

## 9<sup>th</sup> March, 2006 Planning Committee Meeting

05/01051/FUL

Received on 5th August, 2005

Tesco Stores Limited, C/o Agent.  
(Development Planning Partners. 14, Windsor Place, Cardiff. CF10 3BY )

### **TESCO STORE, CULVERHOUSE CROSS**

Replacement Class A1 retail store with car parking alterations, replacement planting and ancillary works

#### SITE DESCRIPTION

The site relates to the existing retail store, car park, service road and associated landscaping areas.

The site lies in the north-west quadrant of the Culverhouse Cross Interchange. The site access is off the A48, which access also serves the adjoining store (Marks and Spencer).

#### DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the existing store and construct a replacement store, in the same location, but on an enlarged footprint.

The store will have a flat roof and will be finished with "smooth self colour panels : white". PVC roof covering is indicated. The external building elevation will also have steel columns.

The floor area of the building will be:

- retail trading 6,583 sq. m;
- and 2,947 sq. m of 'other'.

The height of the building will be 27m maximum with lesser height buildings to the service yard.

The number of parking spaces is indicated as being 725 on the application forms.

Recycling facilities are also indicated as being provided.

Roof plant will be provided but details are not confirmed as only indicative positions are provided within the submission.

Tree felling and landscaping details, including a landscape statement, have been submitted.

The application also relates to the erection of a temporary store. The store will be constructed of insulated composite flat panel cladding with fabric roof covering, to be white in colour. There will be portacabins to the rear of the building to provide staff facilities. The floor area provided is approximately 1,950 sq. m and will be located on the existing front (A48 side) of the site.

Car parking and servicing of the temporary store will take place in this 'front' car park area. 503 spaces are noted as being available (P.6 para. 2.6 of the Transport Assessment). This level will reduce to 224 then to 195 as the development of the replacement store proceeds.

All documents and drawings submitted with the application are available on file for examination by Members.

### PLANNING HISTORY

Consent was originally allowed on appeal for the store in the 1980s. Since that time consents have been granted for alterations to the store. The most recent history is considered relevant to consideration of this application.

04/00418/FUL – Replacement store (situated adjacent to the A48 at the front of the site) being a store of 9,530 sq. m with petrol filling station. The application was refused for reasons of effect on the character and appearance of the area including effect on trees and the landscape setting of Culverhouse Cross. The appeal was dismissed on 1<sup>st</sup> February 2005. A copy of the appeal decision is attached as Appendix A.

02/01676/FUL – Extensions to existing store of 2,312 sq. m and other ancillary works was approved subject to conditions, including provision of recycling, cycling facilities, drainage, highway improvements (as required by the Marks and Spencer approval reference 02/01395/FUL) being completed, hours of delivery of construction materials, traffic management plan, provision of CCTV cameras and variable message signs, and provision of bus information system, on 31<sup>st</sup> July, 2003.

### CONSULTATIONS

St. Georges and St. Brides-super-Ely Community Council – “No observations.”

The Head of Visible Services (Waste Management and Cleansing) – “I have no comments on this application.”

The Head of Visible Services (Engineering Design and Procurement) – See Appendix B.

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

Wenvoe Community Council – “... resolved to support it provided an entrance/exit is placed on the link road to the M4.”

The Head of Visible Services (Highway Development) – See Appendix D.

Transport Wales (WAG) – See Appendix E.

Cardiff County Council – “That the Vale of Glamorgan Council be advised that Cardiff County Council has no objections subject to:

1. A Section 106 Agreement for the contribution by the developer of £290,000 for three CCTV cameras, two VMS signs and one rotating plank sign on the adjacent highway network controlled by the Welsh Assembly, Vale of Glamorgan Council and Cardiff County Council to enable the three Highway Authorities to have full control of the adjacent road system during the demolition and construction periods.
2. Submission of a satisfactory draining scheme to identify potential for use of sustainable drainage techniques in accordance with the requirements of TAN 15 “Development and Flood Risk.”

St. Nicholas and Bonvilston Community Council – “We have recently had an opportunity to view the latest Tesco Extra plans and are particularly concerned at the proposed phasing arrangements and the facilities suggested for parking during the reduced facilities period. We are convinced that the parking proposals are inadequate and will result in a total confusion and gridlock at Culverhouse Cross, causing great inconvenience to residents of our Council Area who travel daily to Cardiff.”

Landscape Architect – “In respect of the landscaping details : These are now acceptable in terms of species/layout. The note on drawing ASP5 re. Thinning/replanting needs to be made enforceable (by condition) to protect the long term screening to the development in that location.”

The Director of Legal and Regulatory Services (Pollution) – “No adverse comments. However, would advise as follows. 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.”

Comments in respect of the noise construction assessment are:

- “1. Works generating noise that could be audible at the nearest sensitive properties must only take place within the specified periods as follows:

08.00 hrs. – 18.00 hrs. Mon. to Fri.

08.00 hrs. – 13.00 hrs. Saturdays.

At no time on Sundays and Bank Holidays

Noise generating works outside of this period may only take place with prior approval of the Pollution Control Team of the Local Planning Authority, except in case of an emergency (health and safety).

2. All contractors must be subject to the generic noise reduction measures specified in paragraph 5.1 of the Construction Noise Assessment prepared by K.J. Metcalfe, Project No. 045778.

Noise sensitive properties A = 27 Patrearne Way  
B = Copthorne Hotel  
C = Tychwich Farm”

Dwr Cymru/Welsh Water – No comments received to date.

Environment Agency – No comments received to date.

### REPRESENTATIONS

Letters of representation received are attached as Appendix F.

### REPORT

The site development falls to be considered under the planning policy framework contained in the adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP), Planning Policy Wales 2002 (PPW) and relevant Technical Advice Notes including TAN 4 ‘Retailing and Town Centres’.

In submitting the application the agents submitted a ‘supplementary statement’, ‘Retail Statement’, ‘Transport Statement’, ‘Construction Noise Assessment’, ‘Bat Survey’ and ‘Landscape Supporting Statement’. Further information/clarification was requested and received in respect of the Retail Impact of the development on established Retail Centres in the Vale.

Policy SHOP12 of the UDP indicates that new retail development outside district and town shopping centres will be permitted if all criteria are met. These criteria include that the development will not undermine the viability, vitality and attractiveness of existing centres and that there are no suitable town centre, district or edge of centre sites, i.e. the sequential test is examined. In submitting the Retail Assessment information the scheme now proposed has been examined in relation to Policy SHOP12. The development will have an impact on the Vale of Glamorgan retail centres of Barry, Penarth and Cowbridge in relation to comparison goods retailing. It is considered that in the worst case, impacts would be approximately 4.5% draw from the Vale of Glamorgan. Whilst this will have some detriment to the established Vale Centres it is concluded that this would not be sufficient to warrant refusal. It is noted that the planning consent reference 02/01676/FUL remains extant and would, if implemented, create the same scale of floor space now sought with similar impacts on retailing. Taking into account advice in PPW including advice at para. 10.3.6 that “for major new retail proposals, Local Planning Authorities should consider not only the incremental effects of that proposal but the likely cumulative effects of recently completed developments, together with outstanding planning permission and development plan commitments, in the catchment areas of those Centres”, it is considered that given the approved and both implemented and unimplemented retail consents in the area that an objection on retail grounds could not be sustained.

It is noted that in the letter of clarification relating to the impacts of the development on existing retail centres within the Vale, that the developers’ agents referred to limitations on the scale of comparison goods. They indicate that, as discussed at the time of the appeal, their clients offer to limit the net sales area to 50% for comparison goods would still be acceptable as a condition of any planning consent. This has been considered and it is felt that a limitation of this nature by condition would assist in limiting the impact of the proposal on established retail centres by controlling the future proportion of the store’s net sales area for goods other than food.

The scale of the development in relation to highway impact has been fully examined taking into account the recent highway improvements relating to the expansion of the Marks and Spencer store.

The application for the crematorium, as referred to in several of the representations, is the subject of consultation with the Highway Development Office. The comments of the Head of Visible Services in relation to the current scheme are attached as Appendix D. It is noted that whilst they have no concerns regarding the level of traffic to be generated as a consequence of this scheme there are concerns regarding the effects on traffic and parking during the phasing of the development and thus recommends conditions be imposed. In particular they indicate that construction phasing should be controlled during the Christmas peak.

The design of the store is considered acceptable. Whilst it is noted that signage has been indicated on the submitted plans, no application for advertisement consent has as yet been received. Issues of the prominence of any signage will be considered at that time taking into account the impacts on the visual amenities of this rural area and the comments of the planning inspector at the time of the appeal dismissal in respect of the replacement store at the front of the site. In relation to design, Policy ENV25 Design of New Developments is met. Other issues raised include that of site drainage. As it is intended to culvert a watercourse, details of how flows in existing watercourses are to be maintained are required if the scheme is to be approved. These details would also need to take into account the impacts on and mediation for surface water flows.

Taking into account the appeal decision (attached as Appendix A) discussions have been held with the applicants' landscape advisors to consider any impacts on existing tree cover and provision of an enhanced landscaping scheme to mitigate for those trees lost, which includes trees covered by a Tree Preservation Order. Having considered the details as amended the Council's Landscape Architect and the Tree Officer consider that the details are acceptable, however conditions to ensure long term management are required. It is also considered necessary to impose an amended Tree Preservation Order on the scheme as approved to ensure the protection of the existing and proposed planting. Policies ENV 10 and ENV 11 have been considered in this respect.

Due to the scale of the development there is potential for adverse effects on the nearest residential properties due to the demolition works and reconstruction as noted by the Environmental Health Officer's comments. Any recommendation for approval should contain a condition to ensure that such impacts are minimised.

There are no protected species identified on the site and Policy ENV XXX Protected Species has been considered. It is considered that an informative regarding protected species however may be required.

The recommendation below is made having regard to the details of the application, the representations made and consultation responses received, the planning history of the site and the policies of the Vale of Glamorgan Unitary Development Plan 2005, advice contained in Planning Policy Wales 2002 and TAN 4.

04254

## RECOMMENDATION

It is recommended that:

1. A Tree Preservation Order be authorised for those trees retained on site and for those to be planted as shown on drawings reference ASP4, 5 and 6 Rev. F and that the Director of Legal and Regulatory Services be authorised to issue such an Order.
2. The applicant first enter into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) to require:

- (i) the installation of three CCTV cameras, two VMS signs and one rotating plank sign in the adjacent Highway Network controlled by the Authorities of the Welsh Assembly Government, the Vale of Glamorgan Council and Cardiff County Council and that the sum of £290,000 be paid to facilitate this provision;

that subject to the above Section 106 Legal Agreement being signed, conditional planning consent be granted, subject to the conditions listed below.

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 scheme of landscaping shall be as detailed in the drawings reference ASP 4, 5 and 6 - Revision F, received by the Local Planning Authority on 24th January, 2006.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
4. Prior to the commencement of any thinning of trees on site the details of this thinning shall be agreed in writing by the Local Planning Authority and only those trees as agreed in writing shall be thinned.
5. Prior to the commencement of any works for development of the site the trees to be retained on site shall be protected in accordance with BS 5837 and such protection works shall be retained on site for the duration of the works hereby approved.
6. Prior to the commencement of the construction of the store hereby approved details of a scheme for surface water drainage of the site, including details of flow calculations, and details of how flows will be maintained within the culverted watercourse shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

7. The developer shall submit a Traffic Management Plan and Phasing Plan for the management of on-site parking and for the advertising of the store closure and temporary store commencement and closure to the Local Planning Authority for their approval in writing prior to the erection of the temporary store, the closure of the existing store or of any demolition or site clearance works. The approved Traffic Management Plan and Phasing Plan shall be followed for the course of the development hereby approved unless the Local Planning Authority gives prior written consent to any variation.
8. The approved scheme of parking for the proposed new store shall be fully provided on site in accordance with the terms of Condition No. 7 above and the car parking layout as detailed on the approved drawings shall thereafter be so provided at all times to serve the development hereby approved.
9. Prior to the commencement of development details of the construction of the new internal access road and modifications to the approaches on the roundabout, including provision of a pedestrian refuge, and details of lighting shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in full accordance with the approved details and the access road and refuge shall be completed prior to the new store hereby approved opening to the public unless the Local Planning Authority gives written consent to any variation.
10. Details of the construction periods for the development, which shall avoid the peak Christmas trading period, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall thereafter be carried out in accordance with the approved details.
11. Deliveries of materials for the construction of the development hereby approved or for the removal of demolition materials from the site shall not take place between 07.30 hrs. and 09.30 hrs. or between 15.30 hrs. and 18.30 hrs. Monday to Friday unless the Local Planning Authority gives prior written consent to any variation.
12. Prior to the commencement of any development or site clearance, details of the method of wheel washing and dust suppression shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be fully implemented on site prior to the commencement of any site clearance or development and shall thereafter be so maintained for the duration of the works on site.
13. Prior to the construction of the replacement store hereby approved details of the capacity of the existing foul drainage system and its capacity to cater for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.



