

04/01447/OUT

Received on 2nd September, 2004

John S. Jenkins, Sunny Bank, Tyla Rhosyr, Cowbridge. CF71 7AU
(Wyn Thomas Gordon Lewis Ltd., 21, Park Place, Cardiff. CF1 3DQ)

LAND ADJOINING CHURCH FARM, YSTRADOWEN

Erection of one dwelling

SITE DESCRIPTION

The site lies to the west of Church Farm on the edge of the village of Ystradowen. A dilapidated metal barn stands on the site, which is heavily overgrown.

DESCRIPTION OF DEVELOPMENT

This is an outline application to construct a dwelling on the site. All matters save for access and siting have been reserved for subsequent approval. The proposal would involve the demolition of the barn.

PLANNING HISTORY

None.

CONSULTATIONS

Penllyn Community Council - Has stated that Members recall that an earlier development (03/00343/FUL) on this site was conditional upon this barn being used for alternative storage. They further object to the change of use from agricultural to domestic, and consider the proposal to represent unattractive ribbon development opposite a historically important site. Drainage should be via the main sewer rather than by septic tank as proposed.

The Glamorgan Gwent Archaeological Trust - Has stated that a condition should be imposed to require an archaeological watching brief.

The Head of Visible Services (Highways) - Has no objection to the proposed development as shown on the revised plans.

REPRESENTATIONS

Neighbouring occupiers have been consulted. No comments have been received to date.

REPORT

The development plan comprises the adopted Vale of Glamorgan Unitary Development Plan 2005. The application has also been assessed with regard to the Council's amenity standards Supplementary Planning Guidance.

The site is situated within the settlement boundary for Ystradowen, as defined by the Vale of Glamorgan Unitary Development Plan.

Policy HOUS2 of the Unitary Development Plan allows for housing infill within the settlement boundary of Ystradowen subject to criteria listed in Policy HOUS9.

Policy HOUS9 permits housing within or closely related to defined settlement boundaries provided that it meets certain criteria, including:

- The scale, form and character of the proposed development is sympathetic to the environs of the site.
- 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
- The provision of car parking and amenity space is in accordance with the Council's approved guidelines.

The site is located within the settlement boundary and therefore the proposal, in principle, generally accords with planning policy. Further to requests that additional details relating to means of access and siting be submitted, discussions between the developer and my officers resulted in revised plans being submitted. The plot is considered of significant size to provide adequate parking and amenity space for the dwelling. The dwelling as sited would not cause loss of privacy or amenity to neighbours and its visual impact on the area would be acceptable. Whilst the proposed access would not have optimum visibility, the Head of Visible Services (Highways Development) has no objection. The access is technically no worse than the adjoining access serving Church Farm and has been sited so as to ensure that an existing mature ash tree is not adversely affected.

There are a number of trees on the site and the Council has recently served a Tree Preservation Order on several of these trees. However, the development as proposed would not adversely affect these trees.

It should be noted that, contrary to the comments of the Community Council, no condition was attached to the planning permission (03/00343/FUL) relating to the barn conversion on the adjoining site to use the barn on the application site for storage purposes.

03907

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Approval of the details of the design and external appearance of the building 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.
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.

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.
4. The permission hereby granted shall relate to the amended plans, reference 04/01447/OUT received by the Local Planning Authority on 20th April, 2005.
5. Details of the materials and colour of the external finishes of the proposed dwelling shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
6. Notwithstanding the submitted details, the access, car parking spaces and turning facility to serve the dwelling hereby approved shall be constructed and completed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The parking spaces shall be maintained at all times within the curtilage of the site for the parking of motor vehicles associated with the residential use of the dwelling.
7. A scheme providing for the fencing of the trees to be retained and showing details of all excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented.
8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
9. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
12. The developer shall appoint an archaeologist to undertake a watching brief during the construction of the dwelling the Local Planning Authority shall be advised in writing of the name and address of the archaeologist appointed.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt.
5. To safeguard local visual amenities.
6. In the interests of highway safety.
7. In order to avoid damage to trees on or adjoining the site which are of amenity value to the area.
8. To safeguard local visual amenities.
9. To ensure satisfactory drainage of the site.
10. To safeguard local visual amenities.
11. To ensure satisfactory maintenance of the landscaped area.
12. To enable satisfactory archaeological investigations.

NOTE:

1. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.

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.

04/01505/FUL Received on 14th September, 2004

Mr. Colin Stevens, Spider Camp, Hayes Lane, Sully, Vale of Glamorgan. CF64 5SF
(Mr. Colin Stevens, Spider Camp, Hayes Lane, Sully, Vale of Glamorgan. CF64 5SF)

SPIDER CAMP, HAYES LANE, SULLY

Waste Management Transfer Depot

SITE DESCRIPTION

The application relates to a 1.4-hectare site off Hayes Lane, Sully and is locally known as the Spider Camp. The site is bounded to the east by Hayes Lane, part of which is a private road, and beyond that a wooded area forming part of the grounds of Sully Hospital. To the north of the site is the peripheral estate road which provides access to Atlantic Trading Estate and to the west, Atlantic Trading Estate.

The site is occupied by several collapsed buildings and waste material following a recent fire at the site. The site is enclosed by 2 metre high palisade fencing along the peripheral road and part Hayes Lane frontages. The remaining part of the Hayes Lane frontage is a private road (within the control of the applicant) enclosed by a 2 metre high sectional concrete fence. The site is currently accessed by 2 vehicular access points off Hayes lane. At present the site is vacant and it was previously used for commercial vehicle sales, dismantling and processing.

DESCRIPTION OF DEVELOPMENT

This is a full planning application which has been submitted for the change of use of the site to a 'waste management transfer station'. Very little information was originally submitted with the application. In a response to a request for further information about the proposal, the applicant has put forward the following additional points:

- “1. The materials will be non-hazardous, household debris, building materials, exactly the same as the materials handled at the Council Utility Site at Hayes Road. The use will be for commercial purposes.
2. The application is for change of use. The layout will be prepared by consultants and engineers when the detail planning application is made for The Local Authority to approve.
3. The screening which will be required will take the format of trees, conifers and any other type of screening that will be required by The Local Authority. This again will be planned and prepared in detail for approval subject to the change of use being granted.
4. The site will be completely cleared to enable us to be in a position to make a clean and fresh start.”

In addition, a more detailed (but illustrative) site layout plan was submitted on 28th February, 2005.

PLANNING HISTORY

The site has been subject to the following planning applications:

03/01394/FUL – Proposed use of the site as a bus/coach depot and ancillary facilities. Approved on 25th March, 2004.

94/01105/FUL – Two-storey office building to replace existing temporary prefabricated units. Approved on 27th January, 1995.

90/0880/FUL – Continued use of site for commercial vehicle sales, storage, dismantling and processing and ancillary office accommodation. Refused on 19th March, 1999.

87/00426/FUL – Retention of existing security fence pending planning approval for continued use of the site or until 1st March, 1988. Refused on 21st July, 1987.

86/00209/FUL – Road transport haulage yard. Approved on 27th February, 1995.

86/01039/FUL – Continued use of site for commercial vehicle sales, storage, dismantling and processing, together with ancillary office accommodation, landscaping and site enclosure. Approved on 9th December, 1986.

CONSULTATIONS

Barry Town Council:

“VERY STRONG OBJECTION

1. The visual impact of the proposed use on surrounding residential and business areas and on HMS Cambria would be totally unacceptable. Residential amenity would be further undermined by noise, smells and general disturbance.
2. This Council expresses the very serious concern that even with the Imposition of the most stringent set of planning conditions, the scale of a waste management depot on such an extensive site and its consequential impact on surrounding users would be almost impossible to control.
3. The proposal is considered contrary to the following Policies of the Vale of Glamorgan Unitary Development Plan:
 - (a) Policy EMP1 (Site 6 – Hayes Lane) in that the use would not fall within Classes B1 or B8 of the Town and Country Planning Use Classes Order 1987.
 - (b) Policy ENV5 (Developed Coastal Zone). The proposed use would not fall within Classes B1, B2 and B8 of the order.

Unitary Development Plan Policy EMP10 makes provision for non-conforming business and industrial uses on an area of the adjacent Atlantic Trading Estate. The proposed use would be far better located within that area.”

Sully Community Council – “One of the Councillors on Sully Community Council has brought the planning applications relating to the above site to my attention. Although the site is in Barry, it may well have an impact on Sully and on the new housing development on the old Sully Hospital site.

Please would you register objections from this Council against the application on the basis of potential noise and smell coming from the site and also of the potential increase in lorry traffic heading towards the site. Lorries will add to the already heavy traffic passing through Hayes Road. It may also increase the weight of traffic coming through Sully on route to the site”.

Environment Agency - "The proposed activity falls under the Waste Management Licensing Regulation 1994 and will require a waste management licence. The developer should be advised to contact the Agency's regulatory Waste Team on the telephone number below to discuss this proposal further. In order not to duplicate planning conditions, the Agency will impose conditions and regulate elements of the process (with a view to protecting the environment) under its own powers through the waste management licence."

Welsh Water - "No objections raised, subject to conditions as attached at Appendix A."

Glamorgan Gwent Archaeological Trust - "We understand that this application is for change of use and does not in itself involve any ground disturbance or new building. As such as the archaeological advisors to your Members we have no objections to the determination of this application."

It should be noted that any further proposals for development on this site may have an archaeological restraint and that early consultation regarding any application would be welcomed."

The Director of Legal and Regulatory Services (Environmental Health, Pollution Control Officers) - "I refer to the above planning application, this department has no objection to the application in principle. Although limited site investigation works have been completed, they are considered insufficient as they did not test for asbestos, which is suspected to be present, and the frequency of sampling is too low. The department insists on the following conditions:

- Additional site investigation works to further define the nature and extent of known contamination are required. Sufficient sampling and analysis for asbestos must be included within these investigation works.
- A Risk Assessment is undertaken to determine potential risks to human health and the environment from potential contamination on site.
- Suitable remediation works are undertaken to reduce possible risks to human health and the environment subject to the above conditions.

All proposals and works are to be agreed with this Authority."

With regard to the above comments additional information regarding tests for asbestos has been received and conveyed to Environmental Health. Any additional comments received will be reported to Committee.

The Head of Economic Development and Leisure – "There are no objections from an economic development perspective. The only comment would be to ensure that uncontrolled waste and litter does not cause a nuisance to neighbouring businesses and vacant employment land at Atlantic Trading Estate and Hayes Wood".

The Head of Visible Services (Highway Development) - "The Highway Authority would advise that the previous applications for this site required improvements to the existing substandard road geometry and infrastructure fronting the site in the interest of highway and public safety.

In order to provide a concise report on this full application, the Highway Authority would require further details/information which will include:

- (i) Further information on the type of facility to be operated. i.e. will the facility be run as a civic amenity site catering for a variety of trade and household waste to be used by both the commercial/private sector and the general Public?
- (ii) The daily traffic generation for the site which shall include commercial, employees and members of the public which shall include vehicle types/sizes.
- (iii) Details of the site layout plan which shall include.
 - Location and details of vehicular access for commercial vehicles (Skip Lorries etc) inclusive of vision splays and security fencing.
 - Location of gates at the aforementioned accesses.
 - Location for storage and dismantling of items e.g. vehicles etc. within the site.
 - Location of building for staff/visitors?
 - Onsite parking inclusive of vehicular turning areas for staff/members of the public.
 - Onsite parking inclusive of vehicular turning areas for commercial vehicles. (Skip lorries/articulated vehicles) etc”.

A copy of the illustrative site layout plan has been forwarded to the Head of Visible Services (Highway Development) for further observations.

REPRESENTATIONS

The application proposal was advertised on site by means of a site notice on 6th October, 2004. HMS Cambria was separately notified on 5th January, 2005, and a letter received on 11th January, 2005 is attached at Appendix B to this report.

Representations objecting to the proposal have recently been received from the Welsh Housing Pigeon Union (Unit 6, Atlantic Trading Estate), M.P Haulage Limited (Unit 14), P.M. Rees and Sons (Unit 6, Atlantic Business Park), Ornamental Iron Limited (Unit 8), SHS Scaffolding (Unit 15A), 3D Property Investments (2, Cliff Parade, Penarth), Penarth Industrial (Sloper Road, Cardiff) and Greenhill Estates (Unit 8, Curran Industrial Estate, Cardiff).

Most of the above representations relate to concerns about highway safety and the problem of additional heavy traffic and lorries using existing roads in the area which are not considered adequate for the extra volume of use by heavy vehicles. One letter also raises concerns on environmental grounds including the issue of possible asbestos contamination on the site. Three such letters are attached as Appendices C, D and E being generally representative of the views expressed. All letters are retained on file for the inspection of Members.

REPORT

Although the application was submitted in September, 2004 (with an illustrative site layout plan further submitted in February, 2005), in policy terms the application needs to be considered on the basis of the adopted Vale of Glamorgan Unitary Development Plan 2005, as the formal adoption date was 18th April, 2005.

In terms of the Unitary Development Plan, the application site lies outside the residential settlement boundary for Barry but is not classified as “countryside” as the site is allocated for employment purposes in the Plan.

Policy EMP 1 (5) allocates this 1.4 hectare site specifically for B1 and B8 uses. Policy EMP5 seeks to protect land for employment uses and states that on sites identified in Policy EMP1, development of uses that are not contained within classes B1, B2 and B8 will not be permitted. The land use gazetteer classifies a waste deposit, treating, keeping, storage or disposal place as ‘sui generis’. Therefore, the proposal would appear to be technically contrary to this policy. However, this analysis also needs to take into account the previous use of the site for commercial vehicle sales, and the storage and dismantling of vehicles. That use (86/01039/FUL, approved in 1986) could also be described as ‘sui generis’.

The newly adopted Unitary Development Plan also incorporates the Further Proposed Modifications (October, 2004) which introduced a new Policy WASTXXX. This policy states as follows:

WASTXXX: PROVISION OF WASTE MANAGEMENT FACILITIES

PROPOSALS FOR THE PROVISION OF WASTE MANAGEMENT FACILITIES INCLUDING THE HANDLING, TREATMENT AND TRANSFER OF WASTE WILL BE PERMITTED WHERE THEY ARE LOCATED ON:

- (i) EXISTING WASTE SITES;
- (ii) EXISTING AND ALLOCATED B2 AND B8 EMPLOYMENT SITES;
- (iii) WITHIN OPERATIONAL MINERAL WORKING SITES; OR
- (iv) IN THE CASE OF GREEN WASTE COMPOSTING AND MANAGEMENT, ON LAND WITHIN OR ADJACENT TO FARM BUILDING COMPLEXES.

