 'buffer' between the Public House and the nearest existing dwelling (No. 192 Colcot Road) The existing grassed area is in contrast to the built up residential development around it and the open nature of the application site therefore makes a significant contribution to the amenity of the area and the street scene of Colcot Road, a main vehicular route.

It should be noted that when the application was submitted it abutted the children's play area. However more recently, this has been removed and replaced by a beer garden comprising of an enclosed hard surfaced terraced with planting, tables and chairs. The proposed dwellings will be some 22 metres at its nearest to the Public House although the servicing area, access and beer garden will be within this distance. Notably the recently constructed beer garden will be 3 metres at its nearest point to the nearest proposed dwelling, which whilst separated by a proposed 2.1 metre high brick wall, will be located immediately adjacent to the front parking area, entrance and part of the side elevation.

On the amended scheme and in light of the recently laid out beer garden, the Environmental Health Section have reiterated their original objection. They have stated that the hard patio surface that has replaced the original play area will allow use of the area over many months, as will the current provision of large patio umbrellas. The use of outside areas in relation to all public houses will also increase with the introduction of the smoking ban in April 2007, thereby increasing the likelihood of noise, litter and general disturbance. They add that past and current experience within the department has shown that beer gardens and the noise generated by them can result in significant problems as can activities associated with public houses-kitchen extract systems, Regulated Entertainment, deliveries and waste collections which can result in nuisance and loss of amenity in terms of not just noise but also odour, pests etc.

Therefore due to the close proximity of the proposed development to the public house for the reason given above, the public house would be highly likely to give rise to noise and nuisance to any future occupiers of the proposed new dwellings which would adversely impact on the level of amenity that occupiers of new residential dwelling should expect. It could also unacceptably prejudice the commercial operations of the public house in the future. As such the proposal is considered contrary to Policy ENV29 – Protection of Environmental Quality.

A further consideration is that adequate utility services should exist. Dwr Cymru/Welsh Water have objected to the proposal on the grounds of overloading the existing system, whilst they have objected they state that improvements are planned for completion by 1 April 2007.

## CONCLUSIONS

To conclude, whilst the amended scheme for two detached dwellings is now considered acceptable with regard to siting, scale, design, highway and amenity/privacy considerations, it is considered that the objection raised by the Environmental Health Section which seeks to protect the amenity of future occupiers of the dwellings has sufficient weight to warrant refusal of this application on this ground alone.

The following recommendation is therefore made.

## RECOMMENDATION (W.R.)

### REFUSE

1. The proposed residential development of the site for two detached dwellings would result in a loss of amenity to the future occupiers of the proposed dwellings by way of noise, odour and general disturbance from the activities of the adjacent Public House and potentially prejudice the commercial operation of the Public House in the future. The proposal would therefore be contrary to Policies HOUS9 (Residential Development Criteria), Policy HOUS2 (Settlements); ENV27 (Design of New Developments); and ENV29 (Protection of Environmental Quality) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

**2006/00751/OUT** Received on 15 November 2006

Mr. M. Vaughan, Annington Property Limited, 1, James Street, London., W1V 1DR  
Liddell & Associates, Stuart House, The Back, Chepstow, Monmouthshire., NP16 5HH

### **Former allotments, Cedar Road, Eglwys Brewis**

Residential development with associated roads etc.

#### **SITE DESCRIPTION**

The application site has an area of approximately 0.29ha of undeveloped land and comprises the eastern section of a former allotment ground. The site is located on the western edge of the Eglwys Brewis housing estate.

#### **DESCRIPTION OF DEVELOPMENT**

This is an outline application, with all matters other than means of access reserved for subsequent detailed approval for the residential development of the site. The submitted details show vehicular access onto Cedar Road with a new road and turning head into the site, measuring 5m wide by approximately 78m in length. An illustrative siting shows 8 No. houses (6 No. semi detached and 2 No. detached) arranged along the access road with parking lay-bys providing 12 No. car parking spaces. The illustrative layout also shows a means of access onto the remainder of the former allotment ground plus a screen hedge along the boundary.

The application is supported by an Ecological Assessment report.

#### **PLANNING HISTORY**

99/00194/OUT – Former allotments – the current application site comprised part of land. Refused 28 May 1999 for the following reason:

1. The proposal represents development in the open countryside contrary to Policy H10 of the approved South Glamorgan Structure Plan Proposal for Alteration No. 1 (1989) and Policy HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 which carry a presumption against the erection of dwellings in the open countryside unless such development can be justified in the interests of agriculture or forestry. No such justification exists in this case.

A subsequent appeal was dismissed on 24 November 1999. A copy of the decision is reproduced at Appendix A.

99/00256/FUL – Two houses on land at the end of Cedar Road, Plots 5A and 5B. Refused 28 May 1999 on the grounds of unacceptable rounding off of the village and loss of turning head detrimental to highway safety. A subsequent appeal was allowed on 24 November 1999.

00/00848/OUT – Plot 5 Cedar Road. One detached dwelling. Approved 8 September 2000 subject to conditions including removal of permitted development rights and highway details with provision of a turning head.

03/01322/FUL – Plot 5 Cedar Road. Detached four bed house and associated roadworks. Approved 27 February 2004 subject to conditions including removal of permitted development rights and provision of an adoptable turning head.

### CONSULTATIONS

St. Athan Community Council – “My Council oppose this application on the following grounds:

- a) Overdevelopment.
- b) Traffic congestion on already busy internal site roads, road infrastructure required to create new external exit east end of Cedar Road”.

The Environment Agency We request the following conditions be included in any planning permission granted:

CONDITION: No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: With regard to surface water, due to downstream restricting structure(s) and/or inadequate capacity of the receiving watercourses, the Environment Agency objects to any development taking place which generates flows greater than 7.4 litres/sec/hetare being discharged to any watercourse in the vicinity of the proposed development.

REASON: To prevent the increased risk of flooding.

The following comments should also be considered:

Our floodplain maps show that the site in question is not within a fluvial floodplain and we have no record or awareness of any flooding having occurred to the property. Other sources for example, Local Unitary Authorities, may be able to provide information on issues such as localised flooding from drains and culverts.

The watercourse known as the Nant-Yr-Stepsau is scheduled pursuant to Water Resources Act 1991 and our Land Drainage Byelaw, as a statutory main river. The developer must obtain the prior formal land drainage consent of the Environment Agency for any works in, under or over the watercourse, or within 7 metres of the base of any floodbank or wall or, where there is no bank or wall within 7 metres of the base of the top of the riverbank.

The responsibility for the maintenance and good order of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

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

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licencing Regulations 1994.

If controlled wastes are to be utilised for construction purposes the developer must register the activity with the Environment Agency Wales. The Duty of Care Regulations apply to all movements of controlled waste.

Dwr Cymru/ Welsh Water request that if you are minded to grant Planning consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Waters assets.

### **Sewerage**

#### **Conditions**

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

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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

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

### **Sewerage Treatment**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from this site.

Ministry of Defence (Defence Estates):

“Thank you for consulting us on the above proposed development which was received by this office on 19 June 2006. We can confirm that the Ministry of Defence has no safeguarding objections to this proposal provided none of the residences exceeds 10.7m in height above ground level. In addition any planning permission granted should include a provision to ensure that construction equipment does not infringe aerodrome height safeguarding criteria.

Cranes and other plant machinery deployed at this site during the construction phase may affect air traffic procedures. The MOD will need to ensure that any such equipment will not obstruct air traffic movements and are appropriately lit to identify them to air traffic. Accordingly the MOD requests that notification is sent of the date on which construction will commence and that details are provided of any cranes that are to be erected on this site.

I hope this adequately explains our position on this matter. Please do not hesitate to contact me should you require any further information.”

Countryside Council for Wales:

“Thank you for your consultation dated 24 October regarding the above proposals and forwarding the report by David Clements Ecology Ltd, Site Off Cedar Road, Eglwys Brewis, Vale of Glamorgan, South Wales, Ecological Assessment, September 2006. David Clements Ecology Ltd., Carlton Huose, 5 Herbert Terrace, Penarth, Glamorgan, CF54 2AH.

The Countryside Council for Wales (CCW) is the Welsh Assembly’s independent adviser on countryside and wildlife issues in Wales. We have statutory responsibilities for wildlife conservation on land and at sea, for landscape conservation, for promoting enjoyment of the countryside and for encouraging public understanding.

CCW agrees with the views represented in the report by David Clements Ecology Ltd., i.e., that it is unlikely great crested newts will disperse towards the survey site. Therefore, we will not be advising that the applicant seek a licence from the Welsh Assembly Government for this development.

We note the reference to, and recommendations put forward with regard to reptiles. Should you be minded to consent this operation we advise a condition be applied to ensure a mitigation scheme is prepared and implemented for the safeguard of reptiles on site.

The Head of Visible Services (Highway Engineer) Consultation on initial scheme.

The highway Authority has no objections to the proposals in principle subject to the following being satisfied in the interests of highway and public safety.

- (1) Notwithstanding the submitted plans, no works whatsoever shall commence on Site until full engineering details including all retaining structures, embankments, fencing, drainage (inclusive of land drainage), lighting, vehicular turning areas planting and any connecting footway/cycles ways etc have been submitted and approved by the Local Planning/Highway Authority (**refer advisory notes below**) and the Environment Agency.
- (2) The proposed design layout shall incorporate on site parking for both residents and visitors in accordance with the parking Guidelines.
- (3) The highway Authority would bring to the attention of the Local Planning Authority the following:
  - (a) The 'Red' line boundary as submitted does not abut the limits of the adopted highway.

The area of land between the site and the adopted highway will be required for either a private access road if serving up to a maximum of five dwellings or the extension of the adopted highway where in access of five dwellings is proposed.

In both of these cases permission will be required from the freeholder to gain access for a private access road or in the case of the extension of the adopted highway, the freeholder must be in agreement to the dedication of the area of land within the ownership required for highway works.

- (b) The majority of the aforementioned area has previously been granted approval for a detached dwelling subject to a highway improvement scheme in the form of a vehicular turning area to be constructed as an extension of the adopted highway.

N.B. The Highway Authority would advise that there still appears to be a ransom strip between the proposed turning area and a new 1200 high brick boundary wall.

**Should the Local Planning Authority be minded to grant approval, the Highway Authority wish the following advice notes to be incorporated within the consent:**

- (i) The applicant is advised that it would be of benefit to consult the Highway Authorities development Section before submitting any formal proposals to the Local Planning Authority for approval of reserved matters or Full Planning Permission.
- (ii) The applicant is advised that the full engineering details of the site/development shall be designed and constructed to the Vale of Glamorgan Council's County Highway Standards.

- (iii) The applicant is advised that the Highway Authority will require the owner of the site/developer to enter into a legally binding agreement in conjunction with a cash bond or surety being deposited with the Highway Authority to ensure that the proposed street works can be completed at no expense to the Authority or the public.

Comments on amended layout are awaited.

The Director of Legal and Regulatory Services – Environmental Health (Pollution Section):

I refer to your memorandum received by this department on 16 June 2006. This department has no objection to the proposed development with respect to contaminated land. However,

any soils or similar material to be imported or reused in situ shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

*Reason: To ensure that the safety of future occupiers is not prejudiced.*

The Head of Economic Development and Leisure (Council's Ecologist):

#### River Corridor and \*Otter and Water Vole Issues

The Nant y Stepsau stream, which runs along a small section of the northern boundary of the application site, is part of a candidate Site of Importance for Nature Conservation (cSNIC): Nant y Creek, consisting of tributary streams to the River Thaw and adjacent riverside habitat.

- It is recommended that the stream and streamside vegetation, including the woodland corridor, which form part of the northern boundary, be retained, and excluded from development site through condition.

It is possible that otter or water vole may use the Nant y Stepsau stream. Otter 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). Water vole places of shelter are protected through UK legislation under the Wildlife and Countryside Act (1981) (as amended) which makes it an offence to disturb a water vole while in a place of shelter or damage/destroy its place of shelter.

- In the event that the development area would include the stream or corridor of streamside vegetation, an otter and water vole survey should be conducted by a licenced surveyor prior to the granting of consent to ascertain presence or absence of otter and water vole. In the event that the survey reveals the presence of otter/water voles, 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.

### 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.

### \*Great Crested Newt

It is noted that a reservoir is shown on GIS mapping which lies approximately 380m from the application site on the other side of Eglwys Brewis village. Should this support breeding populations of great crested newt, there is the possibility that great crested newt could be using the application site as terrestrial habitat.

- It is recommended that the developer be made aware that great crested newts and their breeding sites and resting places are protected by law through UK legislation under Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). This legislation makes it an offence to damage or destroy a breeding site or resting place, to either intentionally or recklessly damage, destroy or obstruct access to a place used for shelter and protection, or to intentionally or recklessly disturb great crested newts within a place used for shelter or protection.
- It is recommended that the following good practice guidelines be included as an informative in any consent to minimise potential impacts on great crested newts, assuming potential presence on the application site:

In the event that great crested newt is found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales, (CCW) (Tel: 02920 772400).

Keep grassland surrounding/on the development site short prior to and during development to discourage newts from entering the site.

## 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.

## Consultation with the Countryside Council for Wales

It is recommended that the Countryside Council for Wales be consulted on this application.

**\*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, otter and great crested newt) 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 for 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.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 14 June 2006. In addition the application was advertised on site and in the press on 20 June 2006.

A letter of objection has been received from the occupier of No. 25 Chestnut Avenue. A copy is attached at Appendix B, however the main points raised relate to loss of view and devaluation of property.

Two letters in support of the application have been received from the occupiers of No. 17 Cedar Road and No. 26 Chestnut Avenue. These letters are available on file for Committee Members inspection.