14. The development shall be carried out in accordance with the 'Noise Reduction Measures' as detailed in part 5 of the 'Construction Noise Assessment of Tesco Culverhouse Cross Site Vale of Glamorgan' submitted with the planning application 05/01051/FUL and noise generating activities shall only take place outside the terms of that assessment with the prior written approval of the Local Planning Authority.
15. The development referred to as a temporary store shall be removed from the site within two months of the replacement store hereby approved being first brought into beneficial use unless the Local Planning Authority gives written consent to any variation.
16. This consent shall not relate to the indicative roof plant referred to on Drawing No. F/EXT/1060-PO3.
17. No more than 50% of net sales area of the proposed new build, replacement store hereby approved shall be used for the sale of comparison goods.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the visual amenities of this gateway location.
3. To ensure satisfactory maintenance of the landscaped area.
4. In the interests of the visual amenities of this gateway location.
5. In the interests of the visual amenities of this gateway location.
6. To ensure that the development does not cause or exacerbate flooding in the area.
7. To ensure that satisfactory on-site parking is provided and that the development does not adversely affect the safety and free flow of traffic on the adjoining highway network.
8. To ensure that satisfactory on-site parking is provided and that the development does not adversely affect the safety and free flow of traffic on the adjoining highway network.
9. To ensure a safe access to the development for vehicles and pedestrians.
10. To ensure that the development does not adversely affect the safety and free flow of traffic on the adjoining public highway network.
11. To ensure that the development does not adversely affect the safety and free flow of traffic on the adjoining public highway network.

12. To ensure that the amenities of the area and highway safety are safeguarded during the development works.
13. To ensure that an acceptable foul drainage system serves the development.
14. To ensure that amenities of nearby occupiers are not adversely affected during development.
15. The retention of the store on a permanent basis would not be acceptable in planning terms.
16. No details of the plant have been submitted.
17. To ensure that the Local Planning Authority maintains control over the scale and nature of retailing at the site to safeguard the vitality and viability of the established retail centres.

**NOTE:**

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **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. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
4. **The developers attention is drawn to the requirements of the Wildlife and Countryside Act (1981) (as amended) and the European Legislation under the Habitats Directive (EC Directive 92/43/EC) enacted in the UK through the Conservation Regulations (1994), including in relation to nesting birds whereby it is an offence to take, damage or destroy the nest of any wild bird whilst that nest is in use or being built.**

5. **This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Avertisements) Regulations, 1992.**

**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.**

**05/01726/FUL**

Received on 3rd November, 2005

Matrix Realty Holdings Ltd., c/o Agent  
(Boyer Planning Limited, 33-35, Cathedral Road, Cardiff. CF11 9HB )

**LAND OFF LAKIN DRIVE/ STIRLING ROAD, BARRY.**

Proposed Medical Centre

**SITE DESCRIPTION**

The application site relates to open space to the north of Tesco Superstore, Highlight Park. The site is roughly square in shape (70m x 70m) and is approximately 5,491m<sup>2</sup> of flat land. The site is bounded by semi-detached and detached residential dwellings to the north-east, a fire station to the south-east, Tesco to the south and a community centre and playground to the west. The piece of land fronts onto Lakin Drive and is set within a combination of shrubs, semi-mature trees, walls and fences.

The site lies within the residential settlement boundary of Barry but outside any designated Conservation Areas.

**DESCRIPTION OF DEVELOPMENT**

The application seeks planning permission to construct a two-storey Medical Centre on the site with associated landscaping, new access onto Lakin Drive and parking for 72 No. vehicles including 5 No. disabled parking spaces. The proposed Medical Centre will accommodate the Willows and Salisbury Road surgeries operated by Dr. Williams and Partners. Both practices (merged in 2004) have outgrown their existing premises and it is proposed to combine the two sites into a single modern building to provide improved facilities and a more efficient service. The current surgeries and facilities are no longer able to meet the needs of modern GP practices and there is a recognised need for a surgery to the north of Gladstone Road with disabled access and sufficient parking spaces.

The new Medical Centre will also allow for future expansion and growth and will improve disabled access and the provision of enough parking spaces to serve existing and future patients of the surgeries.

The partnership consists of two full time partners (both male) plus two part time partners (both female). The practice, over both sites, employs one full time Practice Manager (based at the Salisbury Road surgery), one Assistant Practice Manager, two full time Practice Nurses, eight receptionists, three Data Entry Clerks and one part-time Secretary. The patient population is just under 6800 and the catchment area includes Barry and surrounding settlements such as Dinas Powys, Sully, Wenvoe and Rhooose.

The proposed “L” shaped building with hip roof is to be erected at the north-west corner of the site. It backs onto the Community Centre and is constructed of fairface brickwork walls with reconstituted stone cills, a fibrous cement slate roof and aluminium double glazed windows and doors. It is approximately 40.5m long and 28.5m deep at its maximum points and is 5.6m to eaves level and 9.2m to ridge height.

The Medical Centre will include a lobby and waiting area, toilets, reception, stores, records and administration room, treatment rooms, consulting rooms and GP offices at ground floor and meeting rooms, specialist rooms, toilets, a library, consulting rooms and a waiting room at first floor level. There is built in expansion space of 111 sq. mtrs. at ground floor level and clinical and admin expansion space of 394 sq. mtrs. at first floor.

The new access is 25m from the junction with Stirling Road and allows a 4.5m x 90m vision splay in both directions.

The extent of the application site has been reduced to allow for the retention of an area of land to the rear of the adjacent community centre for the future expansion of its playground. In order to provide sufficient space for the future expansion of the Medical Centre, this has resulted in the footprint of the building being relocated approximately 9m in a south easterly direction.

### PLANNING HISTORY

83/00838/FUL - “The Gun Site” - Residential development, community facilities, public open space, primary school, shops and public house. Approved 4<sup>th</sup> July, 1985.

83/00530/FUL - “The Gun Site” – Residential development; community facilities, primary school, shops, public house. Refused 9<sup>th</sup> September, 1983.

### CONSULTATIONS

Barry Town Council - Were consulted on 11<sup>th</sup> November, 2005 and re-consulted on amended plans on 14<sup>th</sup> February, 2006. “This project is welcomed as the provision of a much needed community facility. No objections are therefore raised subject to the Local Planning Authority being fully satisfied:

- With the elevational detailing of the building and the colouring of the external finishes.
- With the level of on-site car parking.
- With the proposals for the protection of the existing trees which are to be retained, planting and site enclosure.
- That the amenities of the occupiers of the neighbouring residential properties would be fully protected.”

Any additional comments will be reported to Planning Committee.

The Head of Visible Services (Highway Development) - Was consulted on 11<sup>th</sup> November, 2005 and re-consulted on additional information and again on amended plans on 14<sup>th</sup> February, 2006. "Further to the site inspection carried out in relation to the above application, I would comment as follows:

- A plan showing the proposed access in relation to the junctions of Stirling Road and Liscum Way including visibility spays is required to be submitted to the Highway Authority for approval.
- The total number of practitioner's (Doctors, Nurse's Health Visitor's etc. and ancillary staff receptionists) are required to be provided when the medical centre is fully operational.
- An area for parking is required to be provided within the development site for servicing vehicles. Additionally, servicing vehicles will be required to enter and exit the site in forward gear.
- Four 'Sheffield' type cycle stands are required to be provided and located adjacent to the main pedestrian entrance to the medical centre."

"Further to the additional information provided in relation to the above application, I would comment that although the site layout plan shows visibility of 4.5m x 60.0m from the access to the development site, it is considered that the actual visibility splays that can be provided are 4.5m x 90.0m, which is in accordance with Technical Advice Note (TAN 18)."

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.

Visibility splays of 9m x 120m 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.

Any works on the existing highway must be constructed at the applicants expense. All works in connection with this proposal must be carried out at the applicant's expense and shall not commence without prior consultation with the Highways Traffic Section. The applicant is required to contact Mr. Peter Coughlan to agree construction details."

The Director of Legal and Regulatory Services (Environmental Health : Pollution Control) – Was consulted on 11<sup>th</sup> November, 2005. No comments have been received to date.

The Head of Visible Services (Parks and Ground Maintenance) – Was consulted on 11<sup>th</sup> November, 2005 and re-consulted on amended plans on 14<sup>th</sup> February, 2006, and has commented as follows:

“We should agree figures for either Barry or one ward not a combination, I feel that the figures need to take into account the community i.e. Barry not Wards. NPFA Standard covers all ages not just children. I disagree with the figures quoted on 5.0. It is quite clear in Paragraph 3.10 of the Standards that schools land can only be counted if available for public use, Barry Comp, Colcot School, Cwm Parc, Jenner Road are not. Allotment gardens are not considered by the NPFA Standard mainly because they cannot be used for outdoor playing space. It is also not appropriate to include all of Porthkerry Country Park as it is not all outdoor playing space. It is impossible to offset the loss of outdoor playing space but in order to have a clear unequivocal picture of the requirements of the site I suggest that the NPFA is asked to comment on this submission. I will contact them early next week to ascertain their views on the submission and my comments.”

A copy of the National Playing Field Associations response to the agents Open Space Assessment is included as Appendix A of this report.

The Director of Finance, I.C.T. and Property (Property Services) – Was consulted on amended plans on the 14<sup>th</sup> February, 2006. Any comments will be reported to Planning Committee.

The Director of Legal and Regulatory Services (Community Development Officer) – “As requested I have some comments regarding the above application due to its close proximity to the Highlight Park Community Centre, Stirling Road, Barry. I note that the application intends to use existing drainage. I have concerns about this as the Community Centre has had severe problems with raw sewage overflowing into the interior of the Community Centre.

The Community Centre has some shared drainage with other properties in the locality and as there has been increased development in the area the existing drainage may not be adequate to cope with a new development. I note that there is a proposal for a new vehicular access to the site that may cause congestion in the area in the mornings. A number of small children are dropped off at the Community Centre each morning to attend the playgroup and this is likely to be a peak time for cars to the proposed Medical Centre.”

The Council’s Tree Preservation Officer – Was consulted on 11<sup>th</sup> November, 2005. “I am concerned that the proposed car parking will compromise 3 established willow trees. Construction of car parking is likely to cause significant root damage even if a ‘no dig’ construction technique is used. In addition, future growth of the willows is likely to present a significant nuisance through the extension of low spreading branches and a consequent necessity for unsuitable pruning. I would advise that the willows are removed and replaced through additional tree planting or the car parking spaces adjoining the trees are deleted from the proposals to allow the trees more rooting area and space to develop their crowns.

There is scope to reinforce part of the site boundary with planting of a mixed native hedge, as shown on the attached copy extract of the plans. This will compensate for the loss of hedge incurred through creation of the road access. In addition there is scope for additional specimen tree planting around the boundary of the site and in grills in the car parking area. I would recommend native species such as field maple (*Acer campestre*), small leaved lime (*Tilia cordata*), hawthorn (*Crataegus monogyna*) and silver birch (*Betula pendula*). Ornamental species such as Italian alder (*Alnus cordata*) should perform well in the car parking areas. The applicants should submit full details concerning proposed landscaping, incorporating any amendments to take into account the above comments. Full details concerning tree species, size and spacing should be submitted.”

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted on 11<sup>th</sup> November, 2005. Her comments are as follows:

#### “Nesting Birds

There is a possibility that the trees and scrub on this application site may be used by nesting birds.