PROPOSALS WILL BE CONSIDERED HAVING REGARD TO THE CRITERIA LISTED IN POLICY WAST1.

It will be noted from the above, that waste management facilities will, in fact, be permitted on allocated B2 and B8 employment sites (subject to criteria in a further new Policy WAST1).

The explanatory text to Policy WASTXXX states as follows:

“Facilities for the sorting, processing and treatment of waste normally involve industrial type activities and can generate large numbers of heavy goods vehicle movements. Due to their industrial nature, they are most suited to: locations within specified industrial areas, existing mineral or waste sites, or on sites which are being reclaimed to a beneficial use. Scrap yards are also included in this category of waste handling and again these are best suited to locations within industrial areas.

Policy WASTXXX identifies sites that the Council considers to be best suited for accommodating future waste management facilities that will assist in meeting the requirements set down by the South East Regional Waste Plan.

When considering proposals for any kind of waste management facility, including: treatment/disposal facilities, landfill sites, transfer stations, household waste sites, special waste treatment, disposal facilities, civic amenity and recreation sites, foreshore or derelict land reclamation, there will be two main factors to be taken into account. The proposal must firstly be evaluated in terms of its contribution towards the South East Regional Waste Plan and secondly the extent to which it meets the Council's Municipal Waste Management Strategy, demonstrating that the proposal represents the best practicable environmental option, taking account of the principles of proximity and the waste hierarchy. Guidance, concerning the consideration of application and the criteria that will be applied to them are set out in Policy WAST1.

The criteria as listed in Policy WAST1 are set out below, and indicate that proposals for waste management facilities will be permitted if the proposal:

- “(i) CONFORMS WITH THE PRINCIPLE OF THE WASTE HIERARCHY (REDUCTION, RE-USE, RECOVERY AND SAFE DISPOSAL); THE OBJECTIVE OF WASTE AVOIDANCE, REDUCTION AND DISPOSAL; THE SETTING OF TARGETS FOR REDUCTION AND DISPOSAL; THE SETTING OF TARGETS FOR REDUCTION AND MODES OF DISPOSAL;
- (ii) DOES NOT UNACCEPTABLY AFFECT RESIDENTIAL AMENITY OR POSE A THREAT TO PUBLIC HEALTH;
- (iii) DOES NOT UNACCEPTABLY AFFECT THE QUALITY OR QUANTITY OF WATER RESOURCES (BOTH SURFACE AND GROUNDWATER);
- (iv) HAS REGARD TO THE ADEQUACY OF THE HIGHWAY NETWORK AND THE NEED TO MINIMISE THE DEMAND ON THE TRANSPORT NETWORK.
- (v) DOES NOT UNACCEPTABLY CONFLICT WITH THE INTERESTS OF AGRICULTURE, NATURE CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE OR ARCHAEOLOGICAL IMPORTANCE OR FEATURES OF GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE OR LANDSCAPE PROTECTION POLICIES;
- (vi) HAS A HIGH STANDARD OF LAYOUT, LANDSCAPING AND DESIGN;
- (vii) PROVIDES ARRANGEMENTS FOR THE AFTER TREATMENT AND FUTURE USE OF THE SITE WHICH ARE TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY; AND
- (viii) IS NOT AT AN UNACCEPTABLE RISK OF FLOODING, INCLUDING TIDAL INUNDATION, OR DOES NOT INCREASE THE RISK OF FLOODING ELSEWHERE.”

With regard to Criterion (1) above, the Council's Waste Management Group (Visible Services) has confirmed that this proposal would conform with the waste hierarchy in that further facilities and choice would be provided within the area.

In assessing this proposal, the previous history of the site is a relevant material planning consideration. The history of the site includes that of commercial vehicle sales, storage and dismantling (86/01039/FUL) and more recently the use of the site has been approved as a bus/coach depot with ancillary facilities.

In terms of the planning policy context, Policy WASTXXX outlined above now makes it clear that proposal for waste management facilities are acceptable on allocated B2 and B8 employment sites although the application site is located for Use B1 and B8 only. Moreover, it should also be noted that an application for a waste transfer station submitted in August, 1998 for Unit 14D at the Atlantic Trading Estate (98/00868/FUL) was allowed on appeal and the Council is currently pursuing its own proposals for a Resource Park facility elsewhere within this area.

It will also be noted from the report above that the Environment Agency has commented that a waste management licence would be required from the Agency's regulatory Waste Team and, consequently, the Agency will also be able to impose conditions and regulate elements of the process through its own powers.

On the basis of the above, it is considered that an approval can be granted subject to the conditions set out below.

Consideration of this application was deferred at the previous meeting (12th May, 2005) to enable Committee Members to undertake an inspection of the site. It is currently anticipated that the inspection will take place on 7th June, 2005.

03766

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use hereby permitted shall allow for the recycling of inert waste only and shall not allow for the deposit or storage of any other waste material including putrescible matter.
3. There shall be no burning of materials or waste on the site.
4. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow him/her to observe the excavations and record items of interest and finds.
5. No development shall take place until the applicant, or their agents or successors in title, has submitted a report detailing the results for the investigation and recording of all contamination, particularly asbestos at the site, which shall be submitted to and agreed in writing by the Local Planning Authority as set out below.

6. Subject to the findings of the contamination survey results submitted in respect of Condition No. 5, the applicant shall submit a method statement prepared by a suitably qualified consultant detailing and setting out the remediation works at the site in line with best practice for the removal, containment or otherwise rendering harmless such contamination, which shall be submitted to and agreed in writing by the Local Planning Authority and the remediation scheme shall be carried out in full prior to the beneficial use of the site.
7. If during the course of development, any contamination should be encountered which was not previously identified and is a derived form, a different source and/or of a different type to those previously identified in Condition No. 5 above, then a revised report shall be sited in line with Condition No. 5 above.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
9. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority.
10. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10 per cent. If there is multiple storage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10 per cent. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
11. Notwithstanding the submitted illustrative site layout plan (Drawing No. L01) received on 28th February, 2005, no development shall take place until full details of the intended layout of the site, which shall clearly and precisely indicate areas for the stockpiling of materials, storage of skips and containers, car parking and vehicle turning spaces have been submitted to and approved in writing by the Local Planning Authority, and the site shall be laid out as approved.
12. The layout of the site as referred to in Condition No. 11 above shall not include the storage of skips or other waste material within the areas hatched green in the illustrative site layout plan (Drawing No. L01).

13. The areas indicated for car parking and vehicle turning spaces in the layout to be agreed in accordance with the requirements of Condition No. 11 above shall not be used for any purpose other than the parking and turning of vehicles.
14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
15. 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.
16. Details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be constructed in full accordance with the details as agreed and thereafter maintained at all times.
17. Full details, including plans and elevations, of any new (or refurbished) buildings on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
18. Please see w.p. doc. in May letters - jsj1
19. The Waste Management Transfer Depot hereby approved shall only operate between the hours of 7am and 6.30pm on Mondays to Saturdays, and no operations shall be carried out at any other times including Sundays and Bank Holidays.
20. The Waste Management Transfer Depot hereby approved shall only be used by a commercial operator (or operators) and shall not be open for use at any time to the general public.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of public health and amenity.
3. In the interests of public health and amenity.
4. To enable satisfactory archaeological investigation.
5. In the interests of public health and amenity and to safeguard the satisfactory development of the site.

6. In the interest of public health and amenity and to safeguard the satisfactory development of the site.
7. In the interests of public health and amenity and to safeguard the satisfactory development of the site.
8. To safeguard the satisfactory development of the site and in the interests of public health and amenity.
9. To safeguard the satisfactory development of the site and in the interests of public health and amenity.
10. To safeguard the satisfactory development of the site and in the interests of public health and amenity.
11. Drawing No. L01 was submitted for illustrative purposes only and full details are therefore required.
12. In the interests of the amenity of the surrounding area.
13. In the interests of amenity and to ensure satisfactory parking provision and turning facilities.
14. To safeguard local visual amenities.
15. To ensure satisfactory maintenance of the landscaped area.
16. In the interests of visual amenity and to safeguard the satisfactory development of the site.
17. Plans submitted are for illustrative purposes only and such details are therefore required.
18. In the interests of public and highway safety and to ensure the satisfactory development of the site.
19. In the interests of amenity.
20. In the interests of public health and safety and to control the volume of traffic likely to visit the site.

NOTE:

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

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

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

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

05/00057/OUT

Received on 12th January, 2005

Mr. M. H. R. Reynolds, Beauville Farm, Wenvoe, Vale of Glamorgan. CF5 6BD
(Phillip Griffiths - Architect, 3, St. Johns Close, Cefn Coed, Merthyr Tydfil. CF48
2PE)

LAND AT GILBERT LANE, DINAS POWYS

Proposed farmhouse with garage

SITE DESCRIPTION

The application site relates to land to the rear of two existing agricultural buildings, comprising of existing agricultural land of some 0.22 hectares in area. The application site is accessed by a single agricultural gate from Gilbert Lane, which links the A4231 Barry Docks Link Road with the Westra and Dinas Powys.

The application site itself is located some 300 metres to the east of the A4231 Barry Docks Link Road, on the eastern edge of Barry. The site is located in a highly visible and prominent location within the countryside overlooking Sully.

The existing yard is located to the north of the application site, comprising two 18mx9m covered cattle sheds and an open yard of 30mx18m.

DESCRIPTION OF DEVELOPMENT

Following refusal of application ref. 04/00350/OUT for the construction of an agricultural dwelling with garage, this is a further outline application for the same development, with all matters reserved for subsequent detailed approval. Whilst all matters have been reserved for subsequent approval, the plans submitted indicate the siting of a dwelling which would have a footprint of 18 metres long by a width of 5 metres. The dwelling is shown to have a curtilage 24 metres deep by a maximum width of 38 metres and will be accessed by a 40 metre private drive from Gilbert Lane.

In support of the application a report has been submitted detailing the existing holding in terms of land, buildings, crops and stock, staffing etc. at the existing holding.

PLANNING HISTORY

04/00350/OUT – Proposed farmhouse with garage. Application refused 11th November, 2004 for the following reasons:

1. The applicant has failed to demonstrate an essential need for the proposed agricultural dwelling and therefore the proposal relates to unjustified residential development in the countryside. The proposal would also cause serious harm due to the prominent and elevated siting of the proposed dwelling and visibility from the Public Footpath. As such the proposed development is considered contrary to Policies EV3 and H10 of the approved South Glamorgan Structure Plan (Proposals for Alterations No. 1) 1989 and Policies ENV1, HOUS3 and HOUS5 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and the advice given in Planning Policy Wales (March 2002).
2. The proposal would result in the intensification of the use of an existing narrow single track lane and substandard field access which lacks adequate visibility to serve the proposed development and would create traffic hazards to the detriment of highway and public safety, contrary to the objectives of Policies HOUS5 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).

03/01056/PNA – Extension to barn/storage. Prior approval not required 21st August, 2003.

CONSULTATIONS

Dinas Powys Community Council - Were consulted and have raised no objection to the application and have suggested that an agricultural tenancy clause be inserted in any consent given.

The Head of Visible Services (Highways) - Was consulted on the application and has no objection in principle, subject to the applicant satisfying the following conditions:

1. A turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines shall be provided within the curtilage of the site/for each unit, and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear.
2. The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary. This is to prevent loose material being dragged onto the public highway to the detriment of highway safety. Gates, if provided will be set back a minimum of 6.0m from the highway boundary.

3. Visibility splays of 2.4m x 30.0m in both directions, measured from the centre line of the proposed access, shall be provided. Nothing, which may cause an obstruction to visibility shall be placed, erected or grown in this visibility splay.
4. No surface water from the site shall drain onto the adopted highway or into the Highway Authority drainage system. The applicant must make provision for the disposal of the surface water on site.
5. Soakaways and/or septic tanks shall be sited a minimum distance of 5.0m from the highway boundary. No herring bone drainage shall be laid within 5.0m of the public highway.

The Council's Agricultural consultant has prepared an appraisal for the proposal which is attached in full as Appendix A. In summary, he states that in his opinion there is sufficient evidence to satisfy the functional test, but insufficient evidence to satisfy the financial test. Further evidence may be required and therefore a temporary static caravan may be appropriate whilst the enterprise proves sustainability.

Environment Agency Wales – Were consulted and have responded with a standard advisory note for developers.

Welsh Water -Were consulted on the application and have no comment to make as the applicant intends to utilise private drainage facilities.

GLAMORGAN GWENT ARCHAEOLOGICAL TRUST – HAVE STATED THAT THERE ARE NO ARCHAEOLOGICAL FEATURES WITHIN THE AREA OF THE PROPOSED DEVELOPMENT.

REPRESENTATIONS

Neighbouring residential properties were consulted on 31st January, 2005 and a site notice was also posted. To date no letters of representation have been received.

REPORT

Planning application ref. 04/00350/OUT was refused in November 2004 for two principal reasons, (as set out above). Therefore in considering this application an assesment must be made as to whether there has been any change in both national and local planning policies, the nature of the applciation and the information submmited in support of the applciation.

As previously considered under planning application ref. 04/00350/OUT the main issues are considered to be whether the construction of an agricultural dwelling within the countryside can be justified based on an essential need in accordance with both national and local planning polices in respect of development in the countryside and the impact of the proposal on the surrounding rural landscape and the acceptability of the access and impact on highway safety.

The application site is clearly located within the countryside, well away from any settlement of any size, and as such the proposal must be judged against national guidance concerning the erection of new agricultural dwellings in the countryside.

Planning Policy Wales (March 2002) states in paragraph 9.3.7 that the following matters, in particular, should be considered when determining planning applications for agricultural and forestry dwellings:

- a functional test to establish whether, for the proper functioning of the enterprise (in terms of both its current and likely future requirements), one or more workers needs to be readily available at most times; and
- a financial test to establish that the farming enterprise is economically viable, since if it is not, new permanent accommodation cannot be justified on agricultural grounds, and to provide evidence of the size of dwelling which the unit can sustain.

Furthermore, the following paragraphs are also of relevance:

(Para 9.3.8) It is important to establish that stated intentions to engage in agriculture or forestry are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period. If it is considered that a new dwelling will be essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, but the case is not completely proven, the dwelling should normally for the first three years be a caravan, or a wooden structure which can be easily dismantled, or other temporary accommodation. Temporary agricultural dwellings should satisfy normal planning requirements, for example on site and access, and will have to be removed at the end of the period for which the permission was granted. Local Planning Authorities should not grant temporary planning permissions in locations where they would not permit a permanent dwelling.