A further letter in support of the application has been submitted by Annington Developments Ltd. This is reproduced at Appendix C.

## REPORT

The application seeks outline consent for the residential development of an area of unkempt and overgrown former allotment land located within the settlement boundary for Eglwys Brewis. As such the following policy background is relevant to the determination of the application.

### Planning Policies

The development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The site now lies within the defined residential settlement boundary for Eglwys Brewis following the Inspectors recommendation and subsequent Unitary Development Plan modification made in 2003.

Policy HOUS2 of the Unitary Development Plan allows for additional residential development at Eglwys Brewis subject to Policy HOUS8 – Residential Development Criteria. This states:

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

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iv) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET;
- (v) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vi) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

The site is located in proximity to Nant y Creek a candidate Site of Importance for Nature Conservation (cSINC). Policy ENV15 of the Unitary Development Plan – Local Sites of Nature Conservation Significance is therefore relevant. This states:

DEVELOPMENT AND LAND USE CHANGE LIKELY TO HAVE AN UNACCEPTABLE EFFECT ON A LOCAL NATURE RESERVE, A REGIONALLY IMPORTANT GEOLOGICAL / GEOMORPHOLOGICAL SITE, OR A SITE SHOWN TO BE OF IMPORTANCE FOR NATURE CONSERVATION WILL NOT BE PERMITTED UNLESS THE REASONS FOR THE PROPOSAL CLEARLY OUTWEIGH THE LOCAL IMPORTANCE OF THE SITE. IF DEVELOPMENT IS PERMITTED, APPROPRIATE CONDITIONS OR AGREED PLANNING OBLIGATIONS WILL BE USED TO ENSURE THE IMPACT ON NATURE CONSERVATION IS MINIMISED.

In addition Policy ENV16 refers to Protected Species and states:

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.

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

Policy REC10 of the Unitary Development Plan refers to Development of Allotment Land and whilst the land is currently disused, its last authorised use was as allotments. The Policy states:

“The development of land used for allotments will be permitted if suitable and accessible replacement sites are provided by the developer”.

The Council also has Supplementary Planning Guidance (SPG) including the SPG on Amenity Standards which not only contains policies on the level and quality of amenity space but also covers issues of privacy, overshadowing and visual amenity.

National guidance is contained in Planning Policy Wales March 2002 and Technical Advice Note 16 Sport and Recreation which recognises the importance of Wales’ natural heritage along with the need to provide new housing that is well integrated with and connected to the existing pattern of settlements.

### Issues

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

The site is located wholly within the settlement boundary where the principle of residential development is acceptable. The application has been submitted in outline with all matters other than means of access reserved for subsequent approval. In assessing the illustrative details against the Council's policies and guidance it is considered that a detailed scheme could be submitted that would meet standards of parking, and amenity and provide for a development the scale and form of which would be in keeping with the existing houses.

In respect of the access and highway issues it is noted that the Council's Highway Engineer has no objections in principle subject to the road being completed to adoptable standards at the developers expense and the submission of full engineering details including all retaining structures, embankments, fencing, drainage, lighting, turning areas, footpaths/cycle ways and planting.

It is noted that the proposed road layout has been amended following the consultation response from the Council's Ecologist. The Nant y Stepsau stream, which runs along a small section of the northern boundary of the application site is part of a candidate site of Importance for Nature Conservation (cSINC) – Nant y Creek.

Concern was expressed that the access road would affect stream side vegetation, along with possible impacts on wildlife, including otters and water vole, that may be in evidence along the stream and its corridor. The application has subsequently been amended to move the proposed new access road further away from the stream. In addition an ecological survey has been undertaken and a report submitted. This shows no evidence of otter or water vole and that it is extremely unlikely that great crested newts would disperse towards the site. It concludes however that the proposed development would entail the loss of most or all of the habitats currently present on the site and would possibly cause adverse impacts to the protected species. Notwithstanding this the redevelopment of the site would be unlikely to entail significant loss of wildlife features. The report states:

“Provided adequate mitigation measures are implemented to avoid or minimise impacts to the identified features of interest and protected species etc., it is considered that the redevelopment of this site would not be unacceptably, constrained by biodiversity and nature conservation issues”.

The Countryside Council for Wales have confirmed that they will not be advising that the applicant seek a licence from the Welsh Assembly Government for this development.

A further material consideration in the assessment of this application is the former use of the land as allotments and the future use of the remainder of the allotment land that lies adjacent to the site and is excluded from the defined settlement boundary. It is recognised that the allotments are not statutory allotments and have not been in use for many years. It is noted that the Inspector in considering objections to the draft Unitary Development Plan accepted the objectors revised proposals to include part of the allotment land within the settlement boundary as it would be closely associated with the development on Cedar Road and Elm Grove and would be of a scale and form in keeping with the immediate environs of the site. The Inspector also noted that the intention of the objector to “gift” the ownership of the remainder of the allotments “would enable the openness of the greater majority of the objection site to be conserved”.

It is considered that the granting of consent for residential development of the application site would not set a precedent for further development on the remainder of the allotment land as this area is excluded from the settlement boundary and the previous arguments as to the loss of openness would still be relevant. As such the Council would have justifiable grounds to resist additional residential development on the remainder of the land and it is likely that any other alternative use not associated with the allotments would require planning permission where the Council would retain some control of any future development.

Notwithstanding this it is noted that it is the intention of Annington Developments following the auctioning of the application site with the benefit of planning permission to transfer total control of the remainder of the allotments to the residents who currently make up a minority of the shareholders of the Management Company, and also to secure a legal access to the land which is not available at present.

In order to provide some certainty as to the future use of the allotments by the residents the applicants have been requested to indicate a means of access to the land on the submitted road details. It is also considered necessary to ensure that a water supply is made available to support the future use of the land. In addition it is considered that the cost of providing a natural hedgerow screen along the boundary with the proposed development site should also be met by the developer as this will serve to mitigate any impact on the future occupiers of the proposed houses from the use of the allotment grounds. It will also serve to clearly demarcate the limit of residential development thereby mitigating any adverse effects of the development itself on the surrounding countryside and ecology.

## CONCLUSION

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

Having regard to Policies HOUS2 and HOUS8 - Residential Development Criteria, ENV15 – Local Site of Nature Conservation, ENV16 – Protected Species, ENV27 – Design of New Developments and REC10 – Development of Allotment Land of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, along with Supplementary Planning Guidance on Amenity Standards and national guidance, it is considered that the proposal represents an acceptable form of additional residential development at Eglwys Brewis that should not harm the general amenities of the area, and with appropriate mitigation measures can ensure that the impact on biodiversity and nature conservation is minimised.

In view of the above the following recommendation is made.

### RECOMMENDATION

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

4. This consent shall only relate to the amended plans reference Drawing No. 1809/1 received on 8 January 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

5. Notwithstanding the submitted plans, full engineering details of the road layout, including cross sections, street lighting and surface water drainage, shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

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

6. None of the residential units approved under this outline consent shall be occupied until a means of vehicular/pedestrian access to the remainder of the allotment land, located to the west of the site, has been completed in accordance with details to be agreed in writing with the Local Planning Authority; said access to be retained at all times thereafter to ensure the future continued beneficial use of the land.

Reason:

To ensure the continued beneficial use of the remainder of the allotment land following development of that part of the land hereby approved for residential use in accordance with REC10 - Development of Allotment Land of the Unitary Development Plan.

7. Prior to the commencement of development full details of a scheme for foul, surface water and land drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details before the first beneficial occupation of any one of the residential units approved under this outline consent and thereafter so maintained at all times.

Reason:

To ensure adequate drainage of the site in accordance with Policy ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Unitary Development Plan.

8. The drainage details referred to above shall pay particular regard to the disposal of surface water and the need to restrict flows to no greater than 7.4 litres/sec/hectare being discharged to the nearby watercourse.

Reason:

To safeguard against flooding in accordance with Policy ENV7 - Water Resources and Policy ENV27 - Design of New Developments of the Unitary Development Plan.

9. None of the residential units approved under this outline consent shall be occupied until a water supply has been provided to serve the remainder of the allotment land located to the west of the application site. Details of the proposed water supply shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure the beneficial use of the remainder of the allotment land following development of that part of the land hereby approved for residential use in accordance with REC10 - Development of Allotment Land of the Unitary Development Plan.

10. No development shall take place until a methodology statement, specifying the means by which the recommendations contained in the submitted Ecological Assessment (September 2006) received by the Council on 18 September 2006, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details unless any variations are agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate mitigation measures are in place to minimise any impact on wildlife or nature conservation interests in accordance with Policies ENV15 - Local Sites of Nature Conservation and ENV16 - Protected Species of the Unitary Development Plan.

11. None of the residential units approved under this outline consent shall be occupied until details of a native hedgerow, to be planted along the western boundary of the site with the remainder of the allotment land, have been submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented in the first planting season following the first occupation of the development or the completion of the development, whichever is the sooner; and any failures shall be replaced by specimens of a similar age and species for a period of five years.

Reason:

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

12. The detailed plans shall provide for on-site parking facilities to meet the standards of the Local Planning Authority.

Reason:

To ensure adequate on-site car parking in the interests of highway safety and to comply with Policies ENV27 - Design of New Developments and HOUS8 - Residential Development Criteria of the Unitary Development Plan.

13. The proposed dwelling shall be designed in accordance with the Council's approved Supplementary Planning Guidance on Amenity Standards.

Reason:

In the interests of general amenities and quality of design in accordance with Policy ENV27 - Design of New Development of the Unitary Development Plan.

14. Plans and particulars of the reserved matters referred to in Condition No. 1 above relating to siting, design and external appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission, and to comply with Section 92 of the Town and Country Planning Act, 1990.

**NOTE:**

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
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.**

- 4. The developer should be aware that the importation of soils or similar material or reuse in situ must be assessed for chemical or other potential contaminants with only material approved by the Local Planning Authority to be imported onto the site in accordance with the relevant Code of Practice and Guidance Notes. The developer is therefore advised to contact the Council's Legal and Regulatory Services, Environmental Health Pollution Section in the first instance for further advice Tel: 01446 709105.**
  
- 5. The Ministry of Defence have advised that any construction equipment should not infringe aerodrome height safeguarding criteria. The developer is therefore advised to notify the MOD of any cranes that any be erected on the site and the date on which construction will commence, Defence Estates Safeguarding Team Tel: 0121 311 2274.**

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

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

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

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

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

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

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

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

**SITE DESCRIPTION**

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

**DESCRIPTION OF DEVELOPMENT**

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

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

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

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

## PLANNING HISTORY

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

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

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

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

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

## CONSULTATIONS

Llantwit Major Town Council has no objections.

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

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

Glamorgan Gwent Archaeological Trust has no objections.

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

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

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

Further comments following additional information:

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

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

## REPRESENTATIONS

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

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

## REPORT

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

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

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

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

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

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

## EMP7 – FARM DIVERSIFICATION

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

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

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

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

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

(vii) PARKING IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES: AND

(viii) THE SITE IS NOT IN AN AREA WHERE THERE IS A RISK OF FLOODING.

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

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

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

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

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

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

## CONCLUSION

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

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

In view of the above the following recommendation is made.

## RECOMMENDATION (W.R.)

### REFUSE

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

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

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

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

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

#### **SITE DESCRIPTION**

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

#### **DESCRIPTION OF DEVELOPMENT**

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

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

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

#### **PLANNING HISTORY**

None.

#### **CONSULTATIONS**

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

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

“The development proposals would remove the existing parking facilities from No 30 Grove Terrace. Furthermore, as the development only provides 2 parking spaces, the proposed dwelling will be deficient in parking by one vehicle space. From site observations it is noted that the surrounding highway network is at capacity in terms of on-street parking and any increase in the existing parking demand from the proposed development cannot be accommodated at the kerbside. Therefore, based on inadequate parking facilities to serve the

development site, and the removal of existing parking facilities, the Highway Authority object to the above application.”

Comments are awaited in respect of the amended plans.

The Environment Agency ‘Standard Advice’ applies.

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

## REPRESENTATIONS

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

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

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

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

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

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

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

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

## REPORT

Members will recall that this application was deferred at the 10 January 2007 meeting of Planning Committee to allow a site inspection to be undertaken.

### Planning Policies

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

- HOUS2 'Additional Residential Development' allowing housing infill and redevelopment subject to criteria contained in Policy HOUS8.
- HOUS8 'Residential Development Criteria' listing 6 criteria which development will need to meet.
- ENV27 'Design of New Developments'.
- TRAN10 'Parking'.

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

### Issues

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

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

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

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

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

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

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

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

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

## CONCLUSION

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

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

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

To ensure that the visual amenities of the area and the amenities of adjoining occupiers are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

**NOTE:**

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

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

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

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

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

Peter Emery, 4, Church Road, Bridgend, CF31 3AZ  
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Cardiff., CF11 7LU

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

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

#### **SITE DESCRIPTION**

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

#### **DESCRIPTION OF DEVELOPMENT**

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

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

## PLANNING HISTORY

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

## CONSULTATIONS

St. Georges & St. Brides Community Council have concerns that the extension is inappropriate in design terms, unnecessarily large and development on Grade 3 agricultural land. The new build studio garage is also completely unacceptable and on Grade 3 agricultural land.

The Environment Agency' initial comments:

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

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

Countryside Council for Wales' initial comments:

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

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

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

Glamorgan Gwent Archaeological Trust' initial comments:

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

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 6 September 2006 . In addition the application was advertised on site and in the press on 5 September 2006. The occupier of Ty Gwyn had submitted a letter of objection. Whilst the letter is available in full on file, in summary the main points of concern relate to new build garage studio has potential for new build house; development on agricultural land; garage/studio will detract form visual amenities of Ty Gwyn; oil tanks also an eyesore. Request be advised of date that Planning Committee consider application.