It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

It is recommended that to comply with the law, a condition be included in any consent which states that work affecting trees / scrub on site be done outside the nesting season which is generally recognised to be from March to September inclusive, unless it can be demonstrated that nesting birds are absent.

#### Woodland / Hedgerows and Proposed Tree / Woodland Planting

The application site is bounded on three sides by trees / scrub. The proposed site plans show the intention to remove a number of young - medium sized trees. These trees provide roosting / nesting opportunities for birds in an urban environment.

The proposals to plant trees as part of the development scheme are supported.

It is recommended that if possible a mix of native tree species appropriate to the ecology of the area and of local provenance be used for the new tree planting.

It is recommended that the amount of compensatory tree planting at least equates to the number of trees proposed for removal to result in no net loss of trees.

#### Tree Officer Consultation

It is recommended that the Vale of Glamorgan Council Tree Officer be consulted on this application.”



Dwr Cymru/Welsh Water – Were consulted on 11<sup>th</sup> November, 2005. They responded with their standard advice and conditions related to foul water, surface water, land drainage run-off, water supply and grease traps.

Environment Agency – Were consulted on 11<sup>th</sup> November, 2005. They responded with their standard guidance note for developers.

## REPRESENTATIONS

Neighbouring occupiers were notified on 11<sup>th</sup> November, 2005 and re-notified on 14<sup>th</sup> February, 2006 and the application was advertised on site and in the press on 11<sup>th</sup> November, 2005 and 31<sup>st</sup> January, 2006. A 17 name petition has been submitted in objection to the proposals and the occupiers of Nos. 14, 15 and 17, Liscum Way, 19, 98, Lakin Drive, 8, Whitmore Park Drive, 2, Blenheim Close and 10, Brynhill Close have objected to the proposals on the following grounds:

- The greenfield site is not a suitable or sustainable location for a Medical Centre.
- The proposal is contrary to the adopted Unitary Development Plan.
- The proposal would result in the loss of an important, safe and well used area of public open space for local residents, the Fire Station and the adjacent Community Centre.
- The proposed building could cause drainage problems in the area.
- The proposed building is too large for the site and will block out any views from neighbouring residential properties.
- The Medical Centre will exacerbate traffic problems in the area.
- The development could disturb nesting birds on the site.
- If drugs and medication are to be stored on site, the Centre may attract drug addicts.
- The loss of the public open space will force children to cross a busy main road to play.
- The probable increase in traffic levels and the risk of potential hazards close to the adjacent playground.

Four letters that are generally indicative of the points raised are attached as Appendix B to this report. All other letters are retained on file for inspection by Members of the Planning Committee.

The occupier of No. 6, Liscum Drive has written in support of the application noting that the open space facility is of "limited use due to persistent dog fouling." The occupier of No. 27, Liscum Drive has no objections to the proposal provided that "the site is entirely enclosed each night after hours" to stop "teenagers congregating at the back" of their property.

All three Ward Members were consulted on 30<sup>th</sup> November, 2005 and re-consulted on amended plans on 14<sup>th</sup> February, 2006.

## REPORT

The application seeks consent to develop a new Medical Centre, new access and parking on land currently used as a public playing field in Highlight Park, Barry. The Medical Centre will be provided through a form of Public Private Partnership and a similar scheme is proposed for the Waterfront area of Barry.

The Welsh Assembly formally approved the project and Cabinet resolved in 2004:

1. That approval be given in principle to the disposal of the site to Matrix Realty Holdings Limited (the applicant) for the provision of health facilities for the above two local practices, subject to the developer obtaining a valid planning consent and the relaxation of the restrictive covenants, on terms and conditions to be negotiated and agreed by the Director of Finance, ICT and Property, in consultation with the Director of Legal and Regulatory Services; and that the Director of Legal and Regulatory Services be authorised to sign and seal any documents on behalf of the Council in respect of any disposal of the site.
2. That the Director of Legal and Regulatory Services be authorised to advertise the proposed disposal as provided for by the statute at the appropriate time and to consider any objections received with the Leader and the Cabinet Member for Economic Development and Leisure.

## Reasons for the Decisions

1. To facilitate the planning and provision of improved health care facilities and access thereto for the benefit of the community.
2. To comply with statutory requirements.

The site lies within the settlement boundary of Barry but outside any designated Conservation Area. The site is currently in use as informal public open space and is maintained by the Operational Manager of Parks and Services. The proposal can be assessed against Strategic Policies 8 (Transport), 11 (Sport and Recreation) and 14 (Community and Utility Facilities) and Policies ENV25 (Design of New Development), TRAN9 (Parking), REC1 (Protection of Existing Recreational Facilities) and REC6 (Children's Play Facilities) of the adopted Vale of Glamorgan Unitary Development Plan 2005, the Council's approved Parking Guidelines, Planning Policy Wales (March 2002) and advice contained within TAN 16 - Sport and Recreation (1998).

The main issues to consider relate to the location of the Medical Centre on public open space land, the existing levels of provision of open space in Barry, the design and scale of the proposed building, the impact on the surrounding highway network and the effect of the proposal on neighbouring commercial services and residential occupiers.

The proposal will result in the loss of approximately 5000m<sup>2</sup> of open space. The agent has submitted an Open Space Audit report as an assessment of open space provision within the Illtyd and Dyfan ward areas of Barry and to demonstrate that the playing field in the Highlight Park area is surplus to open space requirements in both these wards. Strategic Policy 11 of the UDP states:

*“To remedy existing deficiencies in sport and recreational facilities the Council will:*

- i) Favour the provision of a range of such facilities to meet existing and anticipated **need** throughout the Vale of Glamorgan by securing in accessible and appropriate locations new and improved sport and recreational opportunities.*
- ii) Protect existing areas of open space and playing fields from inappropriate development; and*
- iii) Favour the improvement of opportunities for access to and enjoyment of the countryside where they do not unacceptably affect important areas of nature conservation and landscape and the interests of residents and/or those who derive their livelihood from the land.”*

Similarly, Policy REC1 states that:

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

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

The agent has defined “area” as the two wards immediately surrounding the site. Whilst the Unitary Development Plan has calculated that there is an overall deficit of 34.67Ha of open space provision in Barry, the agent has concentrated the analysis on the two electoral wards and has calculated the current provision per 1000 population. This has then been compared with the National Playing Fields Associations standard figures for recommended open space provision.

The agent concludes that the playing field at Stirling Road is surplus to requirements as there is an excess of outdoor sport facilities and public open space in general across the two wards when measured against the NPFA’s Six Acre Standard (whether the Porthkerry Country Park or Brynhill Golf Course are included in the calculations or not).

However, it is considered that the figures need to take into account the whole community (Barry) and not just the Wards. The wards are split up into arbitrary political areas and do not relate to the physical access to comparable recreational space. It is also noted that the NPFA Standard covers all ages and not just children and it is considered that schools land can only be used in the calculation if it is available for public use. Barry Comprehensive, Colcot School, Cwm Parc School and Jenner Road School are not available for public use. It is also not appropriate to include all of Porthkerry Country Park as it is not all outdoor playing space and the golf course is not a realistic alternative to this space.

Chapter 11 of Planning Policy Wales and TAN16 also highlight the importance of easily accessible recreational facilities and the majority of the areas identified in the audit are only accessible by crossing a busy 40mph Port Road (A4050).

The National Playing Fields Association, following an assessment of the figures, concludes that “the case for Stirling Road playing field to be shown to be ‘surplus’ to requirements is not yet proven” and “a more detailed approach is recommended which, in the policy context of Wales, adapts the six acre standard (6AS) and the recommendations and methodologies of PPG17 and its Companion Guide.”

However, the nature of the area is relatively small scale and low key which probably meets a local need for residents in the immediate vicinity of Highlight Park. Although it is not agreed that there is an excess of provision of open space in Barry, the land is not considered to be important to the character or the setting of this part of Barry. There are no marked pitches on the ground or fixtures such as goalposts and the space is mostly used for dog walking purposes. Strategic Policy 14 states:

*“Developments associated with community and utility services will be permitted if there is no unacceptable impact on the interests of agriculture, conservation, listed buildings, archaeological features, areas of ecological, wildlife and landscape importance and residential amenity.”*

It is considered that, in this instance, the development could have an impact on neighbouring residential amenity in terms of the loss of a local area of public open space. The two-storey building is at least 30m from the rear boundaries of the adjoining residential properties along Liscum Way and, together with a sympathetic scheme of landscaping, it is considered that the development should not have a detrimental impact on the privacy and amenities of neighbouring occupiers. However, the Medical Centre will be of great benefit to the community and there is a recognised need for the merged surgeries to be relocated to a site north of Gladstone Road to serve Colcot, Highlight Park and Port Road as well as wider settlements such as Dinas Powys, Sully, Wenvoe, Rhoose and the remainder of Barry. Both practices have outgrown their existing premises and the single modern building will provide improved facilities and a more efficient service. The current surgeries and facilities are no longer able to meet the needs of modern GP practices and the Medical Centre will include internal and external expansion space to accommodate the projected increase in the number of patients. The Medical Centre will be able to carry out minor operations and will provide a wide range of services such as Diabetes and Antenatal Clinics. It will also improve disabled access and the provision of enough parking spaces to serve existing and future patients of the surgeries.

Strategic Policy 8 of the UDP states that:

*“Developments will be favoured in locations which:*

- i) Are highly accessible by means of travel other than the private car; and*
- ii) Minimise traffic levels and associated unacceptable environmental effects.”*

Policy TRAN9 of the UDP states that:

*“The provision of parking facilities will be in accordance with the approved parking guidelines and will be related to: type of land use, its density and location; accessibility to existing and potential public transport facilities; and the capacity of the highway network.”*

Whilst the majority of visitors to the Medical Centre will use the private car, it is considered that the scheme will provide a sufficient number of on-site parking spaces to accord with the South Wales Parking Guidelines. The proposed location of the new access into the site will also accord with approved guidelines in terms of visibility splays and its distance from the junction with Stirling Road and the scheme should not have a detrimental effect on the capacity or safety of the highway network. The site is in very close proximity to a bus stop and shelter on Stirling Road (adjacent to the Community Centre) and this should be attractive to patients and staff who will visit the site. The scheme will also include four “Sheffield” type cycle stands and four disabled parking spaces that are to be located adjacent to the main pedestrian entrance to the Medical Centre.

The scheme will retain the majority of the hedgerow and trees surrounding the site and additional planting and screening is proposed to reduce the impact of the development on the surrounding area, in line with advice provided by the Council’s Tree Preservation Officer. A Nesting Bird survey is due to be carried

out by a qualified ornithologist and his findings will be reported to Planning Committee. The design of the building is sympathetic to the style of the adjoining Community Centre and other buildings in the area such as Tesco.

Samples of the external finishing materials will be conditioned as part of the consent to ensure that the scheme is in keeping with the area. Whilst the Medical Centre will not include a Chemist facility, the site will be enclosed to ensure that the site is secure. The site will not be accessible during non-operational hours.

Following negotiations with the applicant/agent, an area of approximately 276m<sup>2</sup> has been retained at the rear of the Community Centre and a financial sum will be secured to expand and improve the existing playground, located adjacent to the site.

In conclusion, it is considered that, on balance, the provision of a Medical Centre in this location is of greater importance to the local and wider surrounding population than the retention of a limited area of open space.

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

04260

### RECOMMENDATION

That, subject to the applicant first entering into a Section 106 Legal Agreement to provide for financial contributions to improve and expand the playground facility adjacent to the Community Centre, the application be approved subject to the following conditions.

#### 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 L(0)F01 Rev. D received by the Local Planning Authority on 28th February, 2006.
3. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
4. The vehicle parking area Medical Centre shall be laid out and surfaced before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with D1.
5. Prior to the commencement on site, final details of the proposed vehicular access to the Medical Centre shall be submitted to and approved in writing by the Local Planning Authority and the access as approved shall be laid out strictly in accordance with the approved plans and completed prior to the beneficial use of the Medical Centre.