(Para. 9.3.9) Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for this need. For this reason planning permission should be granted subject to an occupancy condition.

(Para. 9.3.10) Applications for agriculture and forestry dwellings will only be permitted if special justification is given to meet the functional and financial tests, and an occupancy condition applied.

With regards to the adopted development plan, the previous assessment had regard to the adopted South Glamorgan Structure Plan Proposals for Alterations No. 1 1989, and the relevant policies contained in that plan. However, the Vale of Glamorgan Unitary Development Plan Deposit Draft 2005 is now adopted and therefore the following policy is of direct relevance to this application.

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

- (1) An essential need, based on a functional and where appropriate financial necessity is clearly demonstrated.
- (2) The scale, siting, design, landscape and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape; and

(3) An acceptable access to the dwelling can be provided.

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

The application is the same as that previously refused in relation to the size of the application site, its access and the indicative footprint of the proposed dwelling. The main reason for the submission of this application is that the applicant considers that he has submitted additional supporting information which would prove that the proposed agricultural dwelling satisfies both the functional and financial tests.

The Appraisal undertaken by the Agricultural Consultant has been updated in this current application. In order to assess whether there is an essential need, based on a functional and financial test, an assessment must be made of the existing holding and the enterprise carried out at the holding and whether the operation of that holding would be of a sufficient size to fully employ a farm worker.

Existing Enterprise:

The applicant runs 50 organic suckler cows, with 55 x 2 yr and 50 x 1 yr beef progeny, served by a bull. There are no other livestock and this level of stock is largely equal to that of a year ago, except that seven of the cows have been sold, with none of last year's beef progeny having been sold. This will obviously have dramatically affected the income received from the sales from the farm this year. The land is used for grazing and forage, the silage baling and wrapping being carried out by contractors. The suckler cows are calved "both indoors and outdoors". We had previously assumed that all the stock was calved indoors. Calving in the field would have to be discounted in any assessment of need that would be satisfied by any dwelling.

Mr. Reynolds works in a bank for one day per week and carries out all management on the holding himself. No man-hour calculations have been provided and net worth is not a pertinent statistic for this appraisal. According to standard statistics however, the labour requirement for the existing enterprise could be sufficient to fully employ a farm worker.

Functional Test:

The functional test is required to show that there is a proven agricultural need for a farm worker to be present *on site most times out of necessity*. In this case, there is sufficient evidence to demonstrate that a need exists for attendance to calving and animal husbandry and that the need would be met in full by a worker being *on site*. However, the holding and enterprise is relatively small, with the only change in the enterprise since the assessment last year seemingly being that the entire beef progeny from last year is still on the farm, dramatically reducing the income from sales that will have been received, whilst certainly increasing the hours required to manage the stock.

At an expected 1.65 acres per cow and 1.60 stores per acre, at least 115 acres are required for the current stocking levels. This land is available and therefore we are satisfied that the holding can support the existing stock. There is sufficient evidence to show that the need is sufficient to require such a farm worker to be on site at *most times out of necessity*.

In our opinion, by virtue of the size of the holding and the existing enterprise, there is sufficient evidence of a proven need to satisfy the functional test.

Financial Test:

From the accounts submitted it is accepted that the enterprise has shown profits in the previous three years, but none of the income from the previous year is from sales of stock. The income is instead entirely derived from subsidy payments from the retained animals and does not therefore demonstrate a sustainable income from the agricultural enterprise. Since the functional test has been satisfied, the financial test is significant, but there is insufficient evidence of a sustainable income from the enterprise, other than the subsidies themselves (e.g. from sales of stock).

Since it seems likely that a sustainable agricultural enterprise is reasonably likely to materialise, the consultant has advised that the Local Planning Authority may wish to consider temporary accommodation (a static caravan) whilst the financial sustainability of the enterprise is established and proven. It is recommended that given the fact that only one year ago there was insufficient security to satisfy the functional test, this period may need to be 2-3 years, although if the pattern of sales of stock resume at an appropriate level next year, sustainability may be shown earlier.

As previously stated in the assessment of planning application ref: 04/00350/OUT, the applicant lives about a mile to the north east of the site (2 miles by road), at Beauville Farm, owned by his brother. This dwelling is not within sight or sound of the main yard and there are no dwellings on the holding. The consultant has made enquiries on the ownership of the nearby houses shown on the application plan and is satisfied that none are owned by a connected party and that none are readily available.

In his conclusion the consultant is of the view that there is sufficient evidence to satisfy the functional test, but insufficient evidence to satisfy the financial test. He considers that further evidence may be required in order to prove long term sustainability of the enterprise

The applicant has been advised of the above findings and in a letter dated 3rd March, 2005 was advised that the Council may consider a temporary form of accommodation and it was recommended that a planning application be submitted for such a temporary form of accommodation, as the determination of this application could only be made with regard to the proposed new dwelling. To date the applicant has not submitted this application and therefore the application must be considered against the proposal for a permanent agricultural dwelling. Given that the proposal is not justified under Policy HOUS5, it relates to the construction of a new dwelling in the countryside where there is no proven agricultural justification. Accordingly Policy ENV1 is relevant as contained within the above referenced adopted Unitary Development Plan. This policy relates to development within the countryside and states that within the delineated countryside permission will only be granted for:

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

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

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

It should be noted that Policy HOUS2 identifies urban and rural settlements within which infill, small-scale development and redevelopment will be permitted, or small-scale rounding off considered. However the application site is located well outside any such defined settlement.

Criterion 2 of Policy HOUS5 above relates to the scale, siting, design, landscape and external appearance of the proposed new dwelling being compatible with any existing related structures and the surrounding landscape. As considered in the previous application, whilst this application has been submitted in outline with all matters reserved, the dwelling would be sited in a relatively prominent location with panoramic views southwards. Furthermore, Public Footpath No. 35 would cross part of the application site and therefore the proposal would be highly visible from the footpath and the surrounding countryside, which would result in significant harm to the rural and landscape character of the surrounding area.

With regard to the provision of an acceptable access to the dwelling, the Head of Visible Services (Highways) has now raised no objection, subject to a satisfactory turning facility and parking provision and improvements to the access including visibility splays of 2.4m x 30.0m in both directions. It is however considered that the level of traffic generation to and from the holding would probably be reduced if the applicant were resident within the holding, as opposed to travelling to and from the holding. As such it is not considered reasonable to satisfy the visibility splays of 2.4m x 30.0m in both directions, which would result in the removal of substantial lengths of hedgerow, which itself would be detrimental to the rural character of the area.

In conclusion, both national and local planning policy seeks to presume against the construction of new dwellings in the countryside unless they can be justified as being essential in relation to agriculture and forestry. In the case of this application, the additional information submitted by the applicant in relation to the enterprise still fails to demonstrate an essential agricultural need for the permanent new dwelling. The proposed new dwelling would both breach and undermine policies which seek to guard against unacceptable and unjustified development in the countryside and the following recommendation is therefore made.

03926

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The applicant has failed to demonstrate an essential need for the proposed permanent agricultural dwelling and therefore the proposal relates to unjustified residential development in the countryside. The proposal would also cause serious harm due to the prominent and elevated siting of the proposed dwelling and visibility from a public footpath. As such the proposed development is considered contrary to Policies ENV1 (Development in the Countryside), HOUS3 (Dwellings in the Countryside) and HOUS5 (Agricultural or Forestry Dwellings) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the advice given in Planning Policy Wales (March 2002).

05/00155/FUL

Received on 4th March, 2005

T Mobile UK Limited, Hatfield Business Park, Hatfield, Herts, AL10 9BW.
(LCC UK, 9, Church Farm Business Park, Corston, Bath, BA2 9AP.)

ROBERT SMITH GARAGE, WINDSOR ROAD, PENARTH

Erection of two flagpoles housing two antennas and one face mounted antenna with cabinet at ground level

SITE DESCRIPTION

Robert Smith Garage is situated on the busy Windsor Road in Penarth. Its location is within a mixed use area of residential and commercial development, with the local police station and public house opposite the application site and a short distance from the town centre. The garage building is of white render, and has large first-floor windows and an open window frontage accommodating the showroom. The garage backs on to the railway line, and cars are normally parked on the garage forecourt at the front of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to erect two flagpoles housing two antennas and one face mounted antenna with cabinet at ground level.

Amended plans were received on the 4th March, 2005, proposing an increase in the height of the flagpole antennas at the front of the garage from 13.80 metres above ground level to 15 metres above ground level. They will be 3.3 metres above the roofline of the garage and will be located 6.9 metres apart. Both will be 3.4 metres from the centre of the building.

The polar antenna will be a mounted antenna on the north west facing side of the garage. It will be fixed directly on to the side of the building, and coloured to match existing cladding.

The T-UK Portastor Optima Weatherproof equipment cabinet and T-UK ink cabinet will be located under the existing ramp. From the cabinet to the building will be a covered vertical cable tray, with a T-UK feeder duct.

PLANNING HISTORY

Previous relevant planning applications on this site are as follows:

02/01273/PNT - For the installation of an enclosed rooftop stub mast and equipment cabinets and development ancillary equipment, for which further details were requested in October, 2002.

02/00417/PNT -For three elevation mounted antennas and two equipment cabinets for which further details were requested in April, 2002.

01/01058/FUL - For the erection of 3 wall mounted antennas and 1 x 300mm dish antenna with equipment cabinet at ground floor level. This was approved on the 9th November, 2001.

CONSULTATIONS

Penarth Town Council - Was consulted on the 14th February, 2005 and re-consulted on the 14th March, 2005. Representation was received on the 28th February and the 1st April, indicating that the application is capable of approval.

Network Rail was consulted on the 14th February, 2005 and re-consulted on the 14th March, 2005. Representation was dated the 18th March, indicating that they have no comments to make on the proposals and have no objection to planning permission being granted.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on the 14th February, 2005 and re-consulted on the 14th March, 2005. Representation was received on the 28th February indicating that they have no comment to make in regard to the application. A second representation was received on the 23rd March, 2005 indicating that the applicants would need to supply declarations of conformity with ICNIRP Public Exposure Guidelines for each mast. A copy of this declaration, see Appendix A, attached, was sent to the Environmental Health Department on the 7th April, 2005. No further representation has been received to date.

REPRESENTATIONS

Penarth Police Station, Windsor Hotel, numbers 86 and 88 Windsor Road, numbers 20, 21, 22, 23, 24 Dingle Road and number 18 Fairfield Road were consulted on the 14th February, 2005.

The above addresses and Nos. 78, 80, 82, 84, 90, 92, 93, 94, 96, 98, 99, 101, 103, 105, 107, 109 and 111 Windsor Road and Nos. 25 and 26 Dingle Road were notified of the amended plans on the 14th March, 2005.

2 Site notices were displayed on site on the 16th February, 2005 and re displayed on the 16th March, 2005.

To date 55 letters of objections to the proposal have been received. Appendix B, C and D are three examples of the letters received. The general concerns and objections within these letters are as follows:

1. Concerns have been raised regarding the possible adverse effect of the proposed antennas on the health of the local residents, indicating that antennas emit magnetic frequencies, which increase the risk of general health problems.
2. Local residents are also concerned about the siting and appearance of the mast, indicating that they will be an eyesore within the residential area.

A petition was received on the 4th March, 2005. It has been signed by 179 residents of the Vale of Glamorgan, who oppose to the application, in regard to the total number of masts on the application site and the health risk from these masts.

Representation has also been received from Councillor Paul Church objecting to the proposal and a letter of concern has been received from Lorraine Barrett AM. (Appendix E).

REPORT

The application seeks consent to erect two flagpoles housing two antennas and one face mounted antenna on the building with an equipment cabinet on ground level. This proposal is required to provide coverage within a designated cell area to provide coverage to East Penarth, not covered by the nearest existing T-Mobile Base stations. A number of proposed sites were investigated within the physical location, including the application site, as follows:

- (i) Monty Smith's Windsor Road, Penarth – the building on site is of poor construction, and without substantial shoring up or strengthening it could not accommodate the telecommunications equipment.
- (ii) Church Place North/St Augustines Road, Penarth – In planning terms a streetworks site in this location is the least preferable option found.
- (iii) Albert Road Methodist Church and Community Centre, Albert Road, in which the site provider was not interested.

The applicants have therefore concluded that the current application site is the only one available within the area required.

As a result of the site notices and neighbour consultation letters, the proposals have received a significant amount of objections from the residents of Windsor Road and Dingle Road, in regard to visual amenity and concerns in regard to public health.

In assessing this proposal, it should be noted that National Assembly Guidance in the form of Planning Policy Wales encourages Local Planning Authorities to respond positively to telecommunications development proposals and the sharing of sites is strongly encouraged. The Welsh Assembly Government Policy, Technical Advice Note 19 advises that in regard to visual amenity, it would be preferable for mast development in an area to be confined to a single site. As highlighted, this proposed site already consists of existing O2 and Hg3 antennas.

In terms of the relevant policy context, Policy COMM 4 (Telecommunications) of the Vale of Glamorgan Unitary Development Plan 2005, states as follows:

The development of the telecommunication systems by telecommunications operators will be permitted if:

- (i) There are no suitable existing facilities such as existing radio masts and towers or existing buildings that can be used.
- (ii) Sufficient measures are taken to minimise the visual impact of the development such as siting to take advantage of tree screening, incorporation of appropriate landscaping and appropriate colouring of apparatus including masts and antennas; and
- (iii) The development does not have an unacceptable effect on the interests of agriculture, conservation, areas of ecological interest, archaeological sites, wildlife and landscape of importance, or on features of geological or geomorphological importance.

It is considered that this proposal for the erection of two flagpoles housing two antennas and on face mounted antennas with cabinet at ground level, complies with all of the above policy criteria.

One of the major concerns highlighted from the local residents is the health risk from the proposed antennas, and the risk that a number of antennas are located on the same building. The wide-spread concern expressed by local residents about the actual or perceived health risks associated with these masts is noted. Planning Policy Wales (2002, paragraph 12.13.7) provides the following guidance in relation to this issue.

“Health considerations can be material considerations in determining applications for planning permission and prior approvals as, in principle, can public concerns in relation to such effects. Whether such matters are material in a particular case is ultimately a matter for the Courts. It is for the decision maker to determine what weight to attach to such considerations in any particular case.”