## REPORT

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

The site inspection will be undertaken on 8 February 2007.

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

### Planning Policies

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

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

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

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

- i) there are exceptional circumstances that justify the proposals;
- ii) there is no satisfactory alternative; and

iii) effective mitigation measures are provided by the developer.

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

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

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

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

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

### Issues

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

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

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

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

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

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

## CONCLUSION

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

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

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

8. This consent shall only relate to the amended plans reference Drawing No. 2524-09A and 2524-14A received on 24 January 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

**NOTE:**

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

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

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

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

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

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

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

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

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

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

The property is a Grade I Listed Building.

The application was advertised on 5 September 2006.

### **SITE DESCRIPTION**

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

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

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

The main feature of the interior is the magnificent first floor hall with 15<sup>th</sup> Century timber roof of 4-bays and 2 half-bays, one at each end, the principals have arched braces to collar beams, and alternate principals have hammer beams with carved hammer braces on timber corbels; the roof structure accommodates 2 No. purlins with cusped wind-braces between, though these may be Victorian additions/replacements. The wooden floor of the hall is raised at upper end. In the side (western) wall is a fireplace with fine freestone surround: a square head with canopy hood slightly projecting carried on corbel brackets and with a double-roll moulding along the top edge of the opening, round the radius of each corbel and down the front edge of each jamb. A plainer chamfered fireplace exists in the former solar. Interior walls are rendered stone, primarily lime washed, but painted in some places. There is some evidence of attempted repair and blocking up on roadside (eastern) wall as well as ad-hoc repair.

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

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

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

## DESCRIPTION OF WORKS REQUIRING LISTED BUILDING CONSENT

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

## PLANNING HISTORY

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

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

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

### CONSULTATIONS

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

### REPRESENTATIONS

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

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

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

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

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

## REPORT

Members will be aware that this application was deferred at the 10 January 2007 Planning Committee to allow a site inspection to be undertaken on 8 February 2007.

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

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

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

### Repair Works

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

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

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

## Structural Intervention

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

The proposed solution put forward takes an approach of generally strengthening the existing roof timbers using a combination of new timber material where necessary, discrete steelwork supports (fitch plates and cleats to beam ends and concealed plate repairs to collars) and the provision of a steel tie, concealed within a new (reintroduced) cross screen to the hall.

The roof would be recovered in natural slate on a 'decking' of ply on new secondary rafters, internally insulated and lime plaster finished to provide a better thermal efficiency whilst maintaining a tradition appearance.

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

The introduction of the concrete eaves beam is a radical intervention, but can be justified in that it potentially removes the need to rebuild and regularise the elevations of the building to resolve roof loading. The approach is proposed with the objective of retaining and conserving the maximum amount of early historic fabric as is possible, retaining defective roof members where they can be assisted/augmented with steelwork, in lieu of potentially replacing them with new timber members.

The approach is therefore considered acceptable subject to detail relating to individual timbers and options/contingencies being able to be controlled during the implementation of works via condition.

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

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

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

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

#### Re-ordering and Extension

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

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

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

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

The building, although exceptional in respect of its architectural and historic interest, is acknowledged to be not best designed for modern living. It is proposed therefore to enlarge the building with a modest extension to its rear, this has the benefit of removing the necessity of having to unduly subdivide the historic structure, (which would not be supported), and of providing a more modern residential living environment, juxtaposed with the historic accommodation. Internally some re-arrangement is proposed, but this is effectively limited to a small number of partitions proposed to the ground floor, these will generally follow beams above and are not objected to as they provide a more rational use of the available space and are reversible if so desired in the future.

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

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

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

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

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

## CONCLUSION

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

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

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

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

## RECOMMENDATION

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason.

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

In order to ensure an appropriate technology of repair.

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

19. This consent shall only relate to the amended plans reference Drawing Nos 2524-09A and 2524-14A received on 24 January 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

**NOTE:**

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

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

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

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

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of 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**

**2006/01277/FUL** Received on 12 September 2006

Mr. Simon Olden 16 Bleddians Close, Cowbridge, Vale of Glamorgan., CF71 7BA  
Mr. Simon Olden 16 Bleddians Close, Cowbridge, Vale of Glamorgan., CF71 7BA

**Germonds Farm Barns, Watery Lane, Welsh St. Donats,**

Conversion of redundant farm building to dwelling house

**SITE DESCRIPTION**

The application site relates to a former agricultural barn and associated yard located to the west of Welsh St. Donats and south of Prisk, located some 270 metres to the south of the adopted highway.

The barn comprises of an original hay barn arranged over two floors with smaller attached single storey elements providing an 'L' shaped footprint. The barn comprises of stone elevations with a mix of dressed stone quoins and brick. The roof comprises of a mix of slate and profiled steel sheeting. The surrounding area to the barn mainly comprises of a concrete yard.

**DESCRIPTION OF DEVELOPMENT**

This is a full application for the conversion of the barn to a dwelling. The scheme for the conversion as amended will provide at ground floor level, a sitting room, dining hall, living room, kitchen, study and bedroom and a glazed roof in place of the existing lean-to canopy. The first floor in the main two storey barn will provide three further bedrooms and a bathroom. It should be noted that part of the section of the barn is to be retained as two loose boxes (as existing).

The renovation and conversion will include the provision of several conservation style roof lights on secondary roof elevations and the existing roof is to be re slated. All existing openings are to be retained with an additional opening to provide external doors from the sitting room. Two additional windows are also proposed to provide a means of escape from two of the first floor bedrooms which are sited on secondary elevations. New windows and doors are to be light stained hardwood. It is proposed to repair the stonework as necessary including a small area of rebuild indicated in the east wall and rake out existing stone work and repoint as necessary in lime to match the existing stone.

The barn will be served by a garden, where the amended plans define a curtilage that will incorporate the existing yard, and extend to the rear up to the existing field boundary which separates the yard from the agricultural land to the south and east.

The proposed access will utilise the existing access from the adopted highway to the site which also serves the remaining part of the farm and Germonds House. The access is proposed to be improved by way of two passing bays.

The application has been supported by a structural survey report, bat and barn owl survey and a subsequent method statement and mitigation measures report.

## PLANNING HISTORY

None.

## CONSULTATIONS

Welsh St. Donats Community Couuncil has no objection.

Environment Agency Wales has responded with a "Standard Advice" guidance note for Developers.

The Head of Visible Services (Highway Development) comments:

"Further to the site visit undertaken in relation to the above, I would comment that the development proposals are acceptable in principle. However, two passing bays are required to be provided at each end of the site access road in order that two vehicles can pass side by side. Therefore, an amended site layout plan showing the above is required to be submitted to the highway Authority for consideration. "

Countryside Council for Wales comments:

"Following the submission of a bat and barn owl survey which indicated that there was strong evidence that part of the barn was being used by bats, a method statement and mitigation measures report has been submitted to support the application license from the Welsh Assembly Government. The Countryside Council for Wales were consulted on this report and have sated that as the bats only occupy the end of the loose boxes which are not subject to residential conversion, it is their opinion that the works will not cause any detrimental impact upon the bat population at the site."

Hyder Consultants comments that as the applicant intends to use private drainage facilities they have no comment to make on the application.

Building Control Section has considered the submitted structural report and have stated that the structural engineers report appears to be a fair asesment of the condition of the building and acknowlwdged that work will be required on parts of the single storey barn.

The Director of Legal and Regulatory Services Environmental Health (Pollution Section) - Responded with no comments to make.

## REPRESENTATIONS

Germonds Farm were consulted and a site notice was also posted. To date no letters of representation have been received.

## REPORT

### Planning Policies

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

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

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

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

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

## Issues

One of the principal considerations in assessing such an application is whether the site is in a sustainable location, that is whether there is provision of nearby services and facilities which can be readily accessed without the need to travel by car.

The site is located outside of a defined settlement, although it is relatively close to the settlement of Aberthin located to the south. Moreover there is a direct public footpath link from the application site to the village, approximately 1 km in length. Accordingly it is considered that the site is not isolated and is located in relatively close proximity to local services which can be accessed without travelling by car.

In relation to access, the Head of Visible Services (Highways Development) has stated that the proposal is acceptable in principle although has requested the provision of two passing bays in order that two vehicles can pass side by side. Amended plans have now been submitted, which are now considered acceptable. There is also adequate parking provision within the proposed curtilage to accommodate the necessary off road parking.

Whilst the barn is set within a former farmyard, the barn and immediate surrounding yard are now disused and the remaining farming activities take place at Germonds House and the adjacent modern farm buildings. Accordingly it is considered that the adjacent farming activities are distinctly separate from the application site so as not to impact on the amenities of any future occupiers and therefore the principle of the conversion is considered acceptable. Furthermore no adverse comments have been received from the Environmental Health Section. Moreover the barn is located some 90 metres to the east of Germonds House and the residential use of the barn would not result in the loss of privacy or amenity to the occupiers of the nearby dwelling.

The proposal has been assessed as to whether the building is structurally sound and that the conversion can be achieved without substantial reconstruction of the external walls. It is the opinion of the Building Control Officer that the structural report accurately reflects the condition of the existing structure and the necessary works required for the residential conversion. It should be noted that the report does state that remedial work is required to the two single storey attached barns, however these are secondary elements to the main barn and are on secondary elevations and subject to the submission of a method statement for a scheme of repair, it is considered that the conversion works proposed can be achieved without substantial reconstruction.

The conversion seeks to retain all existing openings and the main double height opening will be infilled with a hardwood glazed entrance. The elevations will also retain all existing openings and whilst there are a total of three additional openings these are considered acceptable with regard to the conversion as a whole and would not undermine the character of the converted building. The scheme includes what the conversion of the open fronted lean-to structure located on the rear elevation to be replaced with a glass roof and glazed gable.

The supporting stone wall of the lean-to appears original to the barn and therefore there is not considered to be any objection to the conversion of the lean-to. The proposed use of glass for the roof and gable of the lean-to being sited on a secondary elevation is considered acceptable and will not impact on the character of the main two storey barn. The proposed alterations as a whole to convert the barn to residential use can be undertaken without substantial reconstruction of the external walls, or extension to the building and as a whole is not considered to unacceptably alter the appearance and rural character of the building.

With regard to the provision of a residential curtilage to serve the proposed barn, the application site includes the land around the barn which comprises of the concrete yard enclosed by existing natural boundaries defining the site from the agricultural land lying to the south and eastern. Accordingly an appropriately sized residential curtilage can be provided without undue encroachment into the countryside.

### CONCLUSION

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

Having regard to Policies ENV8, ENV27 and TRAN10 the proposed scheme for residential conversion of the barn is considered acceptable, subject to the imposition of conditions, as the proposed residential conversion can be achieved without substantial reconstruction of the external walls, or extension to the building and is not considered to unacceptably alter the appearance and rural character of the building or wider rural character of the area.

### RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 12 September 2006 other than where amended by plans reference 06/00127/FUL/D and E received on 19 October 2006 and plans reference 06/01277/FUL A, B and C received on 12 December 2006.

Reason:

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

3. 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. 06/01277/FUL/E and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

4. Prior to the commencement of development details of windows, doors, rooflights to scale of 1:10 or 1:20 (including sections) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

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

5. Prior to their use in the development hereby approved, samples of the ridge tiles, slates and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

6. Prior to the commencement, 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 first beneficial occupation of the converted barn.

Reason:

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

7. Notwithstanding the submitted plans, further details of all means of enclosure (including proposed gates) shall 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 in this rural area, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area and to ensure compliance with Policies EV11 and ENV27 of the Unitary Development Plan.

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

Reason:

In the interests of privacy and amenity given the restricted nature of the site and to ensure compliance with the terms of Policy ENV8 and ENV27 of the Unitary Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no 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 as hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

**NOTE:**

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **The applicant and/or any future owner or occupier should be aware that bats have been found to be present in the two loose boxes, which are not shown to form part of the conversion. Given that no works are to be undertaken in the section of the building where bats are present, it is the opinion of the Countryside Council for Wales that the applicant would not require a Welsh Assembly Government Licence for the works. However should any future works be required to be undertaken in the part of the building confirmed as having bat use (loose boxes), then the Countryside Council for Wales must be reconsulted prior to undertaking any works.**

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

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

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

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

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

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

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

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

Construction of two bedroom coach house dwelling with integral garage

**SITE DESCRIPTION**

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

**DESCRIPTION OF DEVELOPMENT**

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

**PLANNING HISTORY**

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

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

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

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

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

**CONSULTATIONS**

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

The Environment Agency 'Standard Advice' applies.

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

## REPRESENTATIONS

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

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

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

No other comments have been received.

## REPORT

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

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

## Planning Policies

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

## Issues

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

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

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

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

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

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

Policy ENV27 states that:

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

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

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

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

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

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

## CONCLUSION

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

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

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

In the interests of highway safety.

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

Reason:

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

**NOTE:**

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

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

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

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

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

**2006/01515/FUL** Received on 27 October 2006

Mr. R. Thomas, Ashley House Stables, Sutton Road, Llandow, Vale of Glamorgan, CF71 7PA

Mr. T. Willis, Cobbetts LLP, One Colmore Square, Birmingham, B4 6AJ

### **Ashley House Stables, Sutton Road, Llandow**

Retention of driveway and hardstanding area

#### **SITE DESCRIPTION**

The application site relates to land adjacent to Ashley House Stables, Llandow comprising of several agricultural fields between Ashley House Stables and the road leading to Llandow Village.