6. 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.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
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. Details of the materials and colour of the external finishes of the proposed shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
10. Details of proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and agreed in writing, with the Local Planning Authority before development commences.
11. 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.
12. No works affecting the trees and scrub within the site shall be carried out during the nesting season between March and September unless a survey is first conducted and submitted to the Local Planning Authority which ascertains the absence of nesting birds.

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. To ensure the satisfactory implementation of the development.
4. To ensure adequate off-street parking.
5. To ensure that a satisfactory access is maintained in connection with the proposed development in the interests of the safety and free flow of traffic on the adjoining highway.
6. To safeguard local visual amenities.
7. To ensure satisfactory maintenance of the landscaped area.
8. To safeguard local visual amenities.
9. To safeguard local visual amenities.
10. To ensure a satisfactory form of development.
11. To ensure satisfactory drainage of the site.
12. To comply with the Wildlife and Countryside Act 1981.

**NOTE:**

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



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

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

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

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

**05/01774/FUL**

Received on 15th November, 2005

Dr. C. and Mrs. B. Morgan, Belgrave House, Factory Road, Llanblethian, Cowbridge. CF71 7JD  
(Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan. CF71 7AE )

**BELGRAVE HOUSE, FACTORY ROAD, LLANBLETHIAN, COWBRIDGE**

Demolish existing double garage, construct new four bedroom dwelling on lower part of site with associated parking and amenity space

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

The application is for demolition within the Cowbridge with Llanblethian Conservation Area.

The application was advertised on 22<sup>nd</sup> November, 2005.

**SITE DESCRIPTION**

The application site comprises part of the residential curtilage to an existing dwelling house "Belgrave House", and is occupied by a detached, single storey, pitched roof double garage. The property is located at the junction of Factory Road, Bridge Road and Church Hill.

**DESCRIPTION OF DEVELOPMENT**

This is an application for full planning permission for the demolition of the existing detached double garage and the construction of a new detached two storey, pitched roof dwellinghouse. The proposed house will have a footprint of approximately 10.5 metres x 7.9 metres to a main ridge height of approximately 7.8 metres. It will be sited in a similar position as the existing garage with the frontage of the building facing the existing entrance off Factory Road. The accommodation will comprise at ground floor level a living room, study, kitchen, utility room, toilet and integral garage with at first floor 4 No. bedrooms, a bathroom and en-suite facilities.

The design of the house will be traditional Vale vernacular with features such as external chimney stack, eyebrow dormer windows in the roof and a pitched roof gabled front porch. External finishes will be random rubble stone to the front elevation, smooth render to part sides and rear and natural blue/black slate roof.

Vehicular access will be via the existing entrance and, in addition to the garage, 2 No. car parking spaces will be provided within the front forecourt. The proposed plot will be subdivided from the existing Belgrave House by a retaining wall and a 2 metre high fence.

## PLANNING HISTORY

90/01249/FUL – Two storey extension. Approved 5<sup>th</sup> February, 1991.

91/00240/FUL – Double garage and access. Approved 11<sup>th</sup> June, 1991.

91/00349/CAC – Reduction of boundary wall from 1.3 metres to 1 metre. Approved 11<sup>th</sup> June, 1991.

## CONSULTATIONS

Cowbridge with Llanblethian Town Council – “No objections. However, the members of the Committee would be strongly opposed to any amendment, which might increase the size of the house and in the light of its position in the Conservation Area regard it as particularly important that materials of the high standard specified are used in its construction”.

Environment Agency - Have submitted their “Standard Advice” Guidance Note for Developers only.

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

### Sewerage

#### Conditions

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

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

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

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

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

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

#### Advisory Notes

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

Glamorgan Gwent Archaeological Trust – Have no objections to the determination of the application.

Vale of Glamorgan Conservation Area Advisory Group – Comment as follows:

“Recommended – Refusal – Whilst accepting that the site was appropriate for development, the Group considered that the current application was inappropriate in terms of scale and design and was considered too intrusive for the Conservation Area.”

## REPRESENTATIONS

The occupiers of neighbouring properties were notified of the application on 23<sup>rd</sup> November, 2005. Letters of objection have been received from the occupiers of “Northcote” and “Leys Cottage”, Factory Road; “Trecregyn”, “Westfield House” and “Highfield House”, Bridge Road; “Kingscombe House” Llanmihangel Road; and Llanblethian House. Whilst all of the representations are available on file for Committee Members inspection, a copy of the letter from the occupiers of “Westfield House” is reproduced at Appendix A as being generally indicative of the points raised. In summary the issues raised include adverse impact on the Conservation Area; over development; privacy, parking problems and highway safety; flood risk; and unacceptable precedent.

The application was reported to Planning Committee on the 16<sup>th</sup> February, 2006 when determination was deferred for a site visit. A copy of representations from the applicants, tabled at the previous Planning Committee is now appended in full at Appendix B.

## REPORT

The site is located within the settlement boundary for Llanblethian and within the Cowbridge with Llanblethian Conservation Area. As such the following policy background is relevant to the consideration of this proposal to erect a new detached dwellinghouse within the curtilage of the existing property “Belgrave House”.

The adopted development plan is the Vale of Glamorgan Unitary Development Plan 2005. Policy ENV18 relates to development in Conservation Areas and states:

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

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

- (iv) IMPORTANT TREES AND HEDGEROWS: AND
- (v) PONDS AND STREAMS.

Policy ENV19 refers to demolition in Conservation Areas and states:

THE DEMOLITION OF BUILDINGS IN CONSERVATION AREAS WILL BE STRICTLY CONTROLLED, INCLUDING BOUNDARY WALLS, FENCES, RAILINGS AND GATES WHERE THEY MAKE AN IMPORTANT VISUAL CONTRIBUTION TO THE QUALITY OF THE STREET SCENE. IN PARTICULAR:

- (i) LISTED BUILDING CONSENT FOR THE DEMOLITION OF A LISTED BUILDING OR BUILDINGS/STRUCTURE WITHIN ITS CURTILAGE WILL ONLY BE GIVEN IN EXCEPTIONAL CIRCUMSTANCES.
- (ii) THE DEMOLITION OF AN UNLISTED BUILDING OR STRUCTURE WITHIN A CONSERVATION AREA WILL BE PERMITTED WHERE FULL PLANNING PERMISSION HAS BEEN GRANTED FOR THE PROPOSED NEW USE OR DEVELOPMENT; AND
- (iii) PROPOSALS FOR THE DEMOLITION OF A BUILDING IN A CONSERVATION AREA SHOULD BE ACCOMPANIED BY PROPOSALS FOR THE APPROPRIATE RE-USE OF LOCAL INDIGENOUS MATERIALS WHICH REFLECT THE CHARACTER OF THE CONSERVATION AREA.

Policy ENV25 considers the design of new development and states:

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

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

Policy HOUS2 of the Unitary Development Plan allows for housing infill within Llanblethian subject to the residential development criteria outlined in Policy HOUS9. These include:

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

Policy HOUS12 of the Unitary Development Plan relates to residential privacy and space and states:

“Existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.”

In addition to the above, the Council has Supplementary Planning Guidance on Amenity Standards. This contains Policies not only in relation to the level and quality of amenity space but also on matters of privacy, overshadowing and visual amenity. There is also the Cowbridge with Llanblethian Conservation Area Appraisal which has been approved for development control purposes. This part of Llanblethian is identified as one of the key areas of the Cowbridge with Llanblethian Conservation Area with the frontage of the site being identified as an important boundary. The area of the application site is also an important open space/waterway with the meandering natural waterways being an important constituent element of the village's landscape. Paragraph 3.3.6 of the Appraisal states:

“At a number of points around the village the waterways provide important focal features greatly enhancing the visual attractiveness and ambience of the adjacent buildings and spaces.”

These include the glimpse of Factory Brook and the small waterfall flowing through the small road bridge adjacent to the junction of Church Road and Bridge Road.

National guidance is contained in Planning Policy Wales March 2002 which emphasises the need to pay special attention to the character or appearance of the Conservation Area. Paragraph 6.5.15 states:

“.. if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a Conservation Area, or its setting, there will be a strong presumption against the grant of planning permission.

In addition with respect to new housing development, paragraph 9.3.3 states:

“Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character and amenity”.

There is also TAN12 which relates specifically to design. This reiterates the advice on the historic environment contained in Planning Policy Wales but also contains more detailed guidance on achieving good design and indicates that a Design Statement should be submitted with all planning applications for development which have design implications.

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

It is considered that the construction of a two storey, detached dwelling-house in place of the low lying relatively small scale garage will detract from the visual attractiveness of this important waterway and its landscape setting within a key area of the Conservation Area. The existing sense of space and views of the Factory Brook at this prominent junction will be significantly impinged upon by the introduction of a new detached dwelling along with all associated works required to provide for a garden curtilage and car parking area independent of the existing dwelling Belgrave House. It is considered, therefore, that the proposal fails to respect the context of this site and will neither preserve nor enhance the character of this part of the Conservation Area contrary to Policy ENV18 of the Unitary Development Plan.

The introduction of a new dwellinghouse within this part of the curtilage of Belgrave House will also serve to severely reduce the spaciousness of the setting of the existing property itself. It is considered that the area is one characterised by high standards of privacy and spaciousness and the proposal would appear as a cramped form of development contrary to Policy HOUS12 of the Unitary Development Plan. It is noted that the proposal cannot provide for the required level of amenity space either for the proposed new dwelling or the existing house, which would be left with a significantly reduced curtilage.

As regards the landscaped setting of the site it is noted that the Council’s Tree Officer has raised no objections subject to further details, including an arboricultural method statement relating to avoidance of damage to roots, protective fencing and levels changes. However, it is considered that the introduction of an additional detached dwelling-house within the garden at Belgrave House could, with separate and independent occupation, lead to pressure for further lopping or removal of trees as occupiers seek to improve their living conditions or minimise potential damage to their property.

On the issue of highways, it is noted that a number of neighbour objections refer to the problems of parking in the area. The Council's Highway Engineer has not raised an objection in principle but has indicated that four car parking spaces plus a turning facility to allow exit in a forward gear, is required for the proposed and existing dwelling. Whilst the submitted layout does not provide for such arrangement it is accepted that it is likely a revised scheme could be shown which would meet the highway requirements, however, this would be at the expense of amenity space provision, plus the visual appearance of the site.

Another issue raised by neighbours is a concern over flooding. It is noted, however, that the site is not within in a flood risk zone and the Environment Agency have not raised any objections to the application.

In conclusion, it is considered that the spaciousness of the site is important to the setting of the Factory Brook within a key area of the Llanblethian Conservation Area. The introduction of a dwelling would appear as a cramped form of development that would detract from the landscape setting and fail to preserve or enhance the character of the Conservation Area. Notwithstanding this principle objection to the introduction of a new dwellinghouse on the site, it is also considered that the detailed design submitted is unacceptable due to its size and scale within a comparatively restricted curtilage and in an area with high standards of privacy and spaciousness.

The application was reported to Planning Committee on the 16<sup>th</sup> February, 2006 when consideration was deferred to allow Members to undertake a site visit.

In view of the above the following recommendation is made.

04154

#### RECOMMENDATION (W.R.)

#### REFUSE

#### Reason(s):

1. In the opinion of the Local Planning Authority, the proposal represents a cramped, overdevelopment of the site, that detracts from the setting of Belgrave House along with the wider area, which is characterised by high standards of privacy and spaciousness and is identified as an important open space/waterway within a key area of the Cowbridge with Llanblethian Conservation Area. The proposal would therefore neither preserve nor enhance the character and appearance of the Cowbridge with Llanblethian Conservation Area, and would detract from general residential amenities contrary to Policies ENV18, ENV25, HOUS2, HOUS9 and HOUS12 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on 'Amenity Standards'; the Cowbridge with Llanblethian Conservation Area Appraisal, and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.



**05/01864/FUL**

Received on 1st December, 2005

Mr. and Mrs. Williams, Nash Manor, Nash, Nr. Cowbridge, Vale of Glamorgan.  
CF71 7NS  
(Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan. CF71  
7AE )

### **PHEASANT HOUSE, NASH**

New two storey dwelling between the Pheasant House and The Dovecote.  
Change of use of Pheasant House and Dovecote to residential and incorporation  
into new dwelling

The application is a Grade II Listed Building.