The agent, on behalf of the applicant, has submitted a declaration of Conformity with ICNIRP Public Exposure Guidelines, (appendix A). This indicates that the equipment and installation at Robert Smith Garage is in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation, as expressed in the EU Council recommendation of 12th July, 1999, on the limitation of exposure of the general public electromagnetic fields. The certificate takes into account other cellular mobile phone operators on site. TAN 19, ‘Telecommunications’ indicates that the emissions from mobile phone base stations should meet the ICNIRP guidelines for public exposure.

With regard to the Health implications of the proposed development, it is the National Assembly Government’s view that, if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12th July, 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on mobile phones (the Stewart Group) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health aspects and concern about them. (Planning Policy Wales 2002, paragraph 12.13.8).

The Stewart Group’s report suggested a number of specific precautionary actions that have been accepted by the Welsh Assembly Government. The report does not provide any basis for precautionary actions beyond those already proposed. In the Welsh Assembly Government’s view, local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

In light of the above recommendations from the Welsh Assembly Government, it would be difficult to sustain a refusal of these proposals on the basis of a health risk, as the application meets the ICNIRP guidelines.

With regard to visual amenity, the Welsh Assembly Government advises, in Planning Policy Wales, that the installation of telecommunication equipment should blend in with the existing character of the building. In this respect, the applicant has made an effort to blend in the materials of the antennas with the existing materials of the building. As the Technical Advice Note 19 (Telecommunications) indicates, the telecommunications industry is encouraged to continue to develop innovative design solutions, in terms not only of the structure of the masts and antennas but also the materials and colouring. Although the flagpole antennas will be visible within the street scene, due to efforts by the applicant to blend them in with the existing external materials of the building, it is not considered that the proposals would adversely affect the character of the street and wider area.

The mounted cross polar antenna will be located on the north-west side elevation, towards the rear of the building. Its colour will match the existing building, and will not as a consequence be prominent in the street scene. The proposed cabinets will be located under the existing ramp on the north-west side of the building. As a result, the cabinets will not be visible, and are therefore not considered to adversely affect the character of the area.

Accordingly, the application is recommended for approval.

Committee Members will recall that consideration of this application was deferred at the previous Committee meeting on 12th May, 2005, on the basis that the determination of the application should not take place until a general and detailed report on the subject of telecommunication masts and equipment be presented to Committee for consideration. As it is very likely that this general report will be available in time for the next meeting (8th June, 2005), this report is referred back to Committee for consideration once again.

03889

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference A,B,C,D, and E received by the Local Planning Authority on 4th March, 2005.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.

NOTE:

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

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

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

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

05/00365/FUL Received on 4th March, 2005

Dow Corning Limited, Cardiff Road, Barry, Vale of Glamorgan. CF63 2TL
(Dow Corning Limited, Cardiff Road, Barry, Vale of Glamorgan. CF63 2TL)

DOW CORNING - W1206 WA CONTROL AREA, CARDIFF ROAD, BARRY

New Open Steel Structure with vessels for waste control process

The application was advertised on 18th March, 2005-05-27

SITE DESCRIPTION

The Dow Corning Plant.

DESCRIPTION OF DEVELOPMENT

To construct a 'base quench structure' which is an open structure to be used in relation to a waste control process. The structure would be erected in the southern part of the site. It would have a maximum height of 15 metres and have a footprint of approx. 10.5 metres by 7.5 metres. It would be constructed in steel which would be painted green.

PLANNING HISTORY

There is a very lengthy planning history at the Dow Corning site but no history considered directly relevant to this application.

CONSULTATIONS

Barry Town Council - Has no objection subject to any consent being conditioned to ensure the effective monitoring and if necessary the abatement of noise from the proposed project.

The Health and Safety Executive - Has no objection.

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

Environment Agency - Has no objection.

REPRESENTATIONS

The application has been advertised by way of a site notice. A petition has been submitted objecting to the application and the occupier of No. 25 Philadelphia Close has objected. An extract of the petition and letter is attached as Appendix A. The petition includes approximately 313 signatures.

REPORT

The development plan comprises the Unitary Development Plan. The site is situated outside the settlement boundary for Barry but within the existing chemical complex.

The structure would be erected within the existing waste control area. The applicant has stated that the development would allow for the improvement of the existing waste control process, allowing for a greater degree of recycling of waste in response to the landfill tax. The end product would be non-hazardous and all drainage would be via the existing chemical drainage within the site.

The structure, which had started to be erected at the time of site visit, would be situated well away from any residents and would be acceptable in terms of its visual impact, being sited within the heart of the complex. A supporting statement submitted by the applicant, which details the process involved as well as the links between the scheme and existing waste management facilities at the site is attached at Appendix B.

In brief, the structure would allow for an additional treatment to be applied to the waste produced by Dow Corning. This would allow for material to be 'drawn' from the waste which could be re-used by Dow Corning, which in turn would reduce the amount of waste that is ultimately sent to a landfill site.

03934

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.

Reason(s):

1. To ensure the satisfactory implementation of the development.

NOTE:

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

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

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

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

05/00368/FUL

Received on 4th March, 2005

Dow Corning Ltd, Cardiff Road, Barry, Vale of Glamorgan, CF63 2YL.
(Dow Corning Ltd, Cardiff Road, Barry, Vale of Glamorgan, CF63 2YL.)

DOW CORNING LTD, CARDIFF ROAD, BARRY

Re-use of an existing waste management centre (W953) as a waste transfer station to facilitate recycling of customer wastes.

The application was advertised on 18th March, 2005.

SITE DESCRIPTON

The Dow Corning Plant.

DESCRIPTION OF DEVELOPMENT

A full application seeking to use an existing waste management centre as a waste transfer station to facilitate recycling of customer wastes. The site is located in the south-western part of the works. It would comprise a storage area, a jetting area, skip storage and stores.

PLANNING HISTORY

No history considered directly relevant to this application.

CONSULTATIONS

Barry Town Council - Has no objection subject to any consent being conditioned to ensure the effective monitoring and if necessary the abatement of noise from the proposed project.

The Health and Safety Executive - Has no objection.

The Director of Legal and Regulatory Services (Environmental Health - Has no objection.

Environment Agency - Has no objection.

REPRESENTATIONS

The application has been advertised by way of a site notice. A petition has been submitted objecting to the application and the occupier of No. 25 Philadelphia Close has objected. An extract of the petition and letter is attached as Appendix A which includes approximately 313 signatures.

REPORT

The context for considering the application comprises the adopted Vale of Glamorgan Unitary Development Plan 2005. The site is situated outside the settlement boundary for Barry but within the existing chemical complex.

There are no physical changes to the site planned as part of this application. The proposal solely relates to the use of the site. The site currently comprises a waste management centre, which is used to store and transfer Dow Corning waste materials prior to them being transferred to off-site recycling or disposal. The application proposes that the site becomes a waste transfer station, which deals not only with the waste produced by the customers of Dow Corning. This waste would be brought onto site, stored and transferred for recycling or off-site disposal.

Dow Corning has been requested to provide additional information on the type and nature of these customer wastes that would be brought onto site. The wastes do include hazardous materials, with approximately 200m³ of such waste to be stored on site. Dow Corning's response will be reported to Committee.

The applicant estimates that the proposal would result in two additional vehicles to the site per week. The site is situated well away from any residents and there would be relatively little change in the use of the site and so the proposal is considered acceptable.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The waste transfer station hereby approved shall only be used by Dow Corning Ltd. or by commercial customers ancillary to the operations carried out by Dow Corning, and shall not be open for use at any time to the general public.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of public health and safety and to control the volume of traffic visiting the site.

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.

Ms. G. S. Webb, Tynytranch Farm, Ystradowen, Vale of Glamorgan. CF71 7SZ
(Ms. G. S. Webb, Tynytranch Farm, Ystradowen, Vale of Glamorgan. CF71 7SZ
)

TYNYTRANCH FARM, YSTRADOWEN

Conversion to part of stable block and garage to create holiday self-contained equestrian accomodation including facilities for disabled persons

SITE DESCRIPTION

The application site relates to an "L" shaped single storey stable block and garage to the north-east of Tynytranch Farm, Ystradowen.

The site is approximately 93m² and lies within the open countryside just outside a quarry buffer zone. The modern outbuilding includes three stables, a tack room and a double garage and backs onto open fields. The site is accessed via a long private driveway that is shared with Highfields.

DESCRIPTION OF DEVELOPMENT

The application seeks Planning Permission to convert one of the three stables, the tack room and the double garage into two self-contained holiday units. The holiday units are intended as accommodation for riders and they have been specifically designed to cater for the disabled rider. The units will include a bedroom with en-suite, a living room, kitchen/dining room and a w.c. A smaller tack room is incorporated into the conversion and a mezzanine level is proposed above the former double garage. A number of new timber framed openings are proposed, particularly to the rear elevation overlooking the fields as well as small external patio areas with ramps to aid wheelchair access. There are no extensions proposed as part of the works to the outbuilding. The courtyard can accommodate at least 4 No. cars.

PLANNING HISTORY

97/00902/OUT - Demolition of existing farmhouse and construction of new house plus that of building providing 3 No. stables, 1 No. tack room and double garage. Approved 13th November, 1997. This consent included a condition restricting the outbuilding as ancillary to the use of the main dwelling.

CONSULTATIONS

Penllyn Community Council - Were consulted on 4th April, 2005. "No objection in principle, however Members ask that:

- (a) The immediate neighbours are consulted and given the opportunity to comment.

- (b) Members note that five car parking spaces are indicated, but doubt that these will prove to be adequate.
- (c) Members request that the impact of additional traffic generated by this proposal be fully considered. The lane from Ystradowen to Llanharry is very narrow with few passing places, and the existing level of traffic causes problems. Additional traffic will exacerbate the problem, as would horses using the lane.”

The Head of Visible Services (Highway Development) - Was consulted on 4th April, 2005. “The Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

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

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

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

Dwr Cymru/Welsh Water - Were consulted on 4th April, 2005 and advise:

“As the applicant intends utilizing 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.”

Environment Agency - Were consulted on 4th April, 2005. They responded by forwarding a copy of their standard guidance note for developers.

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) – Was consulted on 4th April, 2005. “This department has no objection to the development. The applicant should be advised that if the development is to be served by a Private Water supply then the supply must be registered with the Pollution Control team of this Council and the water quality must be in accordance with the Water Supply (Water Quality) Regulations.”

REPRESENTATIONS

The only neighbouring occupier at Highfields was notified of the application on 4th April, 2005. The occupier of Bryn-y-Fedwen Farm, as the tenant of the surrounding farmland and adjacent farm buildings, has objected to the application on the following grounds:

- The access drive is too narrow to take extra traffic (cars, horseboxes, wheelchairs and pedestrians) as well as the farm related traffic of stock/feed lorries, tractors and equipment and the existing residential traffic.

- The owners of the farmhouse do not own the driveway and only enjoy a right of access to their property.
- The caravan sited at the rear of the property for use during the original renovation/re-building works to the farmhouse and outbuildings is still there.

The letter is attached as Appendix A to this report.

REPORT

The application seeks consent for the conversion of a recently constructed outbuilding into holiday accommodation for equestrians. The site forms part of the open countryside therefore the proposal can be assessed against Policies ENV1 – Development in the Countryside, ENV7 – Small Scale Rural Conservation, ENV25 – Design of New Developments and HOUS3 – Dwellings in the Countryside of the adopted Vale of Glamorgan Unitary Development Plan 2005, Planning Policy Wales (March 2002) and advice contained within the Conversion of Rural Buildings Supplementary Planning Guidance Note 1998.

The applicant intends utilising the location of the site close to footpaths and bridleways to attract riders and ramblers to the area. The Welsh Tourist Board are generally supportive of the application and it is anticipated that the business will generate two to three part time jobs and one full time post.

The main considerations in determining this application relate to the principle of this commercial use in a countryside location, the quasi residential nature of the enterprise, the siting of the proposed development outside the settlement boundary and the conversion of a modern outbuilding.

The site lies to the north of Ystradowen in the open countryside well outside the identified residential settlement boundary. Policy ENV1 states that permission will only be granted which is essential for agriculture, horticulture, forestry or other development for which a rural location is essential for an appropriate recreational use or where the re-use or adaptation of existing buildings assist the diversification of the rural economy. The main policy for assessing this proposal is ENV7 which aims to preserve the character and appearance of traditional agricultural buildings once they become surplus to requirements. However, the application is for the conversion of a modern structure that is currently in use for non-agricultural purposes, contrary to Policy ENV7.

The outbuilding was originally approved in August 1997 with a condition restricting its use as being ancillary to the main dwelling at Tynytranch Farmhouse. It is considered that the proposal for a self-contained equestrian accommodation would be tantamount to a new dwelling in the countryside. The separate use of the outbuilding as tourist accommodation is likely to result in an increased number of visitors and vehicles to the site, including clients with horseboxes and delivery vehicles. This would add to the traffic entering and leaving the site along a narrow drive in the open countryside. The additional use of garden furniture, external lighting and new patio areas would change the character of the outbuilding from a rural / agricultural building to a residential unit in the countryside. Policies ENV1 and HOUS3 of the Unitary Development Plan aim to restrict the building of or conversion into dwellings to those that can be justified in the interests of agricultural or forestry uses. The intensification of the site as a result of the tourist accommodation should not have a detrimental impact on highway safety in and around the site.

Having regard to the above, the following recommendation is made.

03921

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal, by reason of its location, would represent an unacceptable form of development that would be tantamount to a new dwelling in the open countryside that cannot be justified in the interests of agriculture and forestry uses. In addition, the proposal would unacceptably domesticate the appearance of the building and site, to the detriment of the rural character and appearance of the countryside. The proposal would therefore be contrary to Policies ENV1, ENV7 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

05/00459/REG3

Received on 21st March, 2005

Vale of Glamorgan Council, Dock Office, Barry Docks, Barry, Vale of Glamorgan.
CF63 4RT

(Emma Harvey, Vale of Glamorgan Council, DEER, Dock Office, Barry Docks,
Barry. CF63 4RT)

TRANSPORT INTERCHANGE SITE, RHOOSE POINT

New transport interchange in association with new railway station

SITE DESCRIPTION

The application site is located in the north western corner of the Rhoose Point re-development area located to the south side of the railway line opposite Torbay Terrace. The application site has an extant consent for the construction of a transport interchange and works have commenced on site.