#### **DESCRIPTION OF DEVELOPMENT**

This application has been submitted following the refusal of application ref: 05/01692/FUL. This current application again seeks retrospective planning permission for the retention of a recently constructed driveway from Ashley House Stables to the public highway to the north, adjacent to the field hedge boundary, a distance of 530 metres. The plans indicate a hardstanding area located in the middle of the driveway some 28 metres in length by a width of 12 metres.

The track as constructed is of a width of 6 metres with a construction depth of 0.8 metres with a tarmac wearing course and a finished height of 0.4 metres above ground level. The track has also been separated from the adjacent agricultural field by a 1.5 metre high post and rail fence.

The application also includes a scheme for the removal of part of the existing runways within the site edged red. A supplementary plan has been submitted which indicates two intersecting parts of the former runway on the north eastern corner of the site totalling some 400 metres in length. The proposal seeks to remove the identified part of runway (tracks) and to recycle the crushed hardcore elsewhere on the application site, for repairs to existing hard surfaces. It is then proposed to infill the removed areas of runway with topsoil up to the level of the adjoining land and seed with grass to ensure the land can be brought back into beneficial agricultural use.

#### **PLANNING HISTORY**

05/01692/FUL – Retention of new driveway hardstanding area. Refused 21 December 2005 for the following reason:

*The driveway, field access and hard-standing to serve Ashley House Stables relates to unjustified development, which in addition to the scale of the development and its prominence when viewed from the public highway, would result in an unacceptable and unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal is therefore considered contrary to Policies ENV1 (Development within the Countryside), ENV8 (Development Involving Horses), ENV9 (Conservation in the Countryside) and ENV10 (Protection of Landscape Features) of the adopted Vale of Glamorgan Unitary Development Plan 2005.*

00/00134/FUL - Conservatory. Approved 5 April 2000.

98/01277/FUL - Retention of gallop. Approved 8 January 1000.

98/01067/PN - Proposed road. Refused 30 October 1998.

### CONSULTATIONS

Llandow Community Council were consulted and to date no comments have been received.

### REPRESENTATIONS

A site notice was posted and to date no comments have been received.

### REPORT

#### Planning Policies

The following policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 are relevant:

ENV1 (Development in the Countryside)

ENV8 (Development Involving Horses)

ENV9 (Conservation of the Countryside)

EMP9 (Agricultural Enterprise and Associated Development)

#### Issues

Following refusal of 05/01692/FUL, an Enforcement Notice was served against the unauthorised activities comprising of the excavation and removal of topsoil and the deposit of hardcore and builders waste to construct a hard standing, in that the works were harmful and detrimental to the character and appearance of the countryside and were not justified as being reasonably necessary for agriculture or forestry.

The current application is therefore a resubmission of the application previously refused, although a statement, which attempts to provide justification for the works undertaken, supports the application. In assessing this application consideration should be given as to whether there is a change in the nature of the application or other circumstances to overcome the previous reason for refusal.

In the assessment of the previous application, it was noted that the applicant operated a horse related livery and stud business and was not engaged in any form of agriculture. The supporting statement now submitted states that the development is required for the purpose of agriculture and that the driveway and hardstanding "Will be of the benefit of the applicants agricultural tenant who has difficulties in gaining access to parts of the holding and for storage of materials, which given the topography of the area are liable to flood." It should be noted that other than this passing reference, no details of the agricultural enterprise or tenant is given. Furthermore, it should be noted that the original application was submitted on the grounds that the driveway was constructed as an access to Ashley House and at no time was reference made to an agricultural justification or need.

The agents statement of support maintains that the proposed works are justified and consistent with all the policies which are referred to in the reason for refusal.

Policy ENV8 (Development Involving Horses) only supports the principle of new buildings or changes of use to horse related uses and appropriate ancillary development. However given the scale of the development and the fact that the stables and dwelling can be readily accessed from the public highway by an existing hard surfaced access track, this policy would not support such development.

Furthermore its access onto the road and removal of hedgerow is considered to have detrimental effect on the appearance and character of the countryside, contrary to Policies ENV1 and ENV9 referred to above.

Moreover in respect of the hardstanding, it is located in a divorced position from the main stables located in the middle of the unauthorised driveway. Accordingly such use of the hardstanding for storage of machinery or for other horse related uses, would result in a highly visible and incongruous form of development in open fields, distinctly separate from the main building, which if justified should be located adjacent to the stable building.

The main difference in this application is that the scheme now proposes to remove part of the existing airfield which is described as having "a highly positive impact on the immediate environment." Whilst any application to consider the removal of the runways themselves may well be considered acceptable (subject to conditions), this would only be where there would be an overall benefit to the rural character of the area and an improvement for example for the farming activities and operation at the holding.

Concern is raised that this element of the proposal would itself result in extensive works and operations to remove the areas of runway identified. Such works would likely to constitute extensive engineering operations with associated machinery, vehicles, crushers etc., resulting in noise, dust, general disturbance in addition to the visual impact both short and long term in respect of stockpiles of excavated material, which as a whole would be detrimental to the impact on the countryside. Moreover, whilst the agent states that it would be sustainable to use this material within the site for repairs and maintenance of existing hard surfaces including the yard area and gateway points, the disposal of this material as described would itself require planning permission and would constitute significant level of works around the site, which would be difficult to control and may well result in the same level of harm to the rural character as the main driveway. Furthermore, the soil to reinstate the removed tracks would if sourced from within the site also constitute an engineering operation for which planning permission may be required which would lead to a further need for re-grading and reinstatement of that part of the site.

Notwithstanding the above it is considered that the former circulation periphery runway tracks around the former Llandow airfield have over time blended into the wider rural landscape of the area and can provide all weather vehicle access to facilitate farming of agricultural land. It is therefore considered that the existing concrete tracks proposed to be removed as part of this application have significantly less visual impact than the constructed driveway. Following discussions with the agent and concerns raised, he has confirmed that the excavated material could be removed and disposed of off-site. However notwithstanding this and for the reasons given above the disposal of the material off-site would not offset the significant harm caused by the removal of the tracks and reinstatement of the land as proposed.

## CONCLUSION

Therefore for the reasons given above there is not considered to be any change in the nature of the application to override the previous reasons for refusal in that the driveway, field access and hard standing are considered as unjustified forms of development in the countryside, which due to the scale of the works and the visibility from the public highway are considered to cause significant detrimental impact on the appearance of the countryside, leading to a proliferation of isolated tracks. Furthermore the applicants offer to remove parts of the original tracks and reinstate the land would itself cause harm to the rural character of the area.

## RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse the planning application, 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 removal of the unauthorised driveway, hard standing and access and reinstatement of the land to its former appearance and replacement/reinstatement of the original access.

## REFUSE

1. The driveway, field access and hard-standing to serve Ashley House Stables would amount to unjustified development in the countryside, which in addition to the scale of the development and its prominence when viewed from the public highway, would result in an unacceptable encroachment into the countryside detrimental, to the rural character of the area. Such impact would not be outweighed by the proposed removal of part of the existing former airfield which itself would cause harm to the rural character of the area. The proposal is therefore considered contrary to Policies ENV1 (Development Within the Countryside), ENV8 (Development Involving Horses), ENV9 (Conservation in the Countryside) and ENV10 (Protection of Landscape Features) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

**2006/01571/FUL** Received on 6 November 2006

Ms. Sarah Bassett, Liege Manor Equestrian Centre, Bonvilston, Vale of Glamorgan., CF5 6TQ

Ms. Sarah Bassett, Liege Manor Equestrian Centre, Bonvilston, Vale of Glamorgan., CF5 6TQ

### **Liege Manor Equestrian Centre, Bonvilston**

Retention of siting of static caravan for temporary period for non permanent occasional use

#### **SITE DESCRIPTION**

An equestrian centre/riding school at Liege Manor Farm, Bonvilston. The farm lies within the open countryside and the Nant Llancarfan Special Landscape Area but outside the Bonvilston Conservation Area.

#### **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the retention of a caravan for a temporary period for non permanent occasional use during the proposed works to the house on the farm (an extension to the farmhouse was refused but allowed on appeal in October 2006). The site has been the subject of previous applications for the siting of caravans and the retention of caravans and this application seeks permission to either site the caravan to the north of the house or to retain the caravan in its current position to the east of the indoor manege building.

#### **PLANNING HISTORY**

06/00722/FUL - Proposed extension to manege building to provide lecture and viewing areas and new disabled toilet facilities. Approved 14 July 2006.

05/01817/FUL - Extension to dwelling. Refused 23 January 2006, allowed on appeal in October 2006.

05/00960/FUL - Proposed extension to dwelling at Liege Manor. Refused 3 October 2005.

05/00359/FUL - Proposed stable and hay storage building. Approved 22 April 2005.

04/01066/FUL - Outdoor sand paddock. Approved 27 August 2004.

02/01091/FUL - Retention of siting of static caravan for temporary period. Approved 12 December 2003.

00/00982/FUL - Replace existing stable building with hay and straw storage. Approved 6 October 2000.

94/00424/FUL - Erection of roof and enclosure over existing outdoor riding manege. Approved 22 July, 1994.

90/00752/FUL - Renewal of consent 88/01076/FUL for a temporary caravan. Approved 6 August 1990.

89/01377/FUL - Conversion of barn to dwelling. Approved 17 January 1990.

88/01076/FUL - Siting of caravan, 10 January 1989.

88/01075/FUL - Retention of riding centre use. Approved 31 January 1989.

## CONSULTATIONS

Llancarfan Community Council was consulted on 16 November 2006. No comments have been received to date.

## REPRESENTATIONS

Neighbouring occupiers were notified on 16 November 2006. No representations have been received to date.

## REPORT

### Planning Policies

The proposal can be considered against Policies ENV1 – Development in the Countryside, ENV4 – Special Landscape Areas, ENV9 – Development Involving Horses, ENV27 – Design of New Developments and HOUS3 – Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

### Issues

The Equestrian Centre is an established business and this application seeks permission to extend the temporary period for the use of a caravan on the site. The applicant has proposed two sites for the caravan. These sites relate to a previous permission (02/01091/FUL) which allowed a temporary caravan (up to 31 December 2006) to the north of the farm house and which required the removal of an unauthorised caravan to the east of the indoor manege building within a month of the date of consent. The relevant conditions attached to that consent are as follows:

*The siting of the caravan hereby permitted shall be for a temporary period of three years only. The caravan and any associated plant, machinery or equipment shall be removed from the site in its entirety before 31st December, 2006 and the land shall be restored thereafter in accordance with details to be agreed in writing with the Local Planning Authority.*

*Reason:*

*The siting of a new dwelling at this countryside location is contrary to Council policy. A temporary consent has been granted to allow a further review of the need for such accommodation.*

*Within one month of the date of this consent the unauthorised caravan sited to the east of the riding range, more precisely identified on Drawing No. 0541, reference 4337, shall be removed from the site in its entirety and the land restored in accordance with details to be agreed in writing with the Local Planning Authority.*

*Reason:*

*The unauthorised siting of the caravan is unjustified and contrary to Council policy and causes demonstrable harm to the undeveloped rural character of the area.*

It is considered that whilst Site A adjacent to the main dwelling is less prominent, the site is close to and surrounded by the recently approved and allowed extensions to the farm house and adjacent barns. Therefore, as the area is soon to be developed, it is considered that this area is an unsuitable location for a residential caravan. The existing caravan to the east of the indoor manege is set back from the courtyard/parking area and is screened from the main drive by a mature hedgerow and horse boxes. This location should not be detrimental to the visual amenities of the Nant Llancarfan Special Landscape Area. It is therefore considered that this location is more appropriate for a temporary caravan to house family members decanted from the main house during the construction of the extension or for persons employed in connection with the running of the equestrian centre. A permanent dwelling in the open countryside would be contrary to Policy HOUS3 of the Unitary Development Plan and it is considered that a further temporary period of 12 months is sufficient to allow the completion of the house extension. The caravan should be removed from the site and the land restored to its original state at the end of that period, particularly given previous permissions and previous renewals of permissions.

## CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV4 – Special Landscape Areas, ENV9 – Development Involving Horses, ENV27 – Design of New Developments and HOUS3 – Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the temporary retention of the caravan on the site is considered to be acceptable, subject to conditions.

## RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent relates solely to Site B as identified on the site location submitted as part of the application.

Reason:

For the avoidance of doubt.

2. The siting of the caravan hereby permitted shall be for a temporary period only. The caravan and any associated plant, machinery or equipment shall be removed from the site in its entirety before 31 January 2008.

Reason:

The siting of a new dwelling at this countryside location is contrary to Policy HOUS3 of the Unitary Development Plan.

3. The occupation of the caravan shall be limited to members of the applicants family or persons employed in connection with the running of the Liege Manor Equestrian Centre.

Reason:

The site is a countryside location where Council's policies aim to protect the undeveloped rural character of the area from unjustified and inappropriate development.

**NOTE:**

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

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

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

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

**2006/01574/FUL** Received on 6 November 2006

Mr. A. Williams, 80, Dan Y Coed Road, Cyncoed, Cardiff., CF23 6NE  
Mr. Martin J. Plow, 30, Clos Llysfaen, Lisvane, Cardiff., CF14 0UP

### **5, Cog Road, Sully**

Demolition of existing building (retail ground floor and self-contained flat first floor) and construction of three storey structure for nine apartments

#### **SITE DESCRIPTION**

The application relates to a site at the junction of Cog Road and Meadow View Court, Sully, currently occupied by a split-level two/three storey building in use as a hairdresser's at ground floor level with residential accommodation above.