The application was advertised on 13<sup>th</sup> December, 2005.

### **SITE DESCRIPTION**

The site relates to 2 No. historic buildings situated within the grounds of Nash Manor. The site includes these two buildings and a modern link between the two, creating one residential property.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks planning consent to retain the dwelling as built including refurbishment/restoration of the two listed buildings. The application includes the change of use to dwelling with associated curtilage.

### **PLANNING HISTORY**

02/00513/FUL – Change of use and refurbishment of the Pheasant House and Dovecote into one dwelling. Approved, subject to conditions on 27<sup>th</sup> June, 2002.

02/00512/LBC – Granted to works to the listed buildings to create a dwelling.

04/00380/LBC – Render exterior walls of the listed building consent granted.

06/00113/LBC – 2 No. additional rooflights. Currently undetermined.

### **CONSULTATIONS**

Environment Agency – No objection to the proposed development.

Glamorgan Gwent Archaeological Trust – Application is for the retention of a development that has already occurred. Any damage to the archaeological resources has therefore already taken place and the retention of the development is unlikely to lead to further damage.

Llandow Community Council – Were consulted on 12<sup>th</sup> December, 2005. No comments to date.

## REPRESENTATIONS

A site notice was posted and neighbour notified. No representations received to date.

## REPORT

The development principle was accepted by the full permission granted in 2002 as that facilitated the retention and restoration of two listed buildings. The application has been submitted because the development proceeded without discharging the planning conditions on the consent, including details of drainage and details of finishes. During initial works, part of the building collapsed and thus the restoration has resulted in the loss of much of the original character, particularly of the Pheasant House. Whilst the development in historic terms has suffered as a result of this, the general scale, form and appearance of the building and its context within the setting of the Nash Manor, are acceptable.

It is recommended therefore that in decision terms, the development is acceptable. Details of drainage have been submitted and are considered acceptable to serve the scale of development. The curtilage of the development reflects that originally considered acceptable, under the previous approval.

Boundary enclosures similarly reflect the historic context and the rural setting of the site including the use of stone walling and a post and wire fence.

Permitted development rights for extensions were not previously removed as it was considered that the need for listed building consent for any such works would control the scale and design of any such development.

The following recommendation is therefore made.

04249

## RECOMMENDATION

APPROVE subject to the following condition(s):

1. The approved residential curtilage of the dwelling hereby approved shall be as outlined in green on drawing ref: site plan attached to this consent.
2. This consent shall relate to the drawings ref: site plan registered on 1st December, 2005 and Drawing Refs: AD01A, 02B, 03A, AL01B, 02B, 03A and 04 received on 17th January, 2006.

Reason(s):

1. For the avoidance of doubt as to the extent of this consent.
2. For the avoidance of doubt as to the approved plans.

**NOTE:**

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

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.

**05/01897/FUL**

Received on 8th December, 2005

Mr. and Mrs. R. Summers, Coed Emlyn House, St. Hilary, Cowbridge, Vale of Glamorgan. CF71 7DP  
(Mr. Jonathan Williams, Robertson Francis Partnership, 5-7, Museum Place, Cardiff. CF10 3BD )

### **THE CARAVAN HOSPITAL, ST. HILARY**

Redevelopment of site from existing caravan/motorhome repair business to five detached 5 bedroom dwellinghouses with integral double garages

#### **SITE DESCRIPTION**

The application site relates to a commercial caravan and motor home repair and maintenance business operating from a site just off the A48 between Cowbridge and St. Hilary. The site also includes an area that has a licence for five 28-day holiday pitches at the north-west corner. The Caravan Hospital lies to the north of a residential dwelling at Coed Emlyn House (occupied by the proprietors of the business) and to the south-east of the St. Hilary Broadcasting Mast. The site is approximately 1.19 hectares.

It lies within the open countryside, outside any designated rural residential settlement boundaries and is just outside the Upper and Lower Thaw Valley Special Landscape Areas.

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks planning permission to demolish the two existing industrial type units, one an office, workshop and storage facility of 2,270ft<sup>2</sup> and the other a mechanics workshop of 2,600ft<sup>2</sup>, to allow for the construction of 5 No. executive style five bedroom detached dwellings. The business is to be relocated into one larger site, potentially a new site adjacent to Barry Caravan Centre off Cardiff Road, Barry.

The existing separate access lane into the site is to be altered to include for a turning area. The site is to be sub-divided into five equal plots of approximately 0.5 acre each. The two storey dwellings will each have five bedrooms and floor areas of 3,500ft<sup>2</sup>. They will also include an integral double garage. The houses will all include single storey side annexes and they all have hip roofs. The properties will include a living room, family room, billiard room, double garage, breakfast room, kitchen, utility room, dining room, hallway, study and an open reconstructed stone portico porch at ground floor and a master bedroom with an en-suite, dressing room and access to a terrace/balcony, four other bedrooms (one with en-suite) and a family bathroom at 1<sup>st</sup> floor.

The main two storey elements of the properties are 12m x 12m whilst the single storey garage and kitchen/breakfast room annexes are 6m x 6m. The main element is 5.8m to eaves and 8m to ridge and the annexes are 2.4m to eaves height and 4.3m to ridge. The dwellings will be constructed of rendered blockwork, blue/grey natural slate roofs with blue/grey ridge and hip tiles, timber fascias and eaves painted white, black aluminium rainwater goods, wrought iron balustrade painted black, timber doors and sliding sash windows painted white, reconstructed stone sills, reconstructed stone portico, lead roof covering, and reconstructed stone balustrades around a rear patio area. The garage door is made of pressed steel and painted white.

All five dwellings will be provided with a large private garden, a number of trees will be planted within and along the boundaries of the plots and each house will benefit from at least five parking spaces. The existing Leylandii trees separating the existing caravan parking area and Coed Emlyn are to be felled.

### PLANNING HISTORY

02/00074/LAW - Coed Emlyn : Existing extension, including a conservatory. Approved 23<sup>rd</sup> January, 2002.

01/00533/FUL - Coed Emlyn : Extension. Approved 18<sup>th</sup> April, 2002.

93/00825/FUL - Stationing of caravans in association with the caravan repair centre. Refused 11<sup>th</sup> January, 1994.

93/00299/FUL - Coed Emlyn : Private garages and stables for domestic use. Approved 3<sup>rd</sup> June, 1993.

92/00043/ADV - Display signs. Withdrawn.

91/01223/FUL - Proceed amendment to previously approved plans for extensions to dwelling. Approved 17<sup>th</sup> January, 1992.

91/00667/FUL - Coed Emlyn : Alterations and extensions to dwelling house and repositioning of existing vehicular access. Approved 3<sup>rd</sup> September, 1991.

90/01200/FUL - Change of use to golf course. Withdrawn.

90/00080/FUL - Repair of caravans. Refused 1<sup>st</sup> May, 1990, allowed at appeal.

82/00701/FUL - To extend the existing caravan club, caravan park and construct a sewage disposal works. Approved 5<sup>th</sup> October, 1982.

Other relevant Planning History: 01/00981/FUL – GMG Volvo Garage, Ewenny – Redevelopment of site for farmstead incorporating four residential properties, refused 22<sup>nd</sup> November, 2001, dismissed at appeal 10<sup>th</sup> October, 2002.

### CONSULTATIONS

Cowbridge Town Council - Were consulted on 14<sup>th</sup> December, 2005. "Objection: The Committee objects on the following grounds:

1. The proposal is outside the settlement area.
2. The felling of trees.
3. It is considered that there will be an increase in traffic leaving and entering the site.
4. The proposal represents a 'ribbon development'."

The Head of Visible Services (Highway Development) – Was consulted on 14<sup>th</sup> December, 2005 and comments:

"Further to the recent site inspection undertaken in relation to the above application, it is considered that the proposed development at the site will have a lower traffic generation than that of the existing use. Therefore, the Highway Authority has no objection to the above proposals provided that the following details and made conditional to the planning consent.

The existing visibility splays of 4.5m x 215.0m shall be maintained along the adjacent highway from the access of the site. Within the visibility envelope(s), no obstructions e.g. boundary walls, fencing shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.

The access to the development site from the adopted highway shall be constructed to adoptable standards for the first 10.0m into the site.

The proposed access road into the development site shall be constructed in accordance with the submitted proposed site layout plan (Drawing No. DP110).

No surface water from the development site shall drain onto the adopted highway or into the Highway Authority drainage system. The applicant must take provision for the disposal of surface water on site.

Parking within the development site will be provided in accordance with the Council's Parking Guidelines before the development is brought into beneficial use and thereafter maintained and retained at all times for the purpose associated with the development."

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted on 14<sup>th</sup> December, 2005. Her comments are as follows:

#### "Boundary Hedgerows

Hedgerows are present along sections of the application site boundary which are species-rich and consist of young native trees.

It is recommended that these hedgerows be retained and protected during the development, retaining sufficient buffer zones to protect the root systems.

### New Tree Planting

The proposed site plan shows new tree planting as part of the development scheme.

It is recommended that a landscaping scheme be implemented which uses native tree species of local provenance which are appropriate to the local ecology and rural location.

### Nesting Birds

The building(s) and any vegetation on this application site, in particular the trees proposed for removal, may be used by nesting birds.

It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

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

### Bats

Buildings provide potential roost sites for bats. Although the buildings proposed on the application site proposed for demolition consist mainly of corrugated metal and their bat potential is considered to be low, it is recommended that an informative be included as a precautionary measure in any consent to advise the developer of the following:

All British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994).

In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.



In the event that bats or bat roosts are found to be present, works must stop and advice must be sought from the Countryside Council for Wales, (CCW). If a development is likely to impact on bats or their roosts, it will usually be necessary for the developer to obtain a development license from the National Assembly Wales Government. It is the developer's responsibility to obtain the relevant licenses, as required, before the commencement of works."

Dwr Cymru/Welsh Water - Were consulted on 14<sup>th</sup> December, 2005 and advises: "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 14<sup>th</sup> December, 2005 and comment as follows:

"The Agency does not accept the promotion or proliferation of cesspools as a viable long-term sewerage option, in view of the potential environmental, amenity or public health problems arising from inadequate operation and maintenance. The DETR Circular 03/99 Welsh Office Circular 10/99 'In Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' also discourages the use of cesspools and provides a hierarchy of drainage options that should be considered before the use of cesspools is considered. The use of the public foul sewer, private sewage treatment plant (which can be offered up for adoption to the Sewerage Undertaker) or septic tank should be considered as a more sustainable method of foul drainage disposal. The applicant must complete a full foul drainage assessment which proves to the Local Planning Authority's satisfaction that the use of cesspools is unavoidable.

If a cesspool is considered as the only viable option by the Local Planning Authority the Agency requests that the following condition is applied:

Condition : All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works including emptying has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is occupied.

Reason : To prevent pollution of groundwater."

The Director of Regulatory Services (Environmental Health) – Was consulted on 14<sup>th</sup> December, 2005.

"I refer to your memorandum received by this department on 15<sup>th</sup> December, 2005, this department has comments to make regarding the above application.

1. The site is not (currently) included on the Vale of Glamorgan contaminated land database nor are there any site in close vicinity which would impact upon the proposed development. However the site can be viewed as being “brownfield” due to recent use and which might have resulted in localised, low level contamination. The site has been associated with operations involving vehicle maintenance and repair and therefore the possibility of fuel contamination cannot be overlooked.
2. As such it is recommended that an appropriate Phase 1/Phase 2 Risk Assessment be undertaken in accordance with the guidelines described in Land Contamination: A Guide for Developers (copies of which can be contained from Vale of Glamorgan). This is to ensure the safe development of the site and long term safety of residents.
3. There are two buildings on site which are to be demolished. Due consideration should be given to the presence of asbestos (notably as roofing sheets) and correct procedures observed during demolition.
4. 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.”