The application site measures 7125m² in area and is bounded to the north by the Vale of Glamorgan railway line, the south and west by the main spine road through Rhoose point and to the east by the proposed retail site.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Operational Manager for Planning and Transportation Policy for the construction of a new transport interchange in association with the new railway station adjoining the site. It should be noted that this scheme is an amendment to a previously approved scheme granted under application ref. 02/01515/FUL.

The proposed scheme includes the following works:

- A new roundabout at the western end of the main spine road through Rhoose Point, approximately 75 metres south of the existing level crossing near the junction of Torbay Terrace and Station Road.
- A new access road serving both the interchange car park and the adjacent proposed commercial / residential development (planning application 04/01184/FUL refers).
- 74 No. car parking spaces (including 5 No. disabled) and 3 No. motor cycle bays.
- Cycle parking facilities.
- A taxi rank.
- 2 No. bus stops with shelters. It should be noted that the bus stop near the level crossing will serve the airport shuttle bus whereas the bus stop adjacent to the spine road will serve all other buses.
- Footways and cycle ways providing safe access to and from the station.
- Landscaped areas.

PLANNING HISTORY

93/01186/OUT – Outline planning permission was granted for 500 No. dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, 9 hole golf course, club house, open space, playing fields, new access road etc. on 27th March, 1996.

02/01515/FUL – Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23rd October, 2003.

Other relevant planning applications in the vicinity of this site include:

01/01184/FUL – Full planning permission was granted for the construction of a new operational railway station at Station Road, Rhoose on 14th January, 2002.

02/00962/OUT – Outline planning permission was sought for 200 No. dwellings, employment, 9 hole golf course and club house, open space, surgery/nursery and a primary school on land to the west of Rhoose Point. This application was withdrawn on 11th November, 2003.

02/01518/OUT – Outline planning permission was sought for residential use on land allocated for employment use at Rhoose Point. This application is currently the subject of a non determination appeal which is currently held in abeyance.

04/01809/FUL – 3 No. storey commercial and residential mixed use development on land adjacent to the application site. Application not yet determined.

CONSULTATIONS

Cardiff International Airport – “The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal.”

Glamorgan Gwent Archaeological Trust – Were consulted and have stated that there are no recorded archaeological features within the area of the proposed development.

South Wales Police (Crime Prevention Department) - Were consulted and have made the following observations:

Crime Analysis

The risk assessment for crime in the Rhoose and specifically the Rhoose Point area is low, the main offences being Theft From Motor Vehicles and Criminal Damage to Motor Vehicles. There is a youth annoyance problem at the nearby shops and there are also problems locally with skate boarding youths. The development at Rhoose Point is continuing to grow and the retail facility that is to be built adjacent to this development will undoubtedly attract local youths and could lead to similar types of anti-social behaviour.

I have visited the site, and the car park is near completion. Unfortunately this means that the ability to design in crime reduction principles has gone. As I have mentioned above, there is a problem in Rhoose with skateboarding youths. My initial reaction to this development is that they have just been provided with a skate park. It has flat open space together with low kerb stones which are exactly what they are looking for to perform their ‘grinding’ tricks and manoeuvres. This will undoubtedly increase the risk of damage to vehicles in the car park. There are however a number of guidelines that should be considered to make the completed car park more secure and reduce the risk of crime in the area.

- Car parks should be capable of receiving surveillance from surrounding areas or premises (e.g. vegetation around car parks should be maintained so as to allow natural surveillance by those passing by). In particular at this site, there is a tree and bush line at the platform boundary which reduces the natural surveillance of the car park from the houses on the other side of the railway line and from the station platform. These should be removed or cut to down to a maximum height of 1m.

- Fencing should be used around the car parks to decrease ordinary pedestrian traffic. Easy access to car parks may allow thieves to identify potential targets, and many exit points may also increase the vulnerability of the car park to crime. The fact that this site is open would I feel greatly increase the risk of crime occurring here.
- The use of overhead walkways should be avoided at or near car parks, as these may be used by offenders to alert accomplices to the arrival of car owners or other security persons. Although there are no overhead walkways, the platform is raised above the car park level, and therefore the same principle would apply in relation to accomplices. This makes perimeter security of the car park by means of fencing.
- Traffic calming measures should be employed through the car park to prevent it being used as a race track.
- Lighting should be used with a view to minimising shadows in car parks. Lighting may assist to reduce fear among car park users, although it does not necessarily reduce thefts.
- Patrols and parking attendants should be used in the car parks where possible.
- The placement of emergency phones on station platforms that have a view over the car parks assists passengers to report any crimes they observe.
- A CCTV system would also act as a preventative measure as well as help to reduce the fear of crime for commuters.

Consideration should also be given to an application for a Safer Parking, 'Park Mark' award. This is an upgraded version of the old 'Secured Car Park' award. Further details in relation to this scheme can be found on the following web site www.britishparking.co.uk .

The Head of Visible Services (Highway Development) – “ There are no highway objections in principle to this proposed scheme (that is currently under construction) subject to the following highway requirements being fully satisfied:

1. Full engineering details with regard to the road geometry, road alignment, carriageway/footway/cycleway construction, drainage, lighting, safety barriers, traffic signs/white lines etc to be approved by the Local Planning Authority to enable future adoption of the areas considered suitable for maintenance at the public expense.
2. Applicant to obtain the consent and approval of the Environment Agency for the proposed discharge of surface water into the existing water course.
3. Applicant to obtain the consent and approval of Dwr Cymru / Welsh Water for the proposed discharge of surface water into the existing drainage system that is currently subject to the satisfaction of a Section 104 Agreement in accordance with the Water Industry Act 1991.

4. Applicant to obtain the full approval of Network Rail / HMRI of the proposed highway and interchange layout and revisions to the level crossing in order that Network Rail can apply to HMRI for a revised Level Crossing Order.
5. All works to be completed to the satisfaction of the Highway Authority, Network Rail and HMRI prior to the beneficial use of the transport interchange / railway station.

The Head of Visible Services (Operational Manger for Highway Maintenance) - Has advised that all the details of the revised plans have been discussed with the Highway design team and all concerns have been addressed.

The Director of Legal and Regulatory Services (Principal Environmental Health Officer (Pollution)) - No comment to make regarding the application.

REPORT

Committee Members will be aware that a planning application for the construction of a new railway station at Station Road, Rhoose was approved on 14th January, 2002 (planning application 01/01184/FUL refers). That proposal formed part of the Council's ambition to see the re-opening of the Vale of Glamorgan Railway Line for passenger services and this objective is crystallised within Policy TRAN3 (Rail Development) of the adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP). Policy TRAN3 (Rail Development) states:

THE DEVELOPMENT OF RAIL FACILITIES WILL INCLUDE:

- (i) THE PROVISION OF A NEW RAIL STATION TO SERVE BARRY WATERFRONT; AND
- (ii) THE REOPENING OF THE VALE OF GLAMORGAN RAILWAY LINE TO PASSENGER SERVICES.

The above policy confirms the Council's commitment to the ongoing improvement of rail infrastructure and services and the economic benefits that such development may provide. The re-opening of the Vale of Glamorgan railway line to passengers in June 2005 will provide residents of Rhoose and Llantwit Major with rail services and also allow an opportunity to introduce a shuttle bus service to and from the airport. The scheme aims to promote rail travel through the development of projects such as improvements to passenger facilities, passenger information and 'park and ride'. In this context, this current planning application forms an integral part of that strategy in that an important element of the proposal is to provide a public car park facility to serve the new railway station. The application site is located immediately adjacent to the new railway station and therefore this element of the proposal is fully consistent with Policy TRAN3 as detailed above.

Unitary Development Plan Policy TRAN 4 (Interchanges at Rail Stations) is also applicable to this proposal and states that:

PROPOSALS FOR NEW RAIL STATIONS SHOULD INCLUDE ADEQUATE FACILITIES FOR INTERCHANGE BETWEEN RAIL AND OTHER MODES, INCLUDING CAR, BUS AND /OR CYCLING. PROPOSALS FOR DEVELOPMENT OF FACILITIES FOR INTERCHANGE BETWEEN RAIL AND CAR, BUS OR CYCLING AT EXISTING RAIL STATIONS WILL BE FAVOURED.

Policy 2 in the Council's Local Transport Plan (2000) is similarly worded and is also therefore of relevance.

As previously stated, planning permission was granted in October 2003 for the construction of a new district centre and transport interchange on the application site and the adjoining 'retail' site to the east (planning application 02/01515/FUL refers). In November 2004, Fourgreen Development Ltd. submitted a planning application (reference 04/01809/FUL) for a mixed commercial / residential development on the retail site which is currently under consideration by the Local Planning Authority.

Following the progression of the transport interchange scheme to detailed design stage by the Council, it became necessary to make several amendments to the previously approved scheme (planning application 02/01515/FUL refers). Therefore this application seeks to amend the previous scheme and the main changes can be summarised as follows:

- Re-positioning and reduction in size of roundabout (35 metre diameter).
- Inclusion of an additional bus lay by and shelter to the south of the level crossing to serve the airport shuttle bus.
- An additional 29 No. car parking spaces (including 3 No. disabled).
- Additional cycle parking including 1 no. new cycle shelter.
- Provision of motor cycle parking facilities and
- An enlarged taxi rank.

One of the main issues considered in the assessment of the previous proposal was the access route to and from the proposed development. At that time, there was a large degree of legal uncertainty as to the precise status of the level crossing and the necessary procedural route whereby full public use of the crossing could be achieved. However, this matter has now been resolved as the Office of Rail Regulation and the Department for Transport have sanctioned the dedication of the level crossing for public vehicular use by an order under the Level Crossing Act 1983.

In conclusion, this current revised scheme for the interchange represents a significant improvement to the original scheme providing enhanced facilities to facilitate seamless travel between different modes of transport. The development is considered to be in accordance with the various UDP and LTP policies cited above as well as Unitary Development Plan Policies ENV25 (Design of New Developments) and ENV26 (Disabled Access). In addition, the provision of a transport interchange facility on this site is fully consistent with the Rhoose Point master plan and the Rhoose Point Design Guidance (May 2000). Accordingly, an approval is recommended subject to the conditions set out below.

03918

RECOMMENDATION

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

1. The permission hereby granted shall relate to the amended plans, reference No. 1232/101 Rev D received by the Local Planning Authority on 26th April, 2005.
2. Notwithstanding the submitted and amended plans, full engineering details shall, within 30 days from the date of this consent, be submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be implemented in accordance with the approved details before the development is brought into beneficial use.
3. All means of enclosure associated with the development hereby approved shall, within 30 days from the date of this consent, be submitted to and approved in writing by the Local Planning Authority. The agreed means of enclosure shall be implemented in accordance with the approved details prior to the development being brought into beneficial use.
4. Landscaping shall be in accordance with a scheme which shall, within 30 days from the date of this consent, be submitted to and approved in writing by the Local Planning Authority.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Full details and specifications of all external lighting and street furniture including bus and cycle shelters shall within 30 days from the date of this consent be submitted to and approved in writing by the Local Planning Authority. The agreed details shall thereafter be fully implemented prior to the beneficial use of the transport interchange hereby approved and thereafter maintained at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason(s):

1. For the avoidance of doubt.
2. To ensure a satisfactory form of development in the interests of highway safety.
3. To safeguard local visual amenities.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.
6. In the interests of visual amenity and to ensure a satisfactory form of development.

NOTE:

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

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

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

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

05/00482/FUL

Received on 24th March, 2005

Mr. and Mrs. V. Lewis, 2, Gelli Garn Cottages, St. Mary Hill, Vale of Glamorgan.
CF35 5DT
(Mr. and Mrs. V. Lewis, 2, Gelli Garn Cottages, St. Mary Hill, Vale of Glamorgan.
CF35 5DT)

LAND ADJACENT TO NO. 2, GELLI GARN COTTAGES, ST. MARY HILL

Change of use of land to garden use

SITE DESCRIPTION

The application site relates to an enclosed sloping parcel of land adjacent to No. 2 Gelli Garn Cottage (a semi-detached dwelling) located in the small rural hamlet of St. Mary Hill.

The application site is bounded by the curtilage of the dwelling known as No. 2 Gelli Garn Cottages along its eastern boundary by over grown scrub of Village Farm to the north, to the east by the curtilage of the Old School House and the lane frontage to the south.

The application site is enclosed and rectangular in shape, with a 16 metre wide frontage and an average depth of 62 metres, a total area of 480 square metres. The site is currently overgrown and undeveloped except for a now disused open fronted concrete block garage which is located in the middle of the site.

DESCRIPTION OF DEVELOPMENT

This application is for a change of use of the land to garden to be used as an enlarged curtilage (garden) to the adjacent dwelling of No. 2 Gelli Garn Cottages.

PLANNING HISTORY

The site itself has been subject to the following planning applications:

84/0985/REG5 – Proposed residential development. Application refused 2nd January, 1985 for the following reasons:

1. The proposal would constitute an extension of the development in the open countryside and would be attached to a settlement which is lacking in community services.
2. In order to preserve the countryside. The Local Planning Authority considers that no additional development shall take place there other than is necessary for agriculture or forestry.
3. There is no justification on agricultural grounds for a departure from the policy of the Local Planning Authority expressed in Reason No. 2.

CONSULTATIONS

Llangan Community Council - Were consulted and to date no response has been received.

The Director of Legal and Regulatory Services (Principal Environmental Health Officer (Pollution)) - Was consulted and has no observation to make regarding the application.

REPRESENTATIONS

Adjacent neighbouring occupiers were notified and a site notice was also posted. To date one letter of representation has been submitted from the occupier of Old School House:

“Thank you for taking the time to speak to me today. I am writing to confirm my position regarding the above application, being the neighbour immediately adjoining the land in question. I have no objection to Mr Lewis building a small car garage on the land. I would, however, object to the construction of either a garage large enough to house a lorry or any similar-sized repair facility or hard standing for lorries. If the only way to effect this control is for Mr. Lewis' permitted development rights to be restricted so that he would have to apply for planning permission for any development, then I would be grateful if you would include such a condition in your decision.”

REPORT

The adopted Development Plan for this area is the Vale of Glamorgan Unitary Development Plan 2005. The adopted plan does not recognise the hamlet of St. Mary Hill as a settlement under Policy HOUS2, in that it does not have sufficient physical form and capacity to assimilate further “infill” development without it having a detrimental impact on their existing character. Therefore St. Mary Hill is classified as falling within the countryside. Policy ENV1 is considered relevant which relates to development in the countryside. This policy states:

Within the delineated countryside permission will only be granted for:

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

The principal issue in assessing this application is whether the land in question which is classified as countryside could be used as garden curtilage without unduly impacting on the rural character of this area, resulting in a visually intrusive feature in the countryside or undermining both national and local planning policies which seek to restrict unjustified development in the countryside.