#### **DESCRIPTION OF DEVELOPMENT**

Demolition of the existing building and construction of a three-storey block of nine two-bedroom flats. Access is to be off Meadow Court Drive, a residential cul de sac, with nine off-street parking spaces proposed.

#### **PLANNING HISTORY**

None on site.

#### **CONSULTATIONS**

Sully Community Council submit a strong objection on the grounds of overdevelopment of the site, that the development is out of character with the neighbourhood and insufficient parking and access. Letter is attached as Appendix A.

The Head of Visible Services (Highway Development) objects on the grounds of inadequate parking and turning facilities. Their comments are referred to in detail in the body of the report.

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

Hyder Consults advise that foul and surface water must be discharged separately from the site. Their letter is attached as Appendix B.

Glamorgan Gwent Archaeological Trust recommend that a detailed programme of archaeological investigation should be carried out prior to the commencement of development due to the proximity of the site to Barry Castle. Their letter attached as Appendix C.

The Environment Agency were consulted 20 November 2006. No comments have been received to date.

## REPRESENTATIONS

Nos. 1, 2, 3 and 4 Taff Cottages, No. 44 Coed Mawr, Nos. 1, 2, 3, 6, 7, 8, 10, and 12 Cog Road, The Sully Inn, Tabriz, The Heathers, Council Office and Cwm Awelon and No. 11 Meadowview Court were consulted on 20 November 2006 and the application has also been advertised by a site notice. Fourteen letters of objection have been received, mainly on the grounds of overdevelopment, the proposal being out of character with the surroundings, loss of a commercial use, insufficient parking, dangerous access to Cog Road and loss of amenity to residents of nearby dwellings. Two typical letters are attached as Appendices D and E with the remainder being retained on file for Members' inspection.

In addition, Councillor Ernest objects on the grounds of loss of a retail facility, overdevelopment, lack of amenity space, effect on the character of the area, affect on general residential amenity and highway safety. His e-mailed letter is attached as Appendix F.

## REPORT

The proposal involves the construction of a 'T' shaped three storey block of nine flats, appearing as two linked blocks to take account of the fall in levels to the rear of the triangular site. The blocks are to be finished in render with hipped slated roofs, with principal first and second floor windows on the Cog Road and Meadow View Court frontages being full length with safety railings.

Nine off-street parking spaces are to be provided, four being 'nose to tail' along the Cog Road frontage, one on the Meadow View Court frontage and four in a small parking area at the rear.

None of the flats would have any dedicated external private amenity space.

### Planning Policies

The following policies of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 are relevant to the consideration of the application:

ENV27 (Design of New Developments)

HOUS2 (Additional Residential Development)

HOUS8 (Residential Development Criteria)

HOUS11 (Residential Privacy and Space)

TRAN 10 (Parking).

In addition, the Council's approved Supplementary Planning Guidance: Amenity Standards and Parking Guidelines are relevant.

## Issues

The application site is in a prominent position on the western side of Cog Road, almost opposite the Sully Inn. The site lies within the Sully residential settlement boundary established under Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, where redevelopment for residential use is acceptable in principle, but any proposals must be assessed against the criteria set out in Policy HOUS8.

Of particular relevance in this case are criteria (i), (ii) and (v) of Policy HOUS8, which require the scale, form and character of the development to be sympathetic to the environs of the site (Criterion (i)), require the proposal to have no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion (Criterion (ii)), and require the provision of car parking and amenity space in accordance with the Council's approved guidelines (Criterion (v)).

The proposed building would represent a considerable increase in mass and height compared to the relatively modest two storey existing building. This, coupled with the very prominent position at the junction of Cog Road and Meadow View Court, would have a detrimental effect on the generally spacious character and visual appearance of the immediate area, such that the objectives of criteria (i) and (ii) of Policy HOUS8 regarding visual intrusion would not be met.

Similarly, Policy ENV27 (Design of New Developments) requires proposals for new development to have full regard to the context of the local natural and built environment. Again, a range of criteria must be met if new development is to be acceptable. Criteria (i), (ii) and (iv) mirror those of Policy HOUS8 referred to above, and for similar reasons it is considered that the proposal fails to meet those criteria on grounds of size and massing.

Policy HOUS11 (Residential Privacy and Space) seeks to protect existing residential areas characterised by high standards of privacy and spaciousness from overdevelopment and insensitive or inappropriate infilling. The immediate area of this site is characterised by detached or semi-detached bungalows and dwellings in relatively large plots, creating a generally open and spacious environment. Again, the size and massing of this block are considered inappropriate and contrary to the objectives of Policy HOUS11 in this context.

In terms of residential amenity, the proposed development adjoins a modern detached bungalow to the north. Six bedroom windows and five bathroom windows would directly overlook that property and its rear garden at a distance of only 5 metres, well below the normal approved amenity standard of 21 metres, and in addition the 11 metre high side elevation of the flats would be located immediately adjoining the boundary with the bungalow. This would be unacceptably overbearing and would cause additional loss of light to the bungalow and would again fail to meet the objectives of Policies ENV27, HOUS8 and the approved Supplementary Planning Guidance: Amenity Standards.

The Council's highway engineers comment that the proposed parking bays on the Cog Road frontage are of inadequate length to permit vehicles to access them, and the lack of on site turning means that vehicles would have to reverse out into the Cog Road/Meadow View Court junction. The spaces to the rear will also require vehicles to manoeuvre within the mouths of the existing accesses to the Sully Inn car park and the telephone exchange. In addition, both points of access to the parking areas are below the minimum acceptable width of 4.5 metres that would allow two vehicles to pass, therefore leading to vehicles queuing on the highway to gain access. Finally, the Council's approved Parking Guidelines require a minimum of 1.5 spaces per unit and 1 visitor's space per 3 to 5 units, which would give an advisory provision of approximately 16 spaces for a development of this size. The development is therefore clearly deficient in access and parking provision and the highway engineers object to the proposal.

The approved Supplementary Planning Guidance: Amenity Standards recommends the provision of a minimum of 20 sq m amenity space per person for flatted development, which may be in private communal areas. Only a small (7 x 5) metre amenity area is shown on the plans, with no direct access and directly overlooked by the bedroom windows on the side elevation of the flats. This minimal provision appears to be an afterthought and is well below the minimum expected standard.

## CONCLUSION

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

Having regard to Policies ENV27 (Design of New Developments), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), HOUS11 (Residential Privacy and Space) and TRAN10 (Parking), together with the Council's approved Supplementary Planning Guidance: Amenity Standards and Parking Guidelines and all other materials considerations, it is concluded that the proposal fails to meet the objectives of, and the criteria set out in, those policies and would fail to meet the normal standards of amenity space and car parking.

## RECOMMENDATION (W.R.)

### REFUSE

1. The proposed building by virtue of its location, size and design, would constitute an unacceptably intrusive, overbearing and unneighbourly development that would fail to meet the objectives of Policies ENV27 (Design of New Developments), HOUS2 (Additional Residential Development) and HOUS8 (Additional Residential Development) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Supplementary Planning Guidance: Amenity Standards.

2. The proposed vehicular accesses and level and arrangement of car parking would be detrimental to highway safety and would fail to meet the objectives of Policy TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Parking Guidelines.

**2006/01637/OUT** Received on 15 November 2006

M. Elward, 2, Derwen View, Brackla, Bridgend., CF31 2QU  
M. Elward, 2, Derwen View, Brackla, Bridgend., CF31 2QU

### **1, Carne Terrace, Llysworney**

2 no. terraced (link) dwellings

#### **SITE DESCRIPTION**

The application site comprises part of the curtilage to an existing semi-detached dwellinghouse located in the countryside to the east of Llysworney.

#### **DESCRIPTION OF DEVELOPMENT**

This is an outline application, that indicates on the submitted application form that all matters are included for approval now, for the construction of 2 No. terraced houses on the side of the existing dwelling No. 1 Carne Terrace. The plans submitted show siting, design and external appearance, but no details of access or landscaping. The details show 2 No. two storey, pitched roof houses attached to the side elevation of the existing dwelling at first floor, with a passageway at ground floor. The overall width of both properties will be approximately 9.4m by a depth of the main bulk of the dwellings approximately 6.1m, and a ridge height of approximately 7m. The design of the houses includes a single storey, lean-to porch on the front elevation, with a two storey, gable fronted projecting annexe to the rear, measuring approximately 4.7m x 1.9m across both properties. The application is supported by a Design Statement which confirms that the external finishes of the proposed dwellings will match the existing and that two parking spaces will be provided to the front of each dwelling.

#### **PLANNING HISTORY**

None on application site, however there have been applications in the vicinity of relevance to the current application, including:

81/01322 - Land on Penyrheol Terrace. Two detached houses and garages. Refused 6 October 1981 on the grounds of unjustified development in the countryside representing undesirable intensification of an existing pocket of sporadic development. A subsequent appeal was dismissed on 29 July 1982.

89/00579/REG5 - Land to side of 6 Carne Terrace. Council application for Residential development. Refused 27 June 1989.

95/00372/REG4 - Land to side of 6 Carne Terrace. Council application for single dwelling and garage. Refused 27 June 1995 on grounds of contrary to local and national policies that carry a presumption against unjustified dwellings in the countryside.

## CONSULTATIONS

Llandow Community Council were notified on 30 November 2006. No comments have been received to date.

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

Dwr Cymru/Welsh Water have requested their standard conditions and advisory notes be added to any consent and note that a public sewer main crosses the site and that no part of the building will be permitted within 3m either side of the centreline.

The Head of Visible Services (Highway Engineer) has requested details of the precise location of the vehicular and pedestrian access to each dwelling, showing vision splays in accordance with TAN18 Annex A and B, which must be within the limits of the adopted highway and the applicants ownership; location of existing street furniture; on site parking for both residents and visitors in accordance with the Council's adopted Parking Guidelines; and each of the proposed access points to be a minimum of 3m in width.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 30 November 2006. In addition a site notice was posted on 6 December 2006. Letters of objection have been submitted by the occupiers of No. 2 Carne Terrace and Nos. 4, 5, 7, and 8 Penyrheol Terrace. Whilst all the representations are available on file for inspection, in summary the main points of concern relate to new dwellings in the countryside and precedent set, increase in traffic onto a narrow country road, sewerage, and loss of privacy.

## REPORT

The site comprises part of an existing residential curtilage and is located in the countryside, outside of any defined residential settlement boundary. As such the following policy background is relevant to the determination of the application.

### Planning Policies

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) refers to Development in the Countryside. This restricts development in the countryside to that which is essential for uses such as agriculture, horticulture, forestry and other development for which a rural location is essential.

Policy HOUS3 of the Unitary Development Plan relates 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."

Strategic Policies of the Unitary Development Plan of relevance include Policy 2 which favours proposals that encourage sustainable practices, including proposals which are located to minimise the need to travel, especially by car, and Policy 8 which favours development in locations which:

- (i) are highly accessible by means of travel other than the private car; and
- (ii) minimise traffic levels and associated unacceptable environmental effects.

The Council also has Supplementary Planning Guidance (SPG) including an SPG on Sustainable Development and another on Amenity Standards.

National guidance is contained in Planning Policy Wales March 2002. Paragraph 5.1.1 recognises the natural heritage of Wales and the importance of safeguarding it both for its own sake and for the health and the social and economic well being of individuals and communities.

Paragraph 9.3.1 states: "New house building 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."

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

### Issues

It is noted that the application has been submitted in outline but Question 7 on the forms indicate that all matters are included for approval now. The submitted details however do not provide details of access or landscaping and there are discrepancies in the dimensions on the plans. In addition the application is not supported by a Sustainability Statement in line with the Council's adopted Supplementary Planning Guidance on Sustainable Development, although the Design Statement does make reference to energy use and efficiency, waste management, future maintenance implications and mitigation measures. Notwithstanding this it is considered that sufficient information has been provided for the Council to assess the principle of two new residential units in this location.

The existing development represents a sporadic grouping of houses in an isolated countryside location. It is noted from the planning history that there have been previous applications for additional residential development both at Carne Terrace and Penyrheol Terrace, including applications for deemed consent by the Council itself. All have been refused, with the 1981 application also being dismissed on appeal. The Inspector at the time noted:

"The settlement is quite separate from Llysworney, the nearest village and 2 miles from Cowbridge and 3 miles from Llantwit Major. It is surrounded by pleasant open countryside. It is a settlement in the countryside. It is remote from any town or village providing communal facilities and so unsuitable for additional housing except that essential to meet some local need."

It is considered that this statement still applies today and with more emphasis in the currently adopted UDP on issues of sustainability it is considered that there is even more justification for a refusal. The site is still a remote one, and whilst there is a bus stop available to the front of Penyrheol Terrace it is considered that this will do little to discourage the occupiers of the proposed dwellings from using private cars to access facilities.

On the issue of highway safety it is noted that the Council's Highway Engineer has requested additional information to indicate details of the access, the required vision splays and car parking spaces. It is considered that even if details were provided to show that the necessary highway requirements could be achieved there would still be an objection to the principle of additional residential development in this countryside location.

In respect of the details submitted it is noted that the proposed dwellings will be considerably smaller than the existing dwellings. In addition, whilst the proposed dwellings may be able to provide sufficient amenity space with little adverse impact on neighbouring occupiers in terms of privacy or overshadowing, nevertheless it is considered that the development would be out of keeping with the surrounding properties, and would have a detrimental impact on visual amenities. Policy 1 of the Amenity Standards SPG requires that privacy and visual amenity is secured in any proposed development, whilst Policy 3 requires that the construction of new residential development must respect the character of existing residential development. The difference in scale and form is such that the proposal would appear cramped and constrained when compared with the surrounding development. In addition, in contrast to the existing situation where occupiers of No. 1 Carne Terrace can park their vehicles to the side of the house, the proposed development will result in a large number of vehicles relating to three properties all parked within the front gardens. Such a development will therefore only serve to further urbanise the site and detract from the rural character of the surrounding countryside.