Glamorgan Gwent Archaeological Trust – Was consulted on 14<sup>th</sup> December, 2005 and comment as follows:

“The regional sites and Monuments Record curated by this trust shows that the application falls within an area of considerable archaeological activity. The A48 follows the route of the former Roman road running between Chepstow and Loughor. Remains of Roman settlements and cemeteries are often found aligned along the edges of the roads. To the northwest of the application area lies the Iron Age Settlement of Llanquian Wood and the Medieval site of Castell Coch to the north. Furthermore, a number of finds relating to Mesolithic, Neolithic and Bronze Age activity have been made in the immediate vicinity comprising a total of 31 flint and chert objects were discovered just to the north and west of the application area. Amongst the assemblage were high quality objects such as barbed and tanged arrowheads and a Neolithic polished stone axe head. The flint artefacts are relatively rare in Wales with the nearest flint sources being some distance away, most likely being from the Gower or the coastal region. In relation to the axe head, these are often associated with high status and will have most likely been imported over some distance. The closest known axe factories are located in southwest Pembrokeshire and on the Ellyn Peninsula at Mind Rhea. It is therefore possible that significant archaeological features are situated within the application area, which could be affected by the development.

In cases where important archaeological features are thought to be located inside an application area, Planning Policy Wales 2002 Section 6.5.1 notes that “*the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled.*” The more detailed advice in Welsh Office Circular 60/96, Section 13, recommends that “*where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.*”

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members.

We recommend that this work is undertaken to a brief approved by yourselves and, upon request, we can provide a suitable document for your approval.”

### REPRESENTATIONS

Neighbouring occupiers were notified on 14<sup>th</sup> December, 2005 and the application was advertised on site and in the press on 21<sup>st</sup> December, 2005. No objections were received.

### REPORT

The application seeks consent for a residential development at the Caravan Hospital off the A48. The site lies outside any identified Residential Settlement Boundaries, forms part of the open countryside and is just outside Upper and Lower Thaw Valley Special Landscape Areas.

The proposal can be assessed against Strategic Policies 1 and 2 and Policies ENV1 – Development in the Countryside, ENV9 – Conservation of the Countryside; ENV25 – Design of New Developments, HOUS3 – Dwellings in the Countryside, EMP5 – Protection of Land for Employment Uses and TRAN9 - Parking of the adopted Vale of Glamorgan Unitary Development Plan 2005, the Council’s adopted Supplementary Planning Guidance Note on ‘Amenity Standards’ 1999, the South Wales Parking Guidelines and Planning Policy Wales (March 2002).

The main issues relate to the principle of siting private residential dwellings in the countryside/on employment land outside a settlement boundary, the design of the dwellings and the layout of the site and the effect of the scheme on the surrounding countryside.

The site lies within the open countryside on a site that is not within a designated residential settlement boundary, that can be considered to be suitable locations for accommodating further residential developments. The justification for this is clarified within the accompanying text to Policy HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005:

“Those rural villages not identified in Policy HOUS2 are considered not to have sufficient physical form or capacity to assimilate new residential development without having a detrimental impact on their existing character and environment. Additional residential development in certain villages will not be permitted in order to protect their character and appearance. Consequently these have been excluded from Policy HOUS2. Furthermore, the many groups of scattered and loose knit buildings in the Rural Vale cannot be regarded as settlements under the terms of Policy HOUS2. These are little more than pockets of dwellings and farmsteads lying in isolation in the countryside. Additional dwellings would be inappropriate in these locations unless justified in the interests of agriculture or forestry.”

Therefore, this proposal can be considered to constitute development within the open countryside, with new housing being restricted only to housing that can be justified for the forestry and agricultural purposes. No such justification has been included within the application and it can be assumed that the proposal is for private housing. Paragraph 9.2.18 of Planning Policy Wales states “new houses in the countryside away from existing settlements recognised in UDPs must be strictly controlled.”

However, Policy ENV1 defines the countryside as that area of land lying outside residential settlement boundaries which has not been developed for employment use (Use Classes B1, B2 or B8) or allocated in the Plan for development purposes. Given that the existing use as a caravan/motor home repair and maintenance business falls within Use Class B2, the majority of the site (excluding the open areas with a licence for five 28-day holiday pitches) is exempt from the UDP definition of countryside. Nevertheless, new housing development on the site would constitute unjustified development in a countryside location.

Although the site is classified as brown field land, paragraph 2.7.1 of Planning Policy Wales states that not all previously developed land is suitable for development and paragraph 2.7.2 refers to the relevance of location. In terms of accessibility, the site is located directly off the A48. However, the site is not well served by public transport and there are no easily accessible facilities and services in the vicinity of the site and therefore, the future residents would be largely dependent on the private car for access to schools, shops and employment, contrary to Strategic Policy 2 of the UDP. Paragraph 9.2.18 of Planning Policy Wales states that in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside away from established settlements recognised in UDPs must be strictly controlled. The continuation of the current business use or its replacement with an alternative business use would probably generate a large number of trips. However, it is considered that the development of five large five bed roomed houses in this location would also generate a considerable amount of car movement in and out of the site through out the week. Therefore, it is considered that the site is not a sustainable location for new housing.

Policy EMP5 aims to protect existing employment sites against other forms of development outside classes B1, B2 and B8. Whilst it is the applicants intention to relocate the business to a site in Barry, the proposal would result in the loss of an existing employment site, while, the Policy does not permit a residential uses on existing employment sites. The agent has submitted four letters of support from other caravan related businesses which rely on the Caravan Hospital and a letter from Fletcher Morgan Chartered Surveyors confirming that they have been instructed to identify and acquire a suitable site for the relocation and expansion of the business. In order to fund the relocation of the business and the two other satellite sites in the Vale of Glamorgan and Cardiff, the applicant has decided to redevelop the site in St. Hilary for residential use to support the acquisition of a single site on Cardiff Road, Barry.

Whilst the most attractive and lucrative development of the site from the applicants point of view would clearly be for residential use, it is considered that alternative business uses within Use Classes B1, B2 or B8 should have been explored. This would accord with Policy EMP5 of the UDP and paragraph 7.6.9 of Planning Policy Wales which emphasises the important role that the re-use and adaptation of rural buildings has in meeting the needs of rural areas for commercial and industrial development. In the absence of such marketing, any redevelopment is considered inappropriate and to breach Policy EMP5.

Although the applicants desires to cross-finance any move to Barry are appreciated, this is not considered to provide sufficient justification either for the loss of an existing rural employment site, or for residential re-development.

In addition to the loss of an established employment site, it is considered that the development of five substantial new houses in this location would be detrimental to the visual amenities of the surrounding countryside. The existing buildings are relatively well screened from the A48 and, due to their location and scale, have little impact in views along the road. One of the most noticeable features of the site is the proliferation of parked caravans but the effect of these is minimised by setting them back into the site away from the road. The proposal for five large dwellings across the site will result in an encroachment into the open countryside beyond the extent of the existing buildings.

Despite the proposed use of increased landscaping and screening, the scale and location of the dwellings, particularly plot 1, will result in a more prominent and visually intrusive form of development in the open countryside than the existing relatively inconspicuous buildings on the site. In addition to this, the proposed landscaping measures are likely to be thinned out in the future to improve residential views from the proposed balconies and garden areas. Consequently, the development would have a serious detrimental impact on the rural character and appearance of the surrounding area, contrary to Policies ENV1 and ENV9 of the UDP and paragraph 9.2.18 of Planning Policy Wales.

With regard to the design of the dwellings and the layout of the plots within the site, it is considered that the scheme generally complies with the advice contained within the adopted Amenity Standards SPG and the Council's approved Parking Guidelines in terms of the provision of sufficient private outdoor amenity space and on-site parking. The access off the A48 is already in place to serve the Caravan Hospital.

Finally it is noteworthy that a not dissimilar proposal relating to the re-development of GMG Garage at Ewenny was similarly dismissed at appeal in 2002 on employment, visual and sustainability grounds.

04253

## RECOMMENDATION (W.R.)

### REFUSE

#### Reason(s):

1. The proposal, by reason of its location would represent an unacceptable form of development in the countryside outside an identified settlement that cannot be justified in the interests of agriculture and forestry and would cause demonstrable harm to the established rural character of the locality, contrary to Policies ENV1, HOUS3 and ENV9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2002).
2. This proposal for five new dwellings would constitute an isolated and unsustainable form of residential development in the open countryside and, as such, would be contrary to the aims and objectives of Strategic Policy 2 and Policies ENV1 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2002).
3. The proposal would result in the unjustified loss of an established rural employment site, contrary to the objectives of Policy EMP5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and advice contained within Planning Policy Wales (2002).

**05/01929/FUL**

Received on 15th December, 2005

Newydd Housing Association, Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff.  
CF15 7NE  
(Boyer Planning Limited, 33-35, Cathedral Road, Cardiff. CF11 9HB )

### **14A & 14B, BARRY ROAD, BARRY**

Subdivision of two adjoining dwellings to six self-contained flats to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background

#### **SITE DESCRIPTION**

The application relates to two adjoining properties at Nos. 14a and 14b Barry Road. The agent has stated that the properties are currently vacant but were previously used as part of a supported housing project for vulnerable families. This former use has relocated elsewhere. No. 14a is the larger property being three storey in height and having 6 bedrooms. No. 14b is two storey in height with 2 bedrooms.

#### **DESCRIPTION OF DEVELOPMENT**

The application is seeking to change the use of the property from two dwellings to six self contained flats to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background. Each flat will comprise a combined kitchen and living area, a bedroom, bathroom or en-suite shower room. No extensions or major alterations to the building are proposed, with only minor alterations to door and window openings.

#### **PLANNING HISTORY**

87/01133/FUL – Planning permission was granted on 5<sup>th</sup> January, 1988 for a new build scheme on the site of Nos. 12/14 Barry Road to comprise 6 bedsits with shared facilities and warden accommodation.

86/00786/FUL – Planning permission was granted on 23<sup>rd</sup> September, 1986 for a dwelling at Nos. 12/14 Barry Road, Barry.

86/00024/FUL – Planning permission was granted on 11<sup>th</sup> March, 1986 to change the use of a shop and residential unit at No. 14 Barry Road to a shared dwelling.

#### **CONSULTATIONS**

Barry Town Council - has been consulted, and has no objection subject to the Local Planning Authority being satisfied with proposals for on-site parking, access and amenity space provision, including access to the rear garden by all future occupiers.

The Head of Visible Services (Highways) – Has stated that it is considered that vehicle ownership at the site is likely to be low and so three off-road parking spaces would be considered sufficient.

The Director of Legal and Regulatory Services (Environmental Health – Housing) has made a number of comments relating to fire safety regulations.

## REPRESENTATIONS

Neighbouring occupiers have been consulted and a site notice has been posted. Neighbouring residents in Main Street, Little Main Street, Barry Road, Church Road, Churchfields and Robins Lane have objected to the application. A copy of the letters received from the owner/occupiers of Nos. 2 Robins Lane, 9 Barry Road and 16/18 Barry Road are attached as Appendix A to provide examples of the concerns expressed. The main objections to the proposal can be summarised as follows:

- Potential impact on the area in terms of crime and anti-social behaviour.
- Insufficient consultation has taken place by the project leaders with the business community and local residents.
- The property is in an inappropriate location for such a scheme, in an area where there is an existing problem of substance misuse. For example, the site is close to Cadoxton School.
- Potential for increased noise pollution from the site.

Mr. John Smith MP corresponded with the Council on the 7<sup>th</sup> February, 2006 to which he attached a letter of objection from the occupiers of No. 56 Churchfields. (See Appendix B. Councillor Neil Moore corresponded on the application, a copy of which is attached at Appendix C).

## REPORT

The development plan comprises the Vale of Glamorgan Unitary Development Plan 2005. The site is located just outside the Main Street local shopping centre. The application has been assessed with regard to the following policies of the Unitary Development Plan:

1. Policy HOUS9, which states that residential development will be permitted which is within defined settlement boundaries provided that it meets criteria, including that:
  - The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
  - The provision of car parking and amenity space is in accordance with the Council's approved guidelines.



2. Policy HOUS10 states that the conversion of large dwellings into small self contained dwelling units will be permitted if:
  - The scale and form of the proposed development is in keeping with surrounding uses.
  - The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems and visual intrusion; and
  - The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
  
3. Policy ENV25 which relates to the design of new developments.

The application has also been considered in the light of the Council's adopted Supplementary Planning Guidance on Amenity Standards and the approved Car Parking Guidelines.