The post war semi-detached cottages of Gelli Garn, are former Council owned dwellings. Both of these dwellings appear to have been historically linked to the enclosed parcels of land located adjacent to the dwellings. In the case of the adjacent dwelling at No. 1, it is believed that the land in question was sold as part of the sale of the house and the land has been used since that time in connection with No. 1 Gelli Garn cottages.

In terms of the application site, it is believed that the land has been historically rented to the occupier of No. 2 Gelli Garn cottages and has been used for the parking of motor vehicles and other domestic uses in connection with the residential use of the adjacent dwelling. The application site is also physically linked to the adjacent house, where steps still exist which provide access to the application site from the garden of the dwelling. Furthermore the existing concrete garage which is domestic and not agricultural in design and scale further indicates a former domestic use of the land in question.

The site is located between two existing dwellings and is distinctly separate from the agricultural land on the opposite side of the lane and the open countryside beyond. Therefore whilst the site is classified as falling within the countryside the land is not in agricultural use and the site is both physically and historically linked to the adjacent dwelling at No. 2 Gelli Garn Cottages.

Consideration should also be given to the potential harm if the land were to be used as residential curtilage. It should be noted that if the change of use were to be approved Permitted Development Rights would apply to the land which could permit, subject to various criteria, ancillary buildings and structures, i.e. garages, carports, greenhouses, sheds, enclosures and other various works which would not normally require planning permission within the curtilage of a dwelling house. Given the rural location of the site, it is considered necessary (if this application were to be granted) to remove Permitted Development rights to prevent the construction of structures and buildings on the land in order to protect the rural character of the hamlet and the open character of the agricultural land lying beyond.

To conclude, it is clear that the application site has never been used as agricultural land and has been historically used and physically linked to No. 2 Gelli Garn Cottages. Therefore, whilst the land is classified as countryside, which would prevent unjustified development such as residential development, subject to the imposition of necessary conditions to control physical development on the land, the change of use of the land to garden would not unduly impact on the rural character of the area and would not undermine the Council's adopted policies against unjustified development in the countryside.

03915

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The permission hereby granted shall only relate to the use of the land as domestic garden in connection with the adjoining dwelling at No. 2 Gelli Garn Cottages and for no other purposes whatsoever, including any commercial use or storage.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order amending, revoking or re-enacting that Order, no building, structure or enclosure, oil or gas tanks required for a purpose incidental to the enjoyment of the dwelling house shall be erected or placed on the land without the prior written consent of the Local Planning Authority.
3. Prior to the commencement of development to implement the change of use or any clearance of the land, details indicating a replacement boundary to the lane frontage of the site, (which shall not include any separate vehicle access), shall be submitted to and approved in writing by the Local Planning Authority. The agreed means of enclosure shall be constructed in full accordance with the agreed details prior to the first beneficial use of the land as garden and shall thereafter be maintained at all times.

Reason(s):

1. For the avoidance of doubt as to the permitted use of the land.
2. To enable the Local Planning Authority to control the scale of development in this countryside location.

3. In the interests of visual amenity in this countryside location.

NOTE:

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

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

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

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

05/00541/FUL

Received on 25th April, 2005

Mr A Watson & Miss L Dawkins, 10, Grangmoor Court, Cardiff. CF11 0AR
(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR)

ARWELFA, WALLAS FARM, WALLAS, LLAMPHA

Conversion of redundant agricultural building into a residential dwelling

SITE DESCRIPTION

A small stone built barn situated in a complex of 3 stone barns with modern additions. The larger barn, to the front of the application site barn is a Grade II Listed Building.

A public footpath lies to the south of the barn complex and to the north of the barn is situated an older build dwelling (farmhouse).

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the barn with extension into a dwelling. The extension will measure 5.5m wide by 4.3m deep and with a ridge height of 5.5m being 0.5m below that of the original roof.

PLANNING HISTORY

Planning consent was granted in 2000 for conversion of the barn with an extension either to an independent dwelling or as additional ancillary accommodation to the barn now the subject of application 05/00580/FUL (ref: 00/00376/FUL and 00/00378/FUL).

Planning permission was refused in February 2005 for conversion of the same barn for reasons that the extension did not meet criteria relating to conversion of rural buildings.

CONSULTATIONS

The Head of Visible Services (Highway Development) - No objections in principle subject to a turning area.

Glamorgan Gwent Archaeological Trust - No comments received to date.

Ewenny Community Council – No comments received to date.

Environment Agency – Standard advice applies.

Welsh Water – No public sewers in the area.

The Director of Legal and Regulatory Services (Environmental Health) – No comment.

REPRESENTATIONS

Site notice and neighbour notification. One e-mail has been received stating:

“I note that both the above have again applied for extensions to their barns, the previous applications having been refused.

I also see from your website that my previous observations were not a valid objection.

I can only add that I still have feelings of disappointment that the character of the area will be radically changed.

Can I assume that Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) will still result in a refusal?”

REPORT

The application falls to be considered in the light of the valid planning consent and the planning policy as contained in the Vale of Glamorgan Unitary Development Plan 2005 (adopted).

The relevant policy is that contained in Policy ENV7 relating to the conversion of rural buildings and the associated criteria.

It is noted that planning consent remains valid for conversion of the barn to a dwelling and included the extent of residential curtilage as now indicated in the current scheme.

The alterations to the barn to enable conversion will entail using existing windows and door openings and re-roofing in slate. The main issue relates to the proposed rear extension. In the approval a single storey extension was approved to the rear having a footprint of 4m by 7.2m. The extension now proposed is two storey with a footprint of 5.5m by 4.3m and a height of 5.5m being 0.5m below the ridge. The refused application 04/01518/FUL indicated an extension of approximately 6.2m by 4.9m with a similar ridge height to that now proposed.

Other key alterations in the current scheme to that previously approved and that refused, relates to the fact that the extension is of a rendered finish with the amount of glazing increased on the end elevation. This results in a far lighter structure which ensures that the character of the original barn is not compromised. These changes have been negotiated following discussions with the applicant and agent.

It is considered that the scale of the scheme as now presented and taking into account the extant approval would not in this instance materially harm the character or setting of the barn complex. Whilst extensions to conversions are not favoured in the current adopted Unitary Development Plan policy the scale of extension when compared to that allowed under the former consent is considered to render the current scheme acceptable. It should be noted that at the time of the approval in 2000 the Local Planning Authority had to have regard to policy and advice contained within the Ogwr Local Plan and associated design guidance relating to extensions to rural conversions covered by that plan whereby small-scale addition to non-primary elevations, as this is, could be considered acceptable.

Notwithstanding the adopted Unitary Development Plan policy, it is considered that the current extant permission is a highly material consideration in the determination of this application.

Drainage remains an issue to be considered and the comments of the Environment Agency have been sought regarding use of the septic tank already installed on land. Condition No. 4 as recommended below is therefore noted.

It is therefore recommended that subject to conditions controlling future development, drainage details, parking and enclosures that the alterations reducing the scale of the rear extension from that refused previously render this application acceptable.

03922

RECOMMENDATION

APPROVE subject to the following condition(s):

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

2. 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.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.
4. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
5. Prior to the beneficial occupation of the dwelling hereby approved details of the type and siting foul waste disposal units and all pipes shall be submitted to and approved in writing by the Local Planning Authority and the foul waste disposal unit shall be installed in accordance with the approved details and shall thereafter be so retained at all times.
6. The permission hereby granted shall relate to the amended site plan (Drawing No. 286/P/101), the amended floor plans (Drawing No. 286/P/20A) and amended elevations (Drawing No. 286/P/21A) received by the Local Planning Authority on 25th April, 2005.
7. Details, including sections to a scale of 1:20, of the doors and windows shall be submitted to and approved in writing by the Local Planning Authority prior to their insertion in the building to be converted and only windows and door types as approved shall be used.
8. Prior to the commencement of any work for the repair or repointing of the stonework a detailed method statement for the work 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(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to control the scale of development.
3. To enable the Local Planning Authority to control the scale of development.
4. To safeguard local visual amenities.

5. To safeguard the environment and to ensure satisfactory drainage of the foul water.
6. For the avoidance of doubt.
7. To safeguard the amenities of this rural area and the character of the barns.
8. To safeguard the amenities of the rural area and the character of the barns.

NOTE:

1. **Please note that it is an offence to disturb or damage the habitats of protected species. Under the terms of the Wildlife and Countryside Act 1981 (as amended) and thus account must be taken of protecting their habitats for specific advice, it would be advisable to contact the Countryside Council for Wales, 4 Castleton Court, Fortran Road, Cardiff.**
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. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**

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

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

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

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

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

05/00580/FUL Received on 25th April, 2005

Mr S Easterby & Miss S Rees, 69, Henke Court, Atlantic Wharf, Cardiff. CF10 4EB

(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR)

YR YSGUBOR GANNOL, WALLAS FARM, WALLAS, LLAMPHA

Conversion of redundant agricultural building into a two storey dwelling

SITE DESCRIPTION

A barn situated within a small group of barns in open countryside. The largest barn to the front of the group is a Grade II Listed Building. To the south of the group there is a public footpath.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the barn and includes the demolition of modern additions to the stone barn to the front and larger agricultural buildings to the rear. It is proposed to extend the barn to the rear to create a one and a half storey addition measuring approximately 6.4m wide by 5.31m in length, with 6.3m to ridge, being approximately 0.5m below the ridge of the original barn. The extension will be of render with a rear glazed gable wall. A single flue is proposed in the rear roof elevation.

PLANNING HISTORY

Planning consent has been granted and is extant for the conversion of the barn with extension (ref: 00/00377/FUL and 00/00378/FUL) to a single dwelling with a further barn as ancillary accommodation and as a dwelling without the additional small barn. The latter barn is the subject of planning application 05/00541/FUL.

Planning consent ref: 04/01519/FUL for conversion with larger extension was refused 24th February, 2005 for reasons that the extension did not meet criteria relating to conversion of rural buildings as contained in Policy ENV7 of the now adopted Vale of Glamorgan Unitary Development Plan 2005.

04/01595/FUL – Dismantle and re-site agricultural buildings. Approved 25th February 2005.

CONSULTATIONS

The Head of Visible Services (Highway Development) - No objections in principle subject to a turning area.

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

Ewenny Community Council – No comments received to date.

Environment Agency – Standard advice applies.

Welsh Water – No public sewers in the area.

The Director of Legal and Regulatory Services (Environmental Health) – No comment.

REPRESENTATIONS

Site notice and neighbour notification. One e-mail has been received stating:

“I note that both the above have again applied for extensions to their barns, the previous applications having been refused.

I also see from your website that my previous observations were not a valid objection.

I can only add that I still have feelings of disappointment that the character of the area will be radically changed.

Can I assume that Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) will still result in a refusal?”

REPORT

The application falls to be considered in the light of the valid planning consent and the planning policy as contained in the Vale of Glamorgan Unitary Development Plan 2005 (adopted).

The relevant policy is that contained in Policy ENV7 relating to the conversion of rural buildings and the associated criteria.

It is noted that planning consent remains valid for conversion of the barn to a dwelling and included the extent of residential curtilage as now indicated in the current scheme.

The alterations to the barn to enable conversion will entail using in the main existing windows and door openings and re-roofing in slate. The main issue relates to the proposed rear extension. In the approval a single storey lean-to extension was approved to the rear having a footprint of 7.2m by 4m. The extension now proposed is two storey with a footprint of 6.4m by 5.3m and a height of 6.3m being 0.5m below the ridge. The eaves height of the proposed extension is set approximately 900mm below the eaves of the existing barn. The refused application 04/01519/FUL indicated an extension of approximately 7.1m by 5.5m with a ridge height approximately 0.2m below the original, existing ridge line. Other alterations in the current scheme to that previously approved and that refused relates to the fact that the extension proposed is of render finish with the amount of glazing increased to provide a far lighter, transparent structure. This ensures that the character of the original barn is not compromised. The above changes have been negotiated with the applicants and agent.

It is considered that the scale of the scheme as now presented and taking into account the extant approval would not in this instance materially harm the character or setting of the barn complex. Whilst extensions to conversions are not favoured in the current adopted Unitary Development Plan, the scale of extension when compared to that allowed under the former consent is considered to render the current scheme acceptable.

It should be noted that at the time of the approval in 2000 the Local Planning Authority had to have regard to policy and advice contained in the Ogwr Local Plan and associated design guidance relating to extensions to rural conversions covered by that plan whereby small-scale additions to non-primary elevations, as this is, could be considered acceptable.

Notwithstanding the adopted Unitary Development Plan policy, it is considered that the current extant permission is a highly material consideration in the determination of this application, which provides the Council with an opportunity to obtain an improved development than that previously approved. It is therefore recommended that subject to conditions controlling future development, drainage details, parking and enclosures, the alterations reducing the scale of the rear extension from that refused previously render this application acceptable.

03919

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.
4. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
5. Prior to the beneficial occupation of the dwelling hereby approved details of the type and siting of the foul waste disposal unit and all pipes shall be submitted to and approved in writing by the Local Planning Authority and the foul waste disposal unit shall be installed in accordance with the approved details and shall thereafter be so retained at all times, to serve the development hereby approved.
6. The permission hereby granted shall relate to the amended plans, reference 288/P/30A, 31A, 32A and 33A received by the Local Planning Authority on 25th April, 2005.
7. Details, including sections to a scale of 1:20, of the doors and windows shall be submitted to and approved in writing by the Local Planning Authority prior to their insertion in the building to be converted and only windows and door types as approved shall be used.
8. Prior to the commencement of any work for the repair or repointing of the stonework a detailed method statement for the work 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(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to control the scale of development.
3. To enable the Local Planning Authority to control the scale of development.
4. To safeguard local visual amenities.
5. To safeguard the environment and to ensure satisfactory drainage of the foul water.
6. For the avoidance of doubt.
7. To safeguard the amenities of this rural area and the character of the barns.

8. To safeguard the amenities of this rural area and the character of the barns.

NOTE:

1. Please note that it is an offence to disturb or damage the habitats of protected species. Under the terms of the Wildlife and Countryside Act 1981 (as amended) thus account must be taken of protecting their habitats for specific advice, it would be advisable to contact the Countryside Council for Wales, 4 Castleton Court, Fortran Road, Cardiff.
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. Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.