It is noted that the applicant has provided no justification for new dwellings in this countryside location.

## CONCLUSION

In conclusion it is considered that the proposal represents unjustified and unsustainable residential development in this countryside location contrary to both local and national policies. The proposal would further consolidate urban development in this area to the detriment of the unspoilt, undeveloped rural character of the surrounding countryside.

In view of the above the following recommendation is made.

## RECOMMENDATION (W.R.)

### REFUSE

1. The proposal represents unjustified and unsustainable residential development in this countryside location which would result in the unacceptable consolidation of urban development that would detract from the unspoilt, undeveloped rural character of the surrounding countryside 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; Supplementary Planning Guidance on Sustainable Development and Amenity Standards and national guidance contained in Planning Policy Wales March 2002.

**2006/01659/FUL** Received on 17 November 2006

Mr and Mrs Noel Thomas, The Granary, Court Farm, Llansannor, Vale of Glamorgan., CF71 7RX  
CFW Architects LLP, The Hawthorns, 6, North Road, Cathays Park, Cardiff., CF10 3DU

### **Court Farm, Llansannor**

Construction of 4 no. detached houses

#### **SITE DESCRIPTION**

The application site comprises part of the original farm complex of Court Farm, Llansannor, located in the countryside to the north of Cowbridge.

#### **DESCRIPTION OF DEVELOPMENT**

This is an application for full planning permission for the construction of four detached houses. The submitted details show House No. 1 located to the east of the Granary and accessed via the existing private drive to the north of Court Farm. House No. 2 will be sited to the east of two approved barn conversions which will be accessed via a private drive to the south of Court Farm. House Nos. 3 and 4 will be sited to the south of Court Farm and north of The Lodge, and again will be accessed via the existing private drive south of Court Farm. All of the proposed five bedroomed houses will be of the same design, that is, two floors of accommodation with a large part of the first floor contained within the pitched roof and incorporating pitched roof, gabled dormer windows on both front and rear elevations. The main footprint of the house will measure approximately 17m x 8.4m, with a two storey, pitched roof, gable fronted wing, approximately 6.4m x 4.5m, projecting forward of the front elevation. The external finishes will comprise natural stone with second-hand Welsh slate roof. Each property will be provided with forecourt parking and manoeuvring area and a detached garage.

The application is supported by a Planning Report and a sustainability appraisal copies of which are reproduced at Appendix A.

#### **PLANNING HISTORY**

There have been a number of planning applications submitted at Court Farm including:

89/00700/OUT – Agricultural workers dwelling on field parcel 6940. Refused 5 December 1989 on the grounds of insufficient agricultural justification to depart from the presumption against dwellings in the countryside.

02/00273/FUL – Conversion of barns to three dwellings. Approved subject to conditions 6 February 2003.

04/00971/LBC – Conversion of barns into three residences (revision of 02/00359/LBC). Approved subject to conditions 27 August 2004.

TPO (No) 10, 1992 – 3 No. Pinus nigra, 11 No. Larix deciduas, 1 No. Picea ormorica, 1 No. Sequoiadenron giganteum, 1 No. Fraxinus excelsior and 1 No. Fagus sylvatic 'purpurea'

## CONSULTATIONS

Penllyn Community Council "Llansannor was not identified in the Unitary Development Plan as being one of the villages having sufficient physical form and capacity to assimilate further development, nor is the proposal for housing in connection with agriculture or forestry. This proposal therefore represents development in open countryside to the adopted Unitary Development Plan. Objection".

The Environment Agency comments attached in full at Appendix B. In summary the Environment Agency consider the site to be a potentially sensitive location with respect to the protection of controlled water and have requested a number of conditions.

Dwr Cymru/Welsh Water have no comment to make as the applicant intends utilising private drainage facilities.

The Head of Visible Services (Highway Engineer). No objections subject to the northern access point being widened to a minimum of 4.5m for the first 10m.

The Head of Economic Development and Leisure (Council Ecologist) has no objections but has identified that the site could potentially be used by reptiles and nesting birds and have recommended that conditions be imposed in relation to site clearance, and timing of works outside the nesting season and a detailed landscaping scheme which should include locally sourced, native species appropriate to the area.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 6 December 2006. In addition the application was advertised on site and in the press as affecting the setting of a number of listed buildings in the vicinity, including The Great Barn Grade II Listed and the Church of St. Senwyr Grade I.

Letters of objection have been received from the occupiers of Nos. 3, 5 and 6 Court Drive, Court Farmhouse, Court Cottage, Llansannor Lodge, Llansannor Court and Chatwood. Whilst all of the representations are available on file for Committee Members' inspection the letter from Court Farmhouse is reproduced at Appendix C as being generally representative of the points raised. In summary these relate to new development in the countryside adversely affecting the character of the area, part of the site already approved as curtilage to existing barn conversions, adverse impact on biodiversity and landscape, unsympathetic to historic interest of existing buildings, increase in traffic movements and detracting from high levels of privacy and spaciousness.

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

## REPORT

The proposal entails the construction of four detached new houses at Court Farm, Llansannor. The site is located in the countryside to the north of Cowbridge within the Upper Thaw Valley. The application site is surrounded by a number of listed buildings including the Grade II Listed former cowshed and granary, the barn at Court Farm and the Grade I Listed St. Senwyr Church. There is also a group Tree Preservation Order along the south eastern boundary of the site.

It will be noted that the applicant's supporting letter along with the Planning Statement accompanying the application make reference to an outline application. Notwithstanding this the submitted forms confirm that the application is for full planning permission and the accompanying plans are sufficient to assess that.

The following policy background is relevant to the assessment of the application.

### Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

- (vi) 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;
- (vii) APPROPRIATE RECREATIONAL USE;
- (viii) THE RE-USE OR ADAPTATION OF EXISTING BUILDINGS PARTICULARLY TO ASSIST THE DIVERSIFICATION OF THE
- (ix) RURAL ECONOMY; OR
- (x) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

Policy ENV4 of the Unitary Development Plan relates to Special Landscape Areas. The site is located within the Upper Thaw Valley Special Landscape Area where new development will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features of visual amenities of the Special Landscape Area.

Policy ENV10 refers to Conservation of the Countryside and states:

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 PRESURE AND/OR CONFLICT SUCH AS THE URBAN FRINGE.

Policy ENV16 relates to Protected Species and states:

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:

- (iv) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS;
- (v) THERE IS NO SATISFACTORY ALTERNATIVE; AND
- (vi) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

Policy ENV17 refers to the Protection of the Built and Historic Environment and states that:

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

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST;
- (iii) DESIGNED LANDSCAPES, PARKS OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE WILL NOT BE PERMITTED.

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

Policy HOUS3 of the Unitary Development Plan restricts the development of new housing in the countryside to those that can be justified in the interests of agriculture and forestry.

Policy HOUS11 refers to Residential Privacy and Space and states:

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

Strategic policies of the Unitary Development Plan include Policy 2 which favours proposals that encourage sustainable practices such as proposals which are located to minimise the need to travel, especially by car, and Policy 8 which favours development in locations which:

- (i) are highly accessible by means of travel other than the private car, and
- (ii) minimise traffic levels and associated unacceptable environmental effects.

The Council also has adopted Supplementary Planning Guidance (SPG), including SPGs on Amenity Standards, Trees and Development and Sustainable Development.

National guidance is contained in Planning Policy Wales March 2002. Paragraph 5.1.1 recognises the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic wellbeing of individuals and communities. Paragraph 9.2.18 recognises that development in the countryside should embody sustainability principles and states:

“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.”

### Issues

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

The site is located in the countryside away from the defined residential settlement. No agricultural or forestry justification has been put forward for the development of four new large detached houses. Even though the application has been supported by a Sustainability Statement it is considered that the location of the site cannot be justified on sustainability grounds. The site is in a remote location approximately 1100m away from the nearest defined settlement of Trerhyngyll, which itself has no community facilities such as shops. There is therefore a clear policy objection to the principle of new residential development in this location which would be contrary to Policies ENV1 and HOUS3 of the Unitary Development Plan.

It is also considered that the introduction of four new dwellings in this location will have an adverse impact on the surrounding Special Landscape Area of the Upper Thaw Valley and its historic setting. The Upper Thaw Valley SLA has been designated for a number of important features including its rural character. Llansannor itself has a significant historical heritage with seven listed buildings. Those in proximity to the application site include the former cowshed and granary Grade II and the barn at Court Farm Grade II which formed part of the original farm complex. These farm buildings, which have been approved for residential conversion form a significant group in their own right and provide a historic context to the nearby Manor. A number of the more recent agricultural buildings were removed from the site to allow for the residential conversion of the historic buildings. This was necessary to resolve issues relating to conflicting use, but also provided for necessary amenity space to serve the new dwellings and had the benefit of opening up the area and allowing views of the more historic farm buildings in a more traditional context, and was welcomed from a conservation perspective. Thus it is considered that the introduction of four new houses in this open space would not only serve to urbanise the site and detract from the rural character of the area and the Special Landscape of the Upper Thaw Valley, but would also be detrimental to the intimate and historic setting of the listed buildings contrary to Policies ENV17 and ENV4 of the Unitary Development Plan.

It is also noted that the proposed House No. 2 impinges on the garden curtilage and parking areas approved for Unit Nos. 1 and 2 of the residential barn conversions granted permission under reference 02/00273/FUL. Instead of the relatively spacious gardens providing a landscape setting to the front of the barns, with parking and garaging positioned well away from the listed building so as not to affect their historic setting, the current application proposes very limited gardens constrained by a new shared driveway and car parking immediately to the front of the barns. This is considered to be entirely unacceptable, and, along with the adverse impact on the historic setting of the listed buildings, is considered to be insensitive and inappropriate infill contrary to Policy HOUS11. This is compounded further by the three other proposed houses in the open spaces to the north and south.

In respect of issues such as highways, protected species and drainage it is noted that there are no objections in principle.

### CONCLUSION

The proposal seeks to introduce four new houses in an unsustainable countryside location with no reasonable justification. It is considered that the applicants suggestion that the open setting of the existing buildings is a "very large void" that needs to be filled fails to recognise the significance of the open spaces in relation to the historic setting of the listed barns. In addition the proposed development will compromise the proper implementation of the planning permission ref: 02/00273/FUL. The proposal is therefore entirely contrary to both local and national policies for the protection of the countryside and the historic heritage.

In view of the above the following recommendation is made.

### RECOMMENDATION (W.R.)

#### REFUSE

1. In the opinion of the Local Planning Authority the proposal represents unjustified and unsustainable residential development in the countryside that would detract from the rural character of the Upper Thaw Valley Special Landscape Area and have an adverse impact on the setting of the listed barns, contrary to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, ENV17 - Protection of Built and Historic Environment, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, HOUS11 - Residential Privacy and Space and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development and Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

**2006/01684/FUL** Received on 22 November 2006

Mr. R. Macdonald, 74, Windsor Drive, Miskin, Pontyclun, Llantrisant, CF72 8SH  
CFW Architects LLP, The Hawthorns, 6, North Road, Cathays Park, Cardiff, CF10  
3DU

### **Land adjacent to 4, Goscombe Place, Llantrithyd**

1 No. detached 2 storey dwelling

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

The application was advertised on 14 December 2006.

### **SITE DESCRIPTION**

The site lies within the Llantrithyd Conservation Area to the north west of No. 4, Goscombe Place, Llantrithyd. The site is approximately 475m<sup>2</sup> and it lies within the open countryside outside any designated settlement boundaries and just to the north of the Lower Thaw Valley Special Landscape Area.

### **DESCRIPTION OF DEVELOPMENT**

It is proposed to demolish the existing dilapidated garage, clear the site and construct a new 2 storey split level pitched roof dwelling with integral double garage and balcony. The proposed two-storey dwelling is set back approximately 4.5m into the site and is 4.4m to eaves height and 7.5m to ridge level. It includes a kitchen/breakfast area, w.c., dining room, bedroom/study, a living room and an external balcony area at upper (entrance) level and three bedrooms, a bathroom, two en-suites and a double garage at the lower (street) level. A total of four parking spaces are proposed. The dwelling is to be constructed of second hand Welsh slate or reconstituted slate, white painted smooth rendered walls and double-glazed stained timber windows and doors. The wooden decking is supported on timber posts with balustrading. Other works will include the construction of a retaining wall, an altered vehicular access and soft landscaping.

### **PLANNING HISTORY**

1991/00134/FUL – Demolition of existing derelict garage, erection of single dwelling. Refused 13 June 1991, dismissed at appeal on 20 November 1991 (a copy of the Inspector's Report is attached as Appendix 'A' to this report).

### **CONSULTATIONS**

Llancarfan Community Council were consulted on 5 December, 2006. "We have been informed that a previous application for development of this site, adjacent to Goscombe Place, Llantrithyd, was refused permission by the Planning Authority and dismissed at appeal. The site is very overgrown which makes it difficult to judge the impact of a dwelling on this land, also, without any means of comparison, we are unable to assess whether the design of this development is an improvement which now warrant approval."

The Head of Visible Services (Highway Development) was consulted on 5 December, 2006 and comments:

“Further to undertaking a site visit in relation to the above, I would comment that based on the existing use at the development site the Highway Authority are unable to sustain an objection to the above proposals.

However, a turning facility is required to be provided within the boundary of the site to enable vehicles to enter and exit the site in forward gear and full details of the proposed parking area in front of No. 4 Goscombe Place are required to be submitted to the Highway Authority for consideration.”