The application forms part of the Croes Ffin project; a partnership initiative between the Vale of Glamorgan Council and Cardiff County Council, which aims to provide 18 bed spaces (9 in each Authority) for persons who are homeless or recently homeless that are leaving treatment centres and/or prison. This development provides 6 of the 9 required bed spaces with the remaining 3 proposed in a similar planning application at No. 248 Holton Road, Barry.

To clarify, the concern expressed by local residents and businesses regarding the nature of future occupiers of the proposed development is not a valid planning matter that can be taken into account in the determination of the application. The main issues with regard to the application are considered to be the impact of demand that the proposed use of the property would have on the provision of amenity space and car parking.

In terms of car parking, the Car Parking Guidelines require self contained flats to have 1 to 2 spaces per unit. However, the Guidelines acknowledge that for certain developments where there is evidence of low car ownership levels, a relaxation of the parking requirements may be considered. The Head of Visible Services (Highways) has stated that as vehicle ownership at the site is likely to be low, and so the three off-road parking spaces shown on the submitted plans would be considered sufficient.

The Council's Amenity Standards states that private communal areas accessible to all occupants should be provided to serve flatted developments, recommending that developers should aim to provide a minimum of 20 square metres of amenity space per person. In this case this equates to a requirement of 120 square metres.

The site is of sufficient size to provide the required standard of amenity space. Condition No. 3 requires the submission of additional details to indicate the setting out of the amenity area and how access to it would be achieved for all future occupants of the development.

The application was reported to Planning Committee on the 16<sup>th</sup> February, 2006 when consideration was deferred to allow Members to carry out a site visit.

On the basis of the above, it is considered that the proposed development is acceptable and accords with the relevant policies of the Council.

04219

### 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 car parking spaces and turning areas shall be provided in accordance with the revised plans, reference 05/0199/FUL dated 20th January, 2006, hereby approved. The car parking and turning areas shall be so maintained at all times within the curtilage of the site for the parking of motor vehicles associated with the residential use of the flats hereby approved.
3. Notwithstanding the submitted plans, prior to the beneficial occupation of the flats hereby approved, the amenity space shall be laid out and be so maintained at all times thereafter in accordance with full details which shall have first been submitted to and agreed in writing by 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.

#### Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of highway safety.
3. To ensure an orderly form of development.
4. To safeguard local visual amenities.

**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.**

**05/01930/FUL**

Received on 15th December, 2005

Newydd Housing Association, Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff.  
CF15 7NE  
(Boyer Planning Limited, 33-35, Cathedral Road, Cardiff. CF11 9HB )

**248, HOLTON ROAD, BARRY**

Change of use of vacant offices to 3 no. 1 bedroom flats and ground floor office to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background

**SITE DESCRIPTION**

The application site relates to an existing three-storey, mid terraced property, fronting Holton Road, Barry, located within the upper Holton Road District retail centre. The ground floor of the premises was formerly an office used for "Care & Repair in the Vale" which accommodated two separate offices at ground floor and at first floor level a meeting room and computer training room with toilet facilities with an external means of escape to the rear yard and at second floor two separate offices.

**DESCRIPTION OF DEVELOPMENT**

The planning application seeks the change of use of a vacant office to three one-bedroom flats and a ground floor office to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background.

The ground floor accommodation will comprise a managers office to the front of the building and to the rear a self contained one bedroom flat with access into the rear yard. The first floor and second floors will comprise of two further flats with a separate communal area on the first floor to provide access to residents via the existing external staircase to the rear yard.

The proposal includes a replacement shop front consisting of a timber glazing system with low level louver ventilation and a hardwood steel front door with stainless steel furniture. The existing fascia sign will be removed and replaced by a new stone surround.

**PLANNING HISTORY**

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

**CONSULTATIONS**

Barry Town Council – Has been consulted and has no objection in principle subject to the Local Planning Authority being fully satisfied that sufficient space is available on site to provide the necessary levels of amenity space and on-site car parking and that an appropriate balance can be achieved between the two.

The Head of Visible Services (Highways Development) - Was consulted on the application and has made the following comments:

“It is noted that the development site is located within walking distance of all public amenities including public transport facilities that will serve the needs of the development. Additionally, it is considered that based on the proposed use at the site vehicle ownership and subsequent traffic generation would be very low.

In considering the level of required parking, it is considered that 1.5 parking spaces would normally be required to serve the development proposals, based on the parking standard for conversions. However, due to the location of the development site and the nature of the proposed use, it is considered that there would be no detrimental impact on the highway network in the absence of residential parking facilities.

Therefore, the Highway Authority are unable to sustain an objection to the development proposals provided that a “personal condition” is imposed on the applicant to maintain the nature of residential use at the site.”

### REPRESENTATIONS

Adjoining occupiers were notified on 23<sup>rd</sup> December, 2005 and to date one letter of representation has been received, which raised an objection to the application. The objection relates to the nature of the people who would reside at the property. The letter is attached as Appendix A.

### REPORT

The development plan comprises the adopted Vale of Glamorgan Unitary Development Plan 2005. The application site lies outside the primary shopping area of Holton Road in what is a secondary retail area, although it does fall within the Upper Holton Road District Centre. Policy Shop 11 – Upper Floors in Town and District Shopping Centres, states that within Town and District shopping centres proposals for the beneficial use of vacant upper floors of commercial premises will be permitted if the proposal:

- (i) Has no unacceptable effect on neighbouring amenities.
- (ii) Provides parking and servicing in accordance with the Council’s approved guidelines; and
- (iii) Incorporates a high standard of design.

In respect of the residential use of upper floors in district shopping centres the Council will adopt a flexible approach in assessing the need for amenity space and parking spaces.

In relation to the assessment of the conversion of the property into three flats, the relevant policy is HOUS2 of the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy supports such conversion within the settlement boundary of Barry, where the following relevant criteria are met.

- (1) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (4) The provision of car parking and amenity space is in accordance with the Council's approved guidelines.

Also relevant is Policy ENV25 – Design of New Developments which states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Consideration should also be given to the policies and guidance set out in the adopted Amenity Standards Supplementary Planning Guidance and the South Wales Parking Guidelines.

To clarify, the concerns expressed in the letter of objection regarding the nature of the future occupiers is not a valid planning consideration that can be taken into account in the determination of the application. However notwithstanding this, Planning Policy Wales (March 2002) states as one of its key policy objectives that planning policies and proposals should:

“Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account.”

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on 'amenity standards', which includes guidelines for such, within which Policy 2 in particular states that “the Council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development”. The supporting text to this policy states that “the provision of adequate and usable private amenity space is extremely important to meet the requirements of residents for functional and relaxation space”, with standards established for flatted developments stating that developers should aim to provide a minimum of 20 square metres of private amenity space per person.

The proposed flats are based on single person occupancy and as such would only accommodate three people which would require amenity space provision of 60 square metres. The existing rear yard would provide an amenity area of some 50 square metres which, whilst representing a slight shortfall in relation to the Council's standards, is nevertheless considered to be of sufficient size to serve the development having regard to the flexibility referred to in Policy Shop 11 above. Furthermore, the amenity space would be readily accessible to all occupiers, given the existing external stair access from the communal room at first floor level. Therefore the amenity provision as a whole is considered acceptable subject to a condition requiring the submission of a layout.

In considering the level of required parking, the Head of Visible Services (Highway Development) states that 1.5 parking spaces would normally be required to serve the development proposals, based on the parking standard for conversions. However, due to the location of the development site and the nature of the proposed use, it is considered that there would be no detrimental impact on the highway network in the absence of residential parking facilities. It should also be noted that the former office employed ten staff and therefore, as a whole, the demand for on-street parking will actually decrease as a result of the proposed development.

In relation to the replacement shop front the timber glazing system and replacement hardwood door will improve the external appearance of the building from the street elevation, subject to the submission of samples by way of condition.

The application was reported to Planning Committee on 16<sup>th</sup> February, 2006 when consideration was deferred to allow Members to undertake a site visit.

To conclude, it is considered that there are no overriding reasons to refuse this application and an approval is recommended.

04224

### 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. Details of the materials and colour of the external finishes of the proposed replacement shopfront, door and new stone fascia shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
3. Notwithstanding the submitted plans a scheme for the layout of amenity space shall be submitted to the Local Planning Authority for their approval in writing and shall be laid out in accordance with the agreed scheme and thereafter shall be so maintained at all times to serve the three flats hereby approved.

#### 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 provision of amenity space to serve the development hereby approved.



**NOTE:**

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

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

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

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

**05/01956/FUL**

Received on 20th December, 2005

T. & S. Karim, C/o Agent.  
(Lewis Webb (Architect), 24, Mill Road, Llanishen, Cardiff. CF14 0XB )

## **THE BEECHES, ST. NICHOLAS**

Proposed stables and garages to replace existing ruins

### **SITE DESCRIPTION**

The application site comprises an existing detached house with detached garage and associated outbuildings, plus agricultural land, all located in the countryside to the west of the village of St. Nicholas.

### **DESCRIPTION OF DEVELOPMENT**

This is an application for full planning permission for the erection of a single storey, hipped roof garage, workshop and stables on land to the west of the existing dwelling "The Beeches". The proposed building will be sited approximately 14m south from the back edge of the A48. It will measure 24.8m by 6m to a ridge height of approximately 6m. The building will be finished in a mix of render and natural stone with a slate roof and projecting vent feature centrally positioned on the main ridge. The proposed building will accommodate a triple garage, hay storage, a workshop and 2 No. stables. Vehicular access will be via the existing track off the A48. In addition the submitted plans indicate a landscaped shrubbery belt, between 7m and 11.5m in depth, to the boundary with the highway.

### **PLANNING HISTORY**

84/01146/OUT – Single dwelling. Refused 29<sup>th</sup> January, 1985. A subsequent appeal was dismissed.

87/01025/OUT – Refurbishment of existing stone building to form dwelling. Refused 17<sup>th</sup> November, 1987.

93/00323/OUT – Single dwelling and garage. Refused 3<sup>rd</sup> June, 1993.

98/00586/FUL – Rebuild former house. Refused 30<sup>th</sup> July, 1998 on the grounds of unjustified intensification of existing sporadic residential development and highway safety. A subsequent appeal was dismissed on 13<sup>th</sup> October, 1993. A copy of the decision notice is attached as Appendix A.

00/00748/FUL – Alterations and extensions, including swimming pool, dog run and raising of boundary wall. Approved 13<sup>th</sup> October, 2000.

### **CONSULTATIONS**

St. Nicholas and Bonvilston Community Council – “Not recommended. Outside village envelope. Previously refused in spite of appeal. There was never a cottage on this land. There was a small cow shed”.

Environmental Agency – Have submitted their “Standard Advice “ Guidance Note for Developers only.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 6<sup>th</sup> January, 2006. In addition a site notice was posted on 12<sup>th</sup> January, 2006. A letter of objection has been received from the St. Nicholas Society. A full copy is attached, as Appendix B, however, the main points of concern relate to precedent; unjustified as there are existing garages; the ruin was a pigsty and not a cottage; previous appeal dismissed and no reason for change; plus the ground is unsuitable for keeping livestock.

## REPORT

The site is located in the countryside outside of the settlement boundary for St. Nicholas. The land on which the proposed building is to be sited is also outside the currently authorised residential curtilage for the existing dwelling “The Beeches”. As such the following Policy background is relevant to the determination of the application.

Policy ENV1 of the adopted Vale of Glamorgan Unitary Development Plan 2005 relates to development in the countryside and seeks to protect such areas from inappropriate development.

Policy ENVXXX – Special Landscape Areas allows for new development within or closely related to such areas where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area. It is noted that the site is located within the Dyffryn Basin and Ridge Slopes Special Landscape Area.

Policy ENV8 refers to horse related development, with such development generally allowed subject to certain criteria, including the requirement that it should not unacceptably affect the character and appearance of the locality.

Policy ENV25 relates to the design of new development and is again a criteria based Policy that requires that new development must have full regard to the context of the local natural and built environment and its special features.

National guidance is contained in Planning Policy Wales March 2002. Chapter 5 recognises the importance of protecting the environment of Wales for its own sake and for the health and the social and economic well being of individuals and communities.