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

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

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

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

Vale of Glamorgan Council, Dock Offices, Barry Docks, Barry, Vale of Glamorgan.
CF63 4RT

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

**LAND TO THE REAR OF YSTRADOWEN COMMUNITY HALL, OFF
COWBRIDGE ROAD, YSTRADOWEN**

Layout of land for public open space

SITE DESCRIPTION

The site comprises fields to the rear of the church and community centre in Ystradowen.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application which has been submitted by the Principal Landscape Architect of the Vale of Glamorgan Council. The application seeks to change the use of the land to public open space. It would involve the provision of a multi-use games area, boules pit, seating areas, an events area, footpaths, a BBQ facility and a memorial garden.

PLANNING HISTORY

None.

CONSULTATIONS

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

The Glamorgan Gwent Archaeological Trust - Has been consulted but no comments have been received to date.

Penllyn Community Council - Has been consulted but no comments have been received to date.

The Head of Visible Services (Highways Engineer) - Has been consulted and comments will be reported to Planning Committee.

The Head of Visible Services (Operational Manager Parks and Ground Maintenance) - His comments have been incorporated within the text of the main report below.

The Head of Economic Development and Leisure (Footpaths) – Has been consulted and comments will be reported to Planning Committee.

REPRESENTATIONS

A notice has been erected at the site on 10th May, 2005 and neighbouring occupiers have been consulted. No comments have been received to date.

REPORT

The application site lies outside the residential settlement boundary for Ystradowen and is therefore classified as countryside. Policy ENV1 does permit development that is essential for an appropriate recreational use. However, the supporting text states that strict control must be exercised over more formal structures/facilities and where they are considered appropriate they should be sensitively integrated into the countryside. Policy ENV25 is also of relevance and states that proposals should have full regard to the context of the local natural environment and its special features.

In addition, proposals for new sport and leisure facilities outside existing town and district centres should be assessed against Policy REC7. It should be noted that the application site appears to be classified as Grade 2 agricultural land. Policy ENV2 states that “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.” Similarly, Policy REC7 (Viii) states that the proposal should not result in the loss of Grades 1, 2 or 3a agricultural land. Nevertheless, the supporting text to Policy ENV2 states that proposals which require the development of agricultural land will need to be assessed fully in the light of all appropriate plan policies and other material considerations.

The Head of Visible Services (Operational Manager Parks and Ground Maintenance) - Has made the following comments in support of this application:

“As part of a legal agreement with housing developers in the village, the Council has received funding for the layout of public open space and is progressing proposals for consultation with local people. A key aim of the proposals will be the involvement of local people in the development and upkeep of the land.

The development of the kick about area based on consultation comments received from the community will enhance participation in sport and physical recreation opportunities for this village in line with Welsh Assembly Government policy.

The proposal takes into account an identified deficit of playing fields in the area.

There is also scope for community involvement in the development phase of the site, for example tree planting. Existing hedgerows will be supplemented with native tree and shrub planting. A footpath network and seating to take advantage of fine views over open countryside has been developed. Dog bins and litter bins will be provided and kissing gates will give pedestrian access from the Trehyngyll Lane.

Opportunities for wetland and nature conservation exist. Attention has been given to reduce the visual impact of the development along with a sympathetic choice of materials.”

The proposal is for a small scale recreational facility that would not have an adverse impact upon leisure facilities in existing town centres. The proposal is predominantly informal in nature with the parkland being designed to work with the existing contours of the site. The site is visible from a number of nearby properties but it is not considered that the proposal would have a significant impact upon the rural landscape setting of the village.

Pedestrian access to the site would be achieved via the community centre or the path that runs to the south of the church. In principle, given the specific nature of the application and having regard to all material considerations, a recommendation of approval is made.

03908

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
3. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason(s):

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

2. To safeguard local visual amenities.
3. To ensure satisfactory drainage of the site.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.

NOTE:

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

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

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

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

05/00629/FUL

Received on 20th April, 2005

Mrs. E. Webb, Annwyl Fan, St. Brides Road, Wick, Vale of Glamorgan. CF71 7QB
(Mrs. E. Webb, Annwyl Fan, St. Brides Road, Wick, Vale of Glamorgan. CF71 7QB)

LAND DIRECTLY BEHIND ANNWYL FAN, ST. BRIDES ROAD, WICK

Change of use of land used for grazing horses for use as a garden

SITE DESCRIPTION

The application site relates to part of an existing agricultural field to the rear of a semi-detached dwelling known as Annwyl Fan, located on the northern side of St. Brides Road, Wick.

The application site is roughly rectangular in shape and measures a length of 23 metres by a width of 11 metres. The site has been enclosed by a post and rail fence with a field gate to the rear providing access into the remaining part of the field.

DESCRIPTION OF DEVELOPMENT

This is an application for the change of use of land used for grazing horses to use as a domestic garden.

PLANNING HISTORY

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

CONSULTATIONS

Wick Community Council - Were consulted and to date no comments have been received.

REPRESENTATIONS

Adjacent neighbouring dwellings were consulted and to date no letters of representation have been received.

REPORT

The village of Wick is classified as a rural settlement under Policy HOUS2 of the adopted Vale of Glamorgan Unitary Development Plan Deposit Draft 2005, where additional residential development housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS9 will be permitted within the settlement boundaries of the rural settlements of Wick.

The above policy also states that favourable consideration will be given, other than within areas identified as green wedges, to small-scale development which constitutes the "rounding off" of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS9 and particularly criterion (I). That criterion states that " the scale, form and character of the proposed development is sympathetic to the environs of the site;"

The principal issue in assessing this application is whether there is any reasoned justification to permit such an extension of the curtilage and whether the change of use of agricultural land to garden curtilage would affect the rural character of this area, resulting in a visually intrusive feature in the countryside. The Council has determined a number of similar applications based on a reasoned justification. The Council in practice has previously considered that reasoned justification to allow a departure from policy (subject to other policies and site specific considerations) may permit a small extension to a garden which would have been historically served by little or no garden and where the occupiers would have no private amenity space. Similarly, the Council may also consider, for example that the benefit of permitting off-street parking in the form of a small extension of the curtilage would benefit highway safety, and may outweigh the policy objection which would normally be raised to such extensions of residential curtilages into the countryside.

The application dwelling is currently served by a limited rear garden with a maximum depth of some 4.5 metres by a width of 11.5 metres. The dwelling and neighbouring dwellings are 60's/70's semi-detached dwellings, all of which were built with very limited sized rear gardens. It should be noted that two of the adjacent dwellings Tywern and Glyngwy have also enclosed land to the rear and the unauthorised enclosure extends to the back of the old Wick filling station site, where planning permission was granted for the construction of two detached houses.

Accordingly in considering this application, the issue of precedent must be considered with likely applications submitted from neighbouring occupiers for the change of use of agricultural land to garden. It should however be noted that the length of the additional land enclosed as gardens of the adjacent dwellings is approximately half that of the application site.

Whilst the application dwelling does have a limited garden size, where a small extension to the curtilage could be considered to be reasonably justified, the additional length of garden is some 23 metres in length. Such a significant extension is considered to be excessive and would result in a significant degree of encroachment into the countryside. Whilst Policy HOUS2 permits "rounding off", this is only where it constitutes the rounding off of a settlement boundary. Such rounding off is only permitted up to existing physical or natural boundaries, the supporting text to the policy states that all site boundaries should be existing man made or natural physical features, arbitrary lines drawn for the convenience of plot size do not qualify as such.

In the case of the application site the existing settlement boundary forms a long continuous line drawn along the back of the rear gardens of the dwelling. The extension of the residential curtilage beyond this logical line would not be considered as "rounding off" of the settlement boundary and would clearly encroach onto the undeveloped agricultural field. The proposed boundary of the rear of the application site does not follow any existing natural or man made boundary and is an arbitrary line. It is noted that the adjacent dwelling of Windrush has an enlarged curtilage, (located to the north), which was approved by the former Ogwr Borough Council in 1979. However, it is not considered that such an approval should set a precedent to allow for further extensions of adjacent curtilages into the countryside. The merits of allowing a limited extension of the historical properties will be assessed as part of the current enforcement investigation, and it is considered that enforcement action should be authorised to ensure a reduction in the garden and the removal of the fence.

As the application site is not considered to constitute rounding off under the terms and definitions of Policy HOUS2, the proposal is considered as unjustified residential development in the countryside. Policy ENV1 of the Unitary Development Plan, protects against development in the countryside unless it is essential for agricultural or forestry, seeking to protect the countryside from unacceptable development. The development therefore amounts to an unjustified encroachment into the countryside, where there is no reasonable justification to depart from Development Plan policy.

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

03933

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:

- (i) The cessation of the use of the land beyond the approved residential curtilage as garden and remove any associated planting and fencing.
- (ii) That the rear boundary of the site is properly enclosed and defined with a post and rail boundary fence and a native hedge.

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority, the significant size of the proposed extension of the residential curtilage of this property would represent an unjustified encroachment into the countryside, which is not considered to constitute an acceptable "rounding off" of the residential settlement boundary of Wick as the application site extends beyond the existing logical boundary of the village. The development would therefore cause harm to the character of the countryside, contrary to the aims and objectives of Policies ENV1 (Development in the Countryside) and HOUS2 (Additional Residential Development) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

05/00650/REG3 Received on 26th April, 2005

Mr C Fray, Head of Economic Development and Leisure, The Vale of Glamorgan Council, Dock Office, Barry Docks, Barry. CF63 4RT
(Powell Dobson Architect, Charterhouse, Links Business Park, Fortran Road, St. Mellons, Cardiff. CF3 0LT)

VICTORIA PARK, VICTORIA PARK ROAD, CADOXTON, BARRY

Demolition of existing park attendant building and construction of a replacement single storey park manager building incorporating toilets, meeting room and maintenance store

SITE DESCRIPTION

The application site relates to Victoria Park and the northern pavilion/store adjacent to the Bowling Green. The store is sited towards the north-west corner of the Council managed park. The park is approximately 2.6 hectares and the application site is approximately 80m².

Description of Development

Planning permission is sought to demolish the existing single storey hipped roof northern pavilion/store and erect a new park manager's building. The works are part of a Heritage Lottery funded park restoration project. The new building has approximately 80m² of gross floorspace and will accommodate a community meeting room, a unisex public w.c., a mess room with w.c., a park manager office, a lobby and an equipment store. The single storey split level building has a curved metal roof and is to be constructed of a smooth red facing brickwork with cant brick cills, powder coated aluminium window frames and concealed security roller shutter doors. The building includes a canopy/brise soleil feature over the main entrance and an external ramp and steps.

Planning History

04/02000/REG3 – Replacement bandstand to original design as part of heritage lottery funded park restoration project. Approved 27th January, 2005.

03/00378/FUL – Cadoxton (Victoria Park) Bowling Association, Victoria Park. Extension of lounge area of pavilion and infilling area of existing roof overhang. Approved 2nd May, 2003.

Consultations

Barry Town Council - Was consulted on 10th May, 2005. No representations have been received to date.

The Director of Legal and Regulatory Services (Environmental Health) – “This department does not object to the application but insist on the following condition:

Any soils or similar material to be imported 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 Glamorgan Gwent Archaeological Trust – Were consulted on 12th May, 2005. No representations have been received to date.

Representations

Site notices were erected on 13th May, 2005 and no objections have been received to date.

Report

The proposed replacement building and the removal of the unsightly store building will improve the general appearance of this part of the park. The overall aim is revitalise the park as an important community space and provide new community features. A Park Manager will be based in this building to oversee its day to day upkeep and as a community contact. The restoration works are due to be completed by Spring/Summer 2006.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Any soils or similar material to be imported 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.
3. The permission hereby granted shall relate to the amended plans, reference G1928(05)01 Rev. A received by the Local Planning Authority on 18th May, 2005.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the safety of future occupiers is not prejudiced.
3. For the avoidance of doubt.

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.

5/00686/REG3

Received on 3rd May, 2005

Director of Learning & Dev., Civic Offices, Holton Road, Barry, Vale of Glamorgan. CF63 4RU
(Education Property Officer, Civic Offices, Holton Road, Barry, Vale of Glamorgan. CF63 4RU)

**LLANILLTUD FAWR COMPREHENSIVE SCHOOL, HAM LANE EAST,
LLANTWIT MAJOR**

Renewal of permission for two single storey double demountable classrooms

SITE DESCRIPTION

The application site is located on the rear (eastern) side of the school complex close to the adjacent playing fields and only 20 metres away from the Llantwit Major Community and Sports Centre complex.

DESCRIPTION OF DEVELOPMENT

This proposal is for the renewal of a previous permission for two single storey double demountable classroom units. The current consent is due to expire on 31st December, 2005 (previous application ref: 02/00991/REG3). Each unit measures 18.6m x 7.4m and are both finished in a "Plastisol" coated steel cladding in a mushroom/grey colour.

PLANNING HISTORY

92/01179//OBS – For the replacement of fire-damaged main school buildings was approved in late 1992.

There have been more recent applications for demountable classroom units at the southern end of the school complex (near the Primary School), including application references 99/01295/REG3 and 01/00416/REG3, approved in January 2000 and May 2001 respectively.

The most relevant previous application, however, was 02/00991/REG3 when both these units were approved for a temporary period only (approved 23rd August, 2002).

03/00437/REG3 - For a further demountable classroom unit (for 2 classrooms) was approved on 5th June, 2003 and is located a short distance to the east of the current application site.

CONSULTATIONS

Llantwit Major Town Council - Comments awaited.

REPRESENTATIONS

A site notice was posed on 19th May, 2005, but no representations have been received to date.

REPORT

The application site is located behind the main school buildings and will therefore be barely visible from Ham Lane East. The site borders playing fields to the east, and the nearest residential development (at Shakespeare Drive/Wordsworth Close) is a considerable distance away, in excess of 150 metres. As such, these classroom units have a minimal impact on residential or visual amenity. There are a large number of car parking spaces at the front of the site to serve the school and the Sports Centre, and it is therefore concluded that additional parking provision should not be necessary for the development. Another demountable unit located on the site (subsequent to these units) also serves to screen the units from distant views.

Whilst another temporary period has not been applied for, it is considered that a further five years should be granted on this occasion so that the matter can be reviewed at a later date.

In addition, given that the period for consultation does not expire until the 9th June, (one day following Committee) the recommendation to grant deemed consent is made subject to no objection being received in the period following Committee and prior to the expiry of the consultation period.