The Environment Agency were consulted on 5 December 2006. No comments have been received to date.

Glamorgan Gwent Archaeological Trust were consulted on 19 December 2006 and comments as follows:

“The Regional Sites and Monuments Record shows that there are no recorded features or finds within the area of the proposed development itself. However, the record notes medieval settlement to the south at Llantrithyd and pre-historic date at Llantrithyd Camp, as well as a variety of finds of various date in the general surrounding area. The proposed development will be in an area where a structure has been and has already been disturbed for parking, landscaping and gas supply. It is therefore unlikely that the proposed work will disturb any archaeological material. As the archaeological advisers to your Members, we have no objection to the determination of this application.”

Dwr Cymru/Welsh Water were consulted on 5 December, 2006. “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 sewerage treatment works is preferred we must be re-consulted on this application.”

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) was consulted on 5 December, 2006. “This department has no comment to make regarding the application.”

The Head of Economic Development and Leisure (Ecologist/Biodiversity Officer) was consulted on 5 December, 2006 and comments:

“Japanese Knotweed is present on the site, observed in the western corner on and adjacent to the existing driveway. It is also present on the land that adjoins the application site to the north west.

Under the Wildlife and Countryside Act 1981, Schedule 9, Section 14 (as amended by the CROW Act 2000) it is an offence to deliberately cause Japanese Knotweed to grow in the wild.

Under the Environmental Protection Act 1990 (Duty of care) regulations 1991, soil contaminated with Japanese knotweed is classed as “controlled waste” and can only be disposed of at a registered site and with a waste licence.

To ensure compliance with the legislation afforded to Japanese Knotweed and its movement and disposal it is recommended that a scheme for the eradication of Japanese Knotweed be drawn up and submitted to the local authority for approval prior to the commencement of works on site.

The plans as submitted do not include a tree survey and do not show which trees / hedgerows are proposed for removal and which are to be retained.

It is recommended that prior to determination, a tree survey be submitted which shows the location, species and condition of hedgerows and trees on site and illustrates on a plan which are proposed for retention and removal.

The application site includes semi-mature trees which may offer potential roost sites 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.

If the proposals will result in removal of, or works to, any semi-mature trees, it is recommended that prior to consent being granted, a full bat survey be conducted by a licensed surveyor of all mature trees and any other 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.

The planning statement states that no detailed landscaping proposals have been submitted because the application is for outline permission. However, it is noted that full permission has been applied for and hence further details of the proposed landscaping will be required.

It is recommended that a detailed landscaping proposal be submitted to the local authority for approval prior to commencement of works on site. As the application site is in a rural area, the landscaping scheme should include locally sourced, native species appropriate to the area.

It is noted that several ponds lie within 500m of the application site, which is the recognised foraging range for a great crested newt. Great crested newts are known to be found in the Llantrithyd area. Should any of these ponds support breeding populations, there is the possibility that great crested newts could be using the application site as terrestrial habitat.

It is recommended that the developer be made aware that great crested newts and their breeding sites and resting places are protected by law through UK legislation

It is recommended that good practice guidelines be followed to minimise potential impacts on great crested newts, assuming potential presence on the application site.

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

It is recommended that to comply with the law, a condition be included in any consent which states that work affecting the buildings should be done outside the nesting season which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent.”

The Vale of Glamorgan Conservation Advisory Group were consulted on 3 January 2007. The Group recommended that the application should be refused on the grounds that the principle of development of this rural site would not preserve or enhance the character of the Conservation Area and the proposed design was inappropriate and out of character for the Conservation Area.

## REPRESENTATIONS

The neighbouring occupiers were notified on 5 December 2006 and the application was advertised on site on 14 December, 2006. No objections were received.

## REPORT

### Planning Policies

As the site lies within the open countryside and the Llantrithyd Conservation Area but outside any designated Residential Settlement Boundaries, the proposal can be assessed against the criteria set out in Policies HOUS3 – Dwellings in the Countryside, ENV1 – Development in the Countryside, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV20 – Development in Conservation Areas, ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the approved Supplementary Planning Guidance Amenity Standards, the South Wales Parking Guidelines and Planning Policy Wales (March 2002).

### Issues

The main issues relate to the siting of the proposed development outside any designated settlement boundaries in the open countryside; the impact of its design on the character and appearance of the Llantrithyd Conservation Area, the potential impact on the privacy and amenities of neighbouring occupiers to the south-east of the plot, on-site parking provision and the potential impact on highway safety in and around the site and the provision of outdoor amenity space to serve the future occupiers of the dwelling.

The application site forms an overgrown plot at the end of a row of 4 No. properties built in the 1950's for agricultural workers. The site was once accessed via an agricultural type gate but it would seem that this has not been used for at least a number of years. The dilapidated remains of a garage can be seen from the road. The village of Llantrithyd is not a designated rural settlement and as such, any new dwellings in this area will only be justified for agricultural or forestry uses. Therefore, this proposal is contrary to Policies ENV1 and HOUS3 of the UDP and Paragraph 9.3.6 of Planning Policy Wales which states:

“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. Isolated new houses in the one countryside require special justification, for example, where they are essential to enable farm or forestry workers to live at or close to their place of work in the absence of nearby accommodation.”

The site is very overgrown and the construction of a new dwelling on this site would necessitate the clearance of a number of trees and substantial earthworks and re-grading/retaining works to the site. The Inspector, in his determination of the appeal against the original refusal for a dwelling on this site, stated that the site is “clearly part of the predominantly open countryside” and that a new dwelling on this site would “result in harmful changes in the pleasant pastoral character of the surroundings” and that it “would not accord with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to preserve or enhance the character or appearance of the Conservation Area.” Although the dwelling is set into the bank to reduce its impact, it is considered that the design of the dwelling is not in keeping with the Conservation Area (full length balcony, French dormer windows, side lights and a large, horizontal up and over garage door etc.). Therefore, the design of the dwelling together with the loss of the rural character of the site does not preserve or enhance the character of the Conservation Area, contrary to Policies ENV20 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan.

In addition to this, Policy ENV11 in particular states that “development will be permitted if it does not unacceptably affect features of importance to landscape or nature conservation including trees, woodland, hedgerows ...and species rich grasslands” and it is considered that this scheme will have a negative effect on the setting of the site and the many habitats within and around it.

It is unlikely that the proposed dwelling would prejudice the amenities and privacy of the adjoining occupiers of Goscombe Place although the three windows and the end of the balcony on the side (east facing) elevation may offer partial views into the front garden of No. 4 Goscombe Place. In terms of parking provision, the 4 No. on-site parking spaces comply with the South Wales Parking Guidelines. However, although there is an existing access into the site, it would appear that there is little scope for a turning area on the proposed site plan to allow access and egress in a forward gear and this may be detrimental to highway safety on the narrow and adjoining country lane. Finally, the proposed level of private amenity space, including a west facing balcony above the garage, is sufficient to satisfy advice contained within the Vale of Glamorgan Supplementary Planning Guidance Amenity Standards.

## CONCLUSION

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

Having regard to Policies HOUS3 – Dwellings in the Countryside, ENV1 – Development in the Countryside, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV20 – Development in Conservation Areas, ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance Amenity Standards, the South Wales Parking Guidelines and Planning Policy Wales (March 2002), the proposal is considered to be unacceptable as it represents a new dwelling in the open countryside and it fails to preserve the character and appearance of the Llantrithyd Conservation Area.

## RECOMMENDATION (W.R.)

### REFUSE

1. The proposal, by reason of its siting within the open countryside and outside any designated rural settlements, represents an unacceptable form of development, which also fails to respect the character and appearance of the environs of the site. It therefore represents insensitive and unjustified new development, contrary to Policies ENV1, HOUS2 and HOUS3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Planning Policy Wales 2002.
2. The proposed dwelling, by reason of its siting and design, represents an insensitive and inappropriate form of development, that fails to preserve or enhance the character and appearance of the Llantrithyd Conservation Area or the setting of the rural plot, contrary to Policies ENV11, ENV20 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Planning Policy Wales 2002.

**2006/01713/FUL** Received on 27 November 2006

Mr. & Mrs. D. Lewis, Southgate Cottage, 2, Holmesdale Place, Penaeth, Vale of Glamorgan, CF64 3BB

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

### **Southgate Cottage, 2, Holmesdale Place, Penarth**

Extension to existing dwelling to provide additional living accommodation

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

The application was advertised on 12 December 2006.

### **SITE DESCRIPTION**

The site lies within the Penarth Conservation Area and the Residential Settlement Boundary of Penarth but outside the East Vale Coast. It is a two storey, two bedroom dwelling with courtyard parking. The "L" shaped dwelling has a two storey element running along the boundary with Holmlea Mews to the east and a single storey element and extensions to the west and rear (south) of the site.

### **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for a two-storey extension at the entrance into the dwelling. The extension has a hipped roof and will accommodate an enclosed storage area at ground floor and an extended master bedroom at 1<sup>st</sup> floor. The extension adds 4.1m to the length of the two-storey element of the building and it spans a section of the front boundary wall. The eaves and ridge heights of the extension are consistent with the existing dwelling and it is to be constructed of matching materials. Other alterations include a new vehicular access gate and a new pedestrian access with a block paved courtyard. Three on-site parking spaces are retained to serve the extended property.

### **PLANNING HISTORY**

2002/01500/FUL - Alteration and extension of existing dwelling to provide additional living accommodation. Approved 20 December 2002.

2001/01286/FUL - Move vehicular access, form pedestrian access, erect new brick pillars and gates in existing stone wall, insert one new roof window in east elevation at rear. Approved 23 November 2001.

1995/00866/RES – Erection of dormer type detached dwelling adjacent to Holmlea Mews, No. 3, Holmesdale Place, Penarth. Approved 7 November 1995.

1994/00261/OUT – Renewal of outline planning consent for one dwelling. Approved 6 May 1994.

## CONSULTATIONS

Penarth Town Council was consulted on 6 December 2006 and comment: "That the application should be refused for the following reasons:

1. The proposal represents an overdevelopment of a restricted site.
2. The first floor extension, by virtue of its siting and design, represents an overly dominant feature within the street scene which is considered to be detrimental to the character and appearance of the Penarth Conservation Area, given that all development within the road is set back from the boundary with the road.
3. The proposal will result in the loss of a substantial length of boundary wall which is a key feature contributing to the general appearance of the Penarth Conservation."

The Head of Visible Services (Highway Development) was consulted on 6 December, 2006 and comments:

"Further to a site inspection carried out on Monday, 18 December 2006 in relation to the above application, the Highway Authority has no objection to the proposals to extend the existing single dwelling as identified on the submitted plan produced by Gillard Associates, reference C81 / 2 in principal. However, the Highway Authority have some concerns and therefore require the applicant to provide the following details as part of the consultation process:

- (1) The Highway Authority would advise that the proposed parking arrangement for three vehicles would satisfy the parking requirements for a single dwelling of this size. However, the Highway Authority are concerned that the existing vehicular access is too narrow for vehicles to safely access all of the proposed bays.

The applicant is required to provide prior to the application being determined, details illustrating vehicular swept paths to access each bay. It is recommended that the applicant widening the existing access to approximately 4.5m to facilitate the turning manoeuvres.

N.B. The parking Guidelines referred above are the " Standing Conference on Regional Policy in South Wales Parking Guidelines, Revised Edition 1993".

- (2) Should the developer require the existing vehicle access to be modified / widened to accommodate the swept paths of the vehicles the applicant is required to submit revised details."

Dwr Cymru/Welsh Water were consulted on 6 December 2006. They responded with their standard advice and guidance on foul water, surface water and land drainage run-off.

The Vale of Glamorgan Conservation Area Advisory Group were consulted on 3 January 2006. "Recommended – Refusal – The Group recommended that the application be refused on the grounds that the proposal was not in keeping with the character of the Conservation Area and represents a break with the established form of development in the street scene and would have an adverse impact on the same."

## REPRESENTATIONS

Neighbouring occupiers were notified on 6 December, 2006 and 18 December, 2006. The scheme was also advertised on site and in the press on 12 December, 2006. The occupiers of Holmlea Mews, No. 3 Holmesdale Place and Flat 3, Gordano House, No. 44 Plymouth Road have objected to the proposal on the following grounds:

1. Loss of light into private living areas.
2. Loss of views.
3. Reduction in property values.
4. The setting of a precedent.
5. Demolition of a stone boundary wall in the Conservation Area.
6. An overdevelopment of the site.
7. Damage to the appearance of the area.
8. An overbearing extension close to the boundary.
9. The breaching of a protective covenant which states that "no building or any other structures will be erected without the previous written approval of the Transferor... not to do or permit or suffer to be done upon the property anything which may be or tend to be nuisance, annoyance..."

A sample of two of these letters are attached as Appendix 'A' to the report.

## REPORT

### Planning Policies

The proposal is assessed against Policies HOUS11 – Residential Privacy and Space, ENV17 – Protection of Built and Historic Environment, ENV20 – Development in Conservation Areas and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines; Planning Policy Wales (March 2002) and the Council's adopted Supplementary Planning Guidance Note on the Penarth Conservation Area.

## Issues

The main issues to consider are the impact of the development on neighbouring amenities and privacy, the effect of the development on the character and appearance of the Conservation Area and the provision of sufficient and usable outdoor amenity space and on-site parking. There is no increase in the number of bedrooms as the extension is intended to increase the size of the existing master bedroom.

The proposed first floor front (north) extension over the existing single storey lean-to and porch area to the boundary wall will increase the overbearing impact of the building on the neighbouring property at Holmlea Mews, contrary to Policy ENV27 of the Unitary Development Plan.

New windows are proposed to the two side elevations of the extension, the bedroom window fronting the courtyard/parking area of Holmlea Mews is to be obscurely glazed and the small bedroom window to the western elevation is approximately 15m from the garden of No. 44, Plymouth Road. The new main bedroom window will also be approximately 25m from the building on the opposite side of the road. Therefore, it is considered that the proposal will not be detrimental to the privacy of the adjoining occupiers.

Policy ENV20 states:

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.

The Holmesdale Place frontage of the Conservation Area has been the subject of additions over the years by several new residential units of similar character and style to the original outbuildings, such as the application site. The house is set behind a prominent stonewall with brick piers and gates, which helps to maintain the neutral impact of each dwelling in the street scene and reinforces the secondary character of the buildings. The proposal to extend up to and over the stone boundary wall at the prominent front section of the site is not in keeping with the character of the locality and the Conservation Area. The design of the new front elevation with a stepped and open new entrance directly from the street into the dwelling with the loss of a substantial section of the stone wall will accentuate the scale and form of the 1<sup>st</sup> floor extension and will emphasise its presence as being out of context with the surrounding properties. Therefore, the principle, scale, setting and design of the extension do not preserve or enhance the character or appearance of the Penarth Conservation Area, contrary to Policy ENV20 of the Unitary Development Plan.

The site has been the subject of extensions and alterations in the recent past and these less prominent single storey extensions to the rear of the site were considered to be more in keeping with the area and sympathetic to the appearance of the Conservation Area.

In terms of garden space, the proposal does not result in the loss of any private or usable outdoor amenity space (the private courtyard area is sited to the rear of the site).

However the Highways Officer is concerned that the existing vehicular access is too narrow for vehicles to safely access the three remaining parking bays and manoeuvre within the site. The Highways Officer's proposal to widen the entrance into the site would result in more of the stonewall being removed from the street frontage and this would further diminish the character of the Conservation Area.

### CONCLUSION

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

Having regard to Policies ENV20 – Development in Conservation Areas and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines; Planning Policy Wales (March 2002) and the Council's adopted Supplementary Planning Guidance Note on the Penarth Conservation Area, it is considered that the proposal does not preserve or enhance the character and appearance of the Conservation Area.

### RECOMMENDATION (W.R.)

#### REFUSE

1. The proposed 1st floor bedroom extension, by reason of its size, scale, location and design would represent an incongruous form of development that would neither preserve nor enhance the character or appearance of the Penarth Conservation Area and would represent an over development of this constrained site. It is therefore contrary to Policies ENV20 (Development in Conservation Areas) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and guidance set out in the approved Penarth Conservation Area Supplementary Planning Guidance Note 1999.

**2006/01685/RG3** Received on 22 November 2006

Director of Learning and Development, Vale of Glamorgan Council, Civic Offices,  
Holton Road, Barry, Vale of Glamorgan., CF63 4RU  
Mark Hayes, Education Property Officer, Learning and Development, Vale of  
Glamorgan Council, Civic Offices, Holton Road, Barry. CF63 4RU

### **Llanilltud Fawr Primary School, Ham Lane East, Llantwit Major**

Renewal of planning permission 02/00990/REG3 - Single storey single classroom  
demountable

#### **SITE DESCRIPTION**

The site is located within the curtilage of the existing school, and is a grassed  
area situated to the eastern boundary of that land.

There are several semi mature trees situated within proximity to the site.

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks consent to retain a single storey double, demountable unit  
to provide two additional classrooms. The classroom measures 8.4m depth x 9m  
wide.

#### **PLANNING HISTORY**

02/01685/REG3 - Single storey demountable classroom was granted on  
23 August 2002.

99/00650/REG3 – Classroom, cloakroom, store was granted 29 July 1999.

#### **CONSULTATIONS**

Llantwit Major Town and Council and the Head of Visible Services (Highway  
Development) were consulted on 6 December 2006. No objections have been  
received.

#### **REPRESENTATIONS**

Nos. 1, 2, 3, 4, 5, 6 & 7 Heol Y Coed and Nos. 1, 2 and 3 Lon-od-nant were  
consulted on 6 December 2006. No comments have been received.

#### **REPORT**

The site is situated to the eastern boundary of the school. The history to the site  
relates specifically to the approval of the demountable classroom in  
02/00990/REG3. There are no changes to the dimensions or position of the  
demountable classroom in this current application.

## Planning Policies

The relevant policies and guidance in assessing this application are those contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, in relation to Policy ENV27 - Design of New Developments.

## Issues

The unit is sited near to existing temporary classroom units. The development will be visible across the existing playing fields but this fact is not considered to be a sufficient reason to resist the development.

The retention of the demountable units is temporary in nature and in aesthetic terms has little merit as a permanent structure. A proliferation of these buildings is also of concern in design terms. Nevertheless this it is noted that the classrooms will remain to the rear yard area of the main school and therefore will not be prominent from the public highway. For the residents on the southern boundaries of the school building the proposed siting is such that there should be no significant adverse impact on the amenities currently enjoyed by the neighbouring properties.

As such the recommendation is for approval.

## CONCLUSION

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

Having regard to Policy ENV27 the proposed retention of the classroom is considered acceptable. There are no changes to the demountable unit and it will have no further impact than the existing. The classroom will be located to the rear and concealed from any wider impact upon the visual amenities of the main school building. As such, the proposal is considered to comply with Policies ENV27 - Design of New Developments in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

## RECOMMENDATION

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

1. This permission shall be granted for a temporary period only, expiring three years from the date of this consent and the unit shall be completely removed on or before that date unless a formal consent for its retention has been granted by the Local Planning Authority.

Reason:

In order to clarify its temporary status and to protect the wider visual amenities and to comply with Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

**NOTE:**

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

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

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

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

**2006/01694/RG3** Received on 23 November 2006

Director of Learning and Development, Vale of Glamorgan Council, Civic Offices,  
Holton Road, Barry., CF63 4RU  
Mark Haynes, Education Property Officer, Learning and Development, Vale of  
Glamorgan, Civic Offices, Barry., CF63 4RU

**Ysgol Sant Baruc, St. Pauls Avenue, Barry**

Timber covered area with translucent roof covering

**SITE DESCRIPTION**

The application site relates to the Schoolyard area of Ysgol Sant Baruc in Barry. The school is accessed from St. Paul's Avenue and is visible from Aberystwyth Crescent situated to the rear and at a higher level than the site proposal.

**DESCRIPTION OF DEVELOPMENT**

The application seeks permission for a timber-covered area with translucent covering. The timber structure will be located near to Aberystwyth Crescent towards the North East of the School curtilage. The timber cover will be painted and measures 5.6m wide x 4.5m depth and 3m high.

**PLANNING HISTORY**

95/00416/OBS - Extensions and adaptations to form craft block. Permitted no objections 19 May 1995

84/01187/REG3 - Former craft block. Change of Use from Education to Social/Cultural Centre. Not permitted 1 February 1985.

**CONSULTATIONS**

Barry Town Council was consulted on 5 December 2006. No objection.

**REPRESENTATIONS**

Nos. 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 Aberystwyth Crescent, Holy Trinity Church, High Street Primary School, Nos. 1, 3 and 5 St. Pauls Avenue were consulted on 5 December 2006. One representation was made from No. 35, Aberystwyth Crescent. The issues raised related to a development at the High Street School rather than Ysgol Sant Baruc.

**REPORT**

The application site relates to the Schoolyard area of Ysgol Sant Baruc in Barry. The school is accessed from St. Paul's Avenue and is visible from Aberystwyth Crescent situated to the rear and at a higher level than the site proposal. There is no relevant history to the site.

## Planning Policies

It is necessary to take into account Policy ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice and guidance contained within the Council's Amenity Standards Supplementary Planning Guidance.

## Issues

The main issues to be considered in relation to this application relate to the design and scale of the timber cover and any wider visual impact to the school or the surrounding residential street scene.

The timber structure will be located towards the rear side of the existing school and will be partially visible from both Aberystwyth Crescent and St. Paul's Avenue. However, the impact will be minimal with the structure being located 3m below the Highway for Aberystwyth Crescent and approximately 29m away from St. Paul's Avenue.

The design and scale of the timber cover is seen as acceptable. It is a small-scale shelter with a colourful design that will suitably match the small children's activities play area. In addition, its discreet position means it will have no significant impact upon the wider visual amenity of the school.

As such, the recommendation is for approval.

## CONCLUSION

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

Having regard to Policy ENV27 the proposal is considered to have an appropriate design and scale that will have no detrimental impact upon the main school building or the wider visual amenities of the street scene. Therefore the proposal is considered to comply with Policy ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice and guidance contained within the Council's Amenity Standards Supplementary Planning Guidance.

## RECOMMENDATION

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

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

Reason:

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

**NOTE:**

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

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

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

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

**2006/01741/RG3** Received on 5 December 2006

Director of Learning and Development, Vale of Glamorgan Council, Civic Offices,  
Holton Road, Barry., CF63 4RU,  
Mark Haynes, Education Property Officer, Vale of Glamorgan., Civic Offices,  
Holton Road, Barry., CF63 4RU

### **Ysgol Gwaun Y Nant, Amroth Court, Caldy Close, Barry**

Two classroom extension to existing school

#### **SITE DESCRIPTION**

The application site comprises part of the grounds to an existing primary school, Ysgol Gwaun-y-Nant, located within the settlement of Barry.

#### **DESCRIPTION OF DEVELOPMENT**

This is an application under Regulation 3 of the Town and Country Planning General Regulations 1992 (Minute No. 1979 2002 refers) for the erection of a single storey, pitched roof extension to the existing school building. The proposed demountable unit, measuring approximately 11m x 15.6m, will be linked to an existing demountable unit on the southern elevation of the building. The proposed extension will accommodate 2 No. classrooms, a library and store rooms. The building will be finished externally in yellow brown coloured plastisol coated steel panels with terracotta coloured profiled steel roof panels.

#### **PLANNING HISTORY**

There have been a number of applications submitted on the site over the years, the most recent including:

02/00388/REG3 – Demountable classroom unit. Approved 23 May 2002 subject to a condition relating to surface water run-off.

06/01693/REG3 – New brick clad toy store and covered play area. Approved 11 January 2007.

#### **CONSULTATIONS**

Barry Town Council has no objection.

Dwr Cymru/Welsh Water have submitted a request for their standard conditions and advisory notes to be included within any consent.

The Head of Visible Services (Operational Manager Engineering Design) comments that the proposal indicates that surface water run-off will discharge to an existing surface water drainage system. This is known to discharge to a culverted watercourse. The applicant should therefore consider the effect of the run-off on the watercourse and limit flows to greenfield run-off so as not to exacerbate flooding downstream. The applicant should therefore be requested to provide full details of the proposals prior to commencement of any works on site.

The Head of Visible Services (Highway Engineer) has no objection.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 13 December 2006. In addition a number of site notices were posted on 13 December 2006. No representations have been received to date.

## REPORT

### Planning Policies

The proposal entails an extension to an existing primary school located within the residential settlement boundary for Barry. As such, the following policy background is relevant.

Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 (UDP) refers to the Design of New Development which 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.

In addition, Strategic Policy 14 of the UDP refers to Community and Utility Services and states:

DEVELOPMENTS ASSOCIATED WITH COMMUNITY AND UTILITY SERVICES WILL BE PERMITTED IF THERE IS NO UNACCEPTABLE IMPACT ON THE INTERESTS OF AGRICULTURE, CONSERVATION, LISTED BUILDINGS, ARCHAEOLOGICAL FEATURES, AREAS OF ECOLOGICAL, WILDLIFE AND LANDSCAPE IMPORTANCE AND RESIDENTIAL AMENITY.

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

### Issues

In visual terms the proposed extension will be positioned on the rear, south side of the building linking to an existing demountable and alongside an earlier extension. Glimpses of the proposed building will be visible from a number of vantage points around the site. As the proposed building will be in keeping with the existing demountable and will be viewed against the back drop of the existing, flat roofed utilitarian main building it is considered that there will be little adverse visual impact. It is noted that full details of levels have not been provided, however, these are not significant and are unlikely to present any additional issues in relation to the assessment of visual impact.

As regards the affect on residential amenity, it is noted that the proposed building will not be sited significantly closer to existing dwellings than the existing buildings and is therefore unlikely to have any significant adverse impact even considering the additional number of pupils that will be accommodated.

It is noted that the proposed extension is the third classroom addition to the original building, all of which have been constructed over the fields to the south of the building. Nevertheless, it is considered that ample playing field space will be retained, along with existing hard surfaced play areas to serve the school population.

On the highway issues it is noted that the Council's Highway Engineer has confirmed that there are no highway objections to the development.

Finally on the question of drainage, it is noted that the Council's Operational Manager, Engineering Design has indicated that surface water run-off may affect the culverted watercourse and further consideration is required in relation to limiting the flows to ensure the development does not exacerbate flooding downstream.

### CONCLUSION

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

Having regard to Policy ENV27 – Design of New Development and Strategic Policy 14 – Community and Utility Services of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, it is considered that the proposal will serve to meet an identified community need for additional accommodation at the school with little, if any, adverse impact on general residential amenities or the highway network surrounding the site.

The following recommendation is therefore made.

## RECOMMENDATION

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

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

Reason:

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

2. Prior to the commencement of development full details of a scheme for the discharge of surface water run-off shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details before the first beneficial use of the building hereby permitted and thereafter so maintained at all times.

Reason:

To ensure satisfactory discharge of surface water to prevent flooding and to meet the requirements of Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

### NOTE:

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

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

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

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