03927

RECOMMENDATION

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

1. This permission shall be for a temporary period only, expiring 5 years from the date of the decision, and the units shall be completely removed from the site on or before that date unless a formal consent for their retention has been granted by the Local Planning Authority.

Reason(s):

1. In the interests of visual amenity.

NOTE:

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

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

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

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

05/00727/REG3

Received on 6th May, 2005

Learning and Development, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry. CF63 4RN
(Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry. CF63 4RU)

LLANDOUGH PRIMARY SCHOOL, DOCHDWY ROAD, LLANDOUGH

Proposed relocation of demountable classroom unit from Ysgol St. Curig to Llandough Primary

SITE DESCRIPTION

The application site relates to land at Llandough Primary School, Dochdwy Road, Llandough. The school and playing fields are bounded by residential dwellings along Cogan Pill Road to the north, Dochdwy Road to the south and Penlan Road to the west.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the provision of a demountable classroom on land which occupies a position to the west of the existing school buildings adjacent to the western boundary of the site with properties at Penlan Road.

The demountable classroom is to be located adjacent to an existing tarmacadam area with a new tarmac footpath to provide access to a new hardstanding to accommodate the unit. A ramp will be provided to allow for direct access to the unit. The unit will be connected to existing foul drainage runs and a new soakaway is proposed for surface water drainage.

The unit will allow for the provision of a nursery facility at the site and an existing soft play area will be retained alongside the unit.

The unit is of dimension of 12 metres by 9.5 metres and is a height of 3.2 metres, which rises to 4 metres to the north east corner of the building, given the profile of the site. The soft play area is of 11 metres by 8.5 metres.

The site layout plan indicates that the unit is to be sited approximately 4 metres from the rear boundary of adjacent residential property at Penlan Road. One tree is indicated to be felled to accommodate the unit.

PLANNING HISTORY

04/00044/REG3 – Construction of additional teaching areas to this existing classroom. Approved 26th February, 2004.

CONSULTATIONS

Llandough Community Council – Was consulted on the 17th May, 2005. A response has not been received to date. The Community Council was consulted on the amended plans on the 24th May, 2005.

REPRESENTATIONS

Neighbouring occupiers were notified on 17th May, 2005. The occupiers of No. 53 Penlan Road have corresponded with the Council by email on the 24th May, 2005 asking a series of questions relating to the siting and height of the unit. A response has been issued by email on the 26th May, 2005 advising them of the details of the application and advising them that if they wish to establish the precise nature of the proposal it is open for them to attend the offices to view the plans in question. Any further comments received will be reported to Committee.

A site notice was displayed on 17th May, 2005. Neighbouring occupiers were consulted on the amended plans on 24th May, 2005.

REPORT

The application relates to the siting of a demountable nursery unit on a grassed area of land to the west of existing school buildings. The unit will accommodate a nursery unit and will include store rooms, toilet facilities and a kitchen area. The proposal will allow the existing nursery class at the school to be relocated thereby making more effective use of the floorspace within the school buildings.

The unit will be located alongside an existing soft play area and an area of the school grounds located to the rear of residential properties at Penlan Road. The boundary between the school and the adjoining residential properties consists of a mix of fencing styles and vegetation. Several semi mature trees are located within the school grounds in close vicinity to the boundary which will serve to screen the new nursery unit.

The scheme as initially submitted indicated the removal of one of the semi mature trees. Following a site visit it was considered that the removal of the tree in question was unnecessary and amended plans have been received to illustrate that the tree in question is to be retained. Condition Nos. 3 and 4 are recommended to deal with this issue.

Whilst the development will bring the school complex closer to residential neighbours, this general vicinity is already used for play purposes associated with the existing nursery facility at the school. In addition the site chosen for the siting of the unit is relatively well screened by existing vegetation. Furthermore, the properties at Penlan Road are characterised by relatively deep rear gardens. Accordingly the proposal will have a minimal impact on the amenities of neighbouring residential occupiers.

Finally, it should be noted that the site of Llandough Primary School is adequately served by car parking. Given that the development relates to a 're-plan' of activities at the school, no concerns were raised in respect of servicing, car parking and access.

Condition No. 5 recommends permission be issued for a temporary period given its temporary nature and appearance.

03924

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference AI (00)04A received by the Local Planning Authority on 23rd May, 2005.
3. No trees shall be removed from the site to facilitate the development of the nursery unit hereby approved unless previously agreed in writing by the Local Planning Authority as part of a comprehensive scheme of landscaping which shall include replacement tree planting within the site.
4. Notwithstanding the submitted plan the precise siting of the building and the extent of the proposed hardstanding shall be pegged out and its siting confirmed in writing to the Local Planning Authority prior to the commencement of development. The development shall thereafter be undertaken in full accordance with the approved details.
5. This permission shall be for a temporary period only, expiring 5 years from the date of the decision, and the unit and hardstanding shall be completely removed from the site on or before that date unless a formal consent for its retention has been granted by the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interests of visual amenity.

4. To ensure an orderly form of development.
5. In the interest of visual amenity.

NOTE:

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

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

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

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

05/00732/REG3

Received on 6th May, 2005

Community Services, Vale of Glamorgan Council, 2-8, Holton Road, Barry, Vale of Glamorgan.
(Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry. CF63 4RU)

REDLANDS HOUSE, REDLANDS AVENUE, PENARTH

Amendment to existing consent to replace metal fence with timber facsimile

SITE DESCRIPTION

Redlands House is located within a predominantly residential area to the west of Redlands Road, Penarth. The site is abutted to the south-west by the grounds of St. Cyres School. The site is characterised by brick built accommodation with associated open plan greens and parking areas.

DESCRIPTION OF DEVELOPMENT

The application has been submitted following the granting of planning permission 04/01815/REG3 in November, 2004 for “new pedestrian access to flat and creation of defensible space”. The application seeks the provision of a timber means of enclosure to the defensible open space in lieu of railings previously approved. A new garden space will be provided to the front of the property with a new path and access ramp provided within the garden area and adjacent to the main entrance. A site visit reveals that the fence is already in place. The application is therefore to retain the development in question.

PLANNING HISTORY

04/01815/REG3 – Approved in November, 2004 for “new pedestrian access to flat and creation of defensible space”.

CONSULTATIONS

Penarth Town Council – Was consulted on the 17th May, 2005. Any comments received will be reported to Committee.

REPRESENTATION

Occupiers of Nos. 10 and 11 Redlands Road, Penarth were consulted on the 17th May, 2005. No comments have been received to date.

A site notice was displayed on the 17th May, 2005.

REPORT

The principle of the creation of a defensible open space to the front of the wardens accommodation has already been approved under Planning Permission reference 0401815/REG3. This space, has been created to the front of the property and facing an existing green area and car parking area and does not give rise to any concerns in that it does not impact on the character of the area. Furthermore it does not impact on the amenity of existing neighbouring occupiers.

In terms of the provision of timber fencing to the boundary of the proposed enclosed ‘garden ‘ area, the fencing is of the same height as previously approved, being 1100mm in height, save for a small 4 metre section to be 1800mm immediately abutting the proposed ramp to the main entrance to the complex. The fence has been constructed from stained and treated softwood with “bow” tops.

The proposal is considered acceptable and the following recommendation is made.

03911

RECOMMENDATION

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

1. NO CONDITIONS.

Mr. and Mrs. Cullen, 24, Glebe Street, Penarth, Vale of Glamorgan. CF64 2RN
(Mr. and Mrs. Cullen, 24, Glebe Street, Penarth, Vale of Glamorgan. CF64 2RN)

24, GLEBE STREET, PENARTH

Use of 24, Glebe Street as two self-contained flats

SITE DESCRIPTION

The site comprises a former shop with residential property above in a mixed residential commercial terrace (mostly now residential).

DESCRIPTION OF DEVELOPMENT

The applicant has applied for a Lawful Development Certificate under Section 191 of the Town and Country Planning Act with regard the use of the property as two flats since 2001.

PLANNING HISTORY

This property has a relevant, recent planning history:

02/00806/FUL – Was submitted on 11th June, 2002 for a change of use from shop with flat above to single dwelling house with replacement of shop front. This application was approved 26th July, 2002 with a condition that the property be used as a single dwelling house only.

01/00880/FUL – Was submitted on 30th July, 2001 for the conversion of ground floor shop unit with flat above to residential use (Two separate flats). This application was refused on 12th October, 2001 (Appeal not valid).

CONSULTATIONS

None.

REPRESENTATIONS

None.

REPORT

This is an application for a Certificate of Lawful Existing Use Development in respect of the use of a former shop with flat over as two flats.

For such a use to be proved lawful, the applicant must show that there has been a continuous breach for the past 4 years since the relevant date for the commencement of the breach, which in this case is 10th May, 2001.

This application has been submitted with the following evidence:

1. An Affidavit from the owner Geoffrey Cullen who states that he purchased the property in December 2000 and transferred the property to his wife in November 2001. It is also stated that the property has been in continual use as two flats since it was purchased. The second Affidavit from the owner's wife repeats the above.
2. Further evidence has been provided in the form of a Council Tax demand for a flat at No. 24 Glebe Street, dated 29th March, 2001, 3rd April, 4th May and for a ground floor flat for 5th June.
3. A bill has been provided from MP Gas services for the fitting of 2 boilers in January 2002.
4. A bill from Transco dated November 2001 for the first floor flat and SWALEC bills for January and April 2003 for No. 24A Glebe Street have also been produced.
5. A bill from SWALEC for installing a new gas meter to a new supply dated 21st August, 2001.
6. A bill from Penarth Electric for electric wiring works to the ground and first floor flat at No. 24 Glebe Street dated 27th March 2002.
7. A bill from Western Power Distribution for No. 24A Glebe Street dated 29th July, 2003.

Inquiries have been made with the Council Tax Section who have indicated that this property has been rated as a shop and flat since 1990 and that there is a rating history for one flat at the premises since 1994. The property has only been rated as two flats since February of this year.

None of the evidence provided is conclusive as none of the dates confirm 4 years continuous use as two flats at the property. Indeed, a number of the bills submitted seem to indicate that works were undertaken in 2002 and 2003 to convert the property. In addition, it is clear that the last lawful use of the building was as a flat /maisonette at ground and first floor and a shop at ground floor and therefore those bills which just indicate 'flat at No. 24 Glebe Street' do not prove evidence of any change of use.

Finally, the planning history of this property is very relevant. It is clear that late in 2001 an application was made for a 'proposed' change of use to two flats. At that time none of the works were undertaken. This application was refused and later in 2002 an appeal lodged, which was not accepted by the Welsh Assembly Government due to it being out of time. The owner then applied to convert the property to a single dwelling and was granted permission. However, this consent included the replacement of the shop front and a condition which required the use of the property to remain as a single property. The conversion works to the shop front were apparently undertaken in accordance with this approval.

Therefore, it is argued that notwithstanding the failure of the applicant to provide evidence of 4 years of continuous use as two flats, the condition which has been applied to the consent for the removal of the shop front and use of the property as a single dwelling, would mean that the applicant would have to prove 10 years of continuous use in breach of this condition.

Accordingly given the above it is considered that the case has not been proven and the following recommendation is made, which includes the seeking of authorisation to progress enforcement action in respect of the unauthorised use.

03928

RECOMMENDATION (W.R.)

The Lawful Development Certificate be Refused under Section 191 of the Town and Country Planning Act 1990 for the following reasons:

In the event of Committee agreeing to the recommendation to refuse the Certificate of Lawful Development, 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:

- (i) The cessation of the use of the property as two residential flats.

REFUSE

Reason(s):

1. It would appear from the evidence provided and from information the Council holds in respect of No. 24 Glebe Street, Penarth that the occupation of the property as two flats has not occurred continuously for either 4 or 10 years prior to the application being made.

05/00753/REG3

Received on 10th May, 2005

Vale of Glamorgan Council, The Alps Depot, Wenvoe, Vale of Glamorgan. CF5 6AA
(E & N Associates, 142, Whitchurch Road, Cardiff. CF14 3NA)

NIGHTINGALE COTTAGE, PORTHKERRY PARK, BARRY

Demolition of porch and reconstruction with a larger footprint (single storey)

SITE DESCRIPTION

An isolated detached cottage of character situated within the heart of Porthkerry Country Park and located adjacent to and to the north of the Country Park access road.

DESCRIPTION OF DEVELOPMENT

An application for full planning permission to demolish an existing single storey porch and its subsequent reconstruction to a slightly larger footprint. The existing and replacement porch is set towards the rear of the property.

PLANNING HISTORY

None relevant.

CONSULTATIONS

Barry Town Council – Were consulted on 19th May, 2005. Any comments received will be reported to Committee.

The Civil Aviation Authority – Has been consulted and no comments have been received as yet.

REPRESENTATION

A site notice was posted on 19th May, 2005. Any comments received will be reported to Committee.

REPORT

Nightingale Cottage is a detached property located within Porthkerry Country Park. The proposal involves the demolition of a single storey side porch extension and its replacement to a slightly larger footprint.

The existing porch is of dimensions 3.95m in depth by 1.27 metres in width and is of single storey with a dual pitched ridge roof. It is of single skin construction with a painted render finish.

The replacement porch will be of a very similar design but with a slightly larger footprint given its cavity wall construction. The proposals indicate that the new porch will be finished in painted render with a UPVC door, windows and fascia boards.

The proposal is considered acceptable in principle being a near like for like replacement of the existing structure. The one area of concern relates to the proposed use of UPVC windows, door and fascia boards, given that the cottage itself is a building of character with timber sash windows and fascias. In this regard a condition is recommended requiring full details of the new windows, door and fascia treatment of the new porch. This will enable control to be exercised to ensure that the replacement porch is of sympathetic appearance to reflect the existing character of the cottage.

In addition, given that the period for consultation does not expire until the 9th June, (one day following Committee) the recommendation to grant deemed consent is made subject to no objection being received in the period following Committee and prior to the expiry of the consultation period.

03923

RECOMMENDATION

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

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

2. Notwithstanding the submitted plans, this consent shall not extend to the use of UPVC windows, doors and fascia boards as indicated on the submitted details. Full details of timber windows, doors and fascia treatment to match the existing details of Nightingale Cottage shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, which shall thereafter be constructed in full accordance with the submitted details.
3. That in the event of any representation objecting to the application being received following the reporting of the matter to Committee and prior to the expiry of the consultation period on 9th June, 2005, delegated authority be given to the Head of Planning and Transportation to consider the submitted representation and the progression of the application in full consultation with the Chairman of Planning Committee.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To control the window, door and fascia details in order to maintain and retain the visual character of the application site.

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.