In assessing the proposal against the above Policies and Guidance the following points are noted.

The proposal entails the construction of a large scale building which will be prominent in the landscape. Not only will it be visible from the A48 but there is also a public right of way located to the west of the site. The development is also visible against the backdrop of the Dyffryn Basin and Ridge Slopes Special Landscape Area, an area that is designated for its quiet rural character, and the ridge slopes that form an important backcloth to the main gateway into the Vale. It is noted that only a small portion of the building is given over solely to stabling uses, a large part of its use, and certainly the whole of its character and appearance, is for domestic use in connection with the existing dwelling. The land is currently outside of the authorised residential curtilage and it is considered that the introduction of the proposed development, along with extended courtyard and landscaped shrubbery, will all serve to alter the character and appearance of the land from rural to an extension, and consolidation of the existing residential use. Such development is considered to be neither justified or acceptable in planning terms. The existing dwelling already has garaging and a more than sufficient garden curtilage.

It is noted from the planning history that a number of applications have been submitted on the same site for a new detached dwellinghouse. All have been refused, with the last in 1998 being dismissed on appeal. A copy of that appeal decision is attached at Appendix A. It is noted that the agents for that application, reference 98/00586/FUL, are the same agents as the current application. A comparison of the plans submitted for the proposed dwelling in 1998 with those for the current building, indicate that the size and scale of the building now proposed is larger than the 1998 dwelling. Thus it is considered that the current proposal is tantamount to a new dwelling both in terms of its size, scale and character and its impact on the surrounding countryside. The appeal Inspector stated that "In my opinion the proposed new house and the associated things that go with domestic occupation would degrade the attractive rural character of the area making it less rural and would mar its appearance by making it less open and more built up". It is considered that the same would apply to the current proposal.

On the issue of highways it is noted that the previous applications for a dwelling on the site were also refused on highway safety grounds. The Council's Highway Engineer has not raised a highway objection on this occasion on the grounds that the proposed development would be associated with the existing residential use.

In conclusion it is considered that the proposal represents unjustified development in the countryside that would extend and consolidate the existing, sporadic residential development and seriously detract from the unspoilt rural character and appearance of this Special Landscape Area.

In view of the above the following recommendation is made.

04247

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represents an unjustified extension and consolidation of the existing sporadic residential development into the countryside that would adversely affect the character and appearance of the unspoilt, undeveloped rural landscape of the Dyffryn Basin and Ridge Slopes Special Landscape Area, contrary to Policies ENV1, ENV8, ENV25, ENVXXX - Special Landscape Areas, of the Vale of Glamorgan Unitary Development Plan 2005; and national guidance contained in Planning Policy Wales March 2002.

**05/01989/FUL**

Received on 23rd December, 2005

K. Batten, C/o. Agent  
(Morgan Thomas Richey, Branton House, 1A, Gower Street, Cardiff. CF24 4PA )

## **THE CITY INN, CITY, LLANSANNOR**

Refurbishment, extension and regeneration of former public house and land to 5 no. cottage dwellings

### **SITE DESCRIPTION**

The application site relates to a public house and restaurant at City Inn, City. The public house includes a bar, restaurant, games room, toilets and a kitchen and is a combination of single and two storey elements with a car park to the front and rear. The site lies to the east of the village, to the west of a large detached dwelling at Haulfryn and to the south-west of a disused quarry.

The plot is approximately 2090 sq. m and access to the site will be gained via the existing access to the front and rear car parking areas.

It lies in the open countryside and the Upper Thaw Valley Special Landscape Area outside any designated residential settlement boundary. The building is not listed and does not lie within a Conservation Area.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks Planning Permission to convert, extend and alter the public house and ancillary living accommodation into 5 No. cottage dwellings with garden space at the rear.

It is proposed to demolish the flat roof toilet block to the eastern end of the building and construct a two storey pitched roof extension in its place. This element of the building will project 3.5m beyond the established building line of the main element of the City Inn and it is 6.2m wide. The eaves and ridge heights of this part of the works match the existing building. It will accommodate a three bedroom unit with a lounge/dining room, hallway, kitchen and w.c. at ground floor and three bedrooms, an en-suite and a bathroom at 1<sup>st</sup> floor. This unit will be approximately 800mm from the retaining wall with the adjoining property.

The single storey games room/toilet block with pitch roof to the western end of the building is to be extended to create a first floor above with pitched roof dormer windows. The eaves and ridge heights for this element of the works are lower than the main building at 3.5m and 5.7m respectively. It will accommodate a three bedroom unit with a living room, dining room, hallway, kitchen and w.c. at ground floor and three bedrooms, an en-suite and a bathroom at 1<sup>st</sup> floor.

The remainder of the building will be sub-divided into another three residential units. The central bar area will accommodate a three bedroom unit with a living room/dining room, hallway, kitchen and w.c. at ground floor and three bedrooms, an en-suite and a bathroom at 1<sup>st</sup> floor.

The existing restaurant and kitchen area and living accommodation above is to be converted into two apartments – one at ground floor and the other at first floor. The ground floor unit will include a lounge/dining room, hallway, kitchen, w.c., three bedrooms and two bathrooms and the 1<sup>st</sup> floor apartment will include a combined kitchen/lounge/dining room, three bedrooms and two bathrooms. The 1<sup>st</sup> floor apartment will have access to a terrace and roof garden area at the front of the property.

Other alterations include a small two-storey infill extension with pitched roofs to the rear of the existing bar area, alterations to the main porch/entrance area and new windows and openings. The extensions will be constructed of reconstituted stone walls with a painted smooth and textured render finish, a synthetic slate roof and uPVC windows and rainwater goods.

There is approximately 680 sq. m of outdoor amenity space with the majority of this being provided at the rear of the site. It is proposed to provide 12 No. on-site parking spaces – 2 No. spaces per unit plus 2 No. visitor parking spaces.

### PLANNING HISTORY

99/01043/FUL - Land to rear of City Inn. New house, approved 9<sup>th</sup> December, 1999.

94/00318/FUL - Infill plot, adjacent to City Inn. 4 bedroom detached house and garage, approved 19<sup>th</sup> July, 1994.

94/00084/FUL - Infill plot (middle plot of 3), adjacent to City Inn. 4 bedroom detached house and garage, withdrawn.

91/00018/FUL - Plot 2 land adjoining the City Inn, proposed 1 No. executive dwelling, approved 19<sup>th</sup> March, 1991.

90/01066/FUL - Existing chalet building adjoining the City Inn. Convert existing chalet building on plot 1 to dwelling, approved 15<sup>th</sup> January, 1991.

90/00216/FUL - Land adjoining the City Inn. Private house, approved 5<sup>th</sup> June, 1990.

89/01413/FUL - Land adjoining the City Inn. Convert existing chalet buildings to 2 No. executive houses, approved 16<sup>th</sup> January, 1990.

89/01041/FUL - Male and female toilet extension, approved 8<sup>th</sup> September, 1989.

88/00110/OUT - Land adjoining the City Inn. Proposed change of use of existing chalet building to 2 No. executive dwellings and erection of 1 detached dwelling on existing slab, approved 26<sup>th</sup> July, 1988.

80/00417/FUL - Adjacent to chalets at the City Inn. Erection of two executive suites, approved 13<sup>th</sup> May, 1980.

## CONSULTATIONS

Penllyn Community Council - Were consulted on 11<sup>th</sup> January, 2006. The following detailed comments were made:

“Objection. Members have received strong representation from the local community regarding this proposal, which is regarded as having a very detrimental effect on the village. The City Inn is an integral part of the village, which is relatively isolated and has few facilities. Members hope that the Vale Council will apply the Policies set out in the UDP which presume against the loss of amenities and change of use.”

The Head of Visible Services (Highway Development) – Was consulted on 16<sup>th</sup> February, 2006. Comments will be reported to Planning Committee.

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) - Was consulted on 11<sup>th</sup> January, 2006. Comments will be reported to Planning Committee.

Environment Agency – Were consulted on 11<sup>th</sup> January, 2006. “The Agency wishes, in the absence of any details on the surface water and foul water disposal, that the following condition is included in any planning permission granted:

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

Reason: To prevent pollution of the water environment.”

Dwr Cymru/Welsh Water - Were consulted on 11<sup>th</sup> January, 2006. “We advise that there are no public sewers in this area. It may be possible for the developer to requisition sewers from Dwr Cymru Welsh Water under Sections 98 to 101 of the Water Industry Act 1991.”

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted on 11<sup>th</sup> January, 2006. Her comments are as follows:

“If the application proposals are acceptable on policy grounds the following ecological comments apply.

### Bats

The building(s) which are the subject of this application may provide potential roost sites for bats.



It is recommended that the developer be made aware that British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.

If the proposed works will affect the roof or roof space of the building it is recommended that a full bat survey of the building(s) be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

### Nesting Birds

The building and vegetation on this application site may be used by nesting birds. It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

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

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

The derogation (in the form of a licence) is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

There is “no satisfactory alternative” to the derogation.

The derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

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

Glamorgan Gwent Archaeological Trust – Were consulted on 11<sup>th</sup> January, 2006. “The information held in the Regional Sites and Monuments Record curated by this division of the Trust indicates no recorded archaeological features within the area of the proposed application. It is therefore unlikely that archaeological material would be located during the planned development. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this Division of this Trust. Nevertheless, as the archaeological advisers to your Members, we have no objection to the determination of this application.”

## REPRESENTATIONS

Neighbouring occupiers were notified on 11<sup>th</sup> January, 2006. A 352 name petition was submitted by the Village Hall against the proposal and the occupiers of Waun Wen, Windy Ridge, Melin Wynt, No. 6 Cwrt yr Iolo, Llwyn Crwn, Gelli Goll Farm, Church Farm, Cae Rhys Ddu, Greenacres, Ty Newydd, Greenfields, Groes Newydd, No. 1 Cowshed Lane (Bassaleg), Degar Farm, The Stables, Anna Livia, Argoed Isaf, Windmill Farm, Milkwood, No. 43 Tylacoch, Is-y-Coed Farm, Argoed House, Creigfan, Ty Fry Farm, No. 28 Maple Close, Flat A, No. 114 Chesterfield Road North (Mansfield), Uplands, No. 23 Lindley Street (Mansfield) have objected to the proposal on the following grounds:

- The loss of the only community facility in the village and the focal point of the community.
- The increased levels of traffic along the surrounding country lanes.
- The City Inn used to be a thriving and vibrant pub and a viable business.
- The knock on effects on surrounding businesses such as tourist accommodation and caravan parks.
- LAMBS (Llansannor Ancient and Modern Buildings and Settlements) has identified the City Inn as a local treasure to contribute to the Vale of Glamorgan Treasures Survey 2003.
- The proposal is contrary to the Council’s policies in the adopted Unitary Development Plan.
- The loss of a car park for village events.

- The pub is on the Millennium Trail route.

Five letters (including the covering letter to the petition) that are generally indicative of the points raised are attached as Appendix A to this report. All other letters are retained on file for inspection by Members of the Planning Committee.

Councillor C.V.L. Clay has also objected to the application on the basis that it would “destroy the heart of this village. Until recently...it was a very popular meeting place and many village functions took place there.”

John Smith MP has registered his objection to the planning application on the grounds that it would deprive the residents of Llansannor of an important local amenity.

## REPORT

The site lies in the open countryside and the Upper Thaw Valley Special Landscape Area but outside any designated Rural Settlement Boundaries. The proposal can be assessed against Strategic Policies 2 and 8 and Policies ENV1 - Development in the countryside, ENV7 – Small scale rural conversions, ENVXXX – Special Landscape Areas, HOUS3 – New dwellings in the countryside, HOUS12 – Residential privacy and space, COMMXXX – Retention of community facilities and TRAN9 - Parking of the adopted Vale of Glamorgan Unitary Development Plan 2005; Planning Policy Wales (March 2002) and the Council's approved parking guidelines, the adopted Supplementary Planning Guidance Notes on 'Amenity Standards' (1999) and the 'Conversion of Rural Buildings' (2005) and Technical Advice Note (Wales) 6: Agricultural and Rural Development (2000).

The main issues relate to the loss of the community facility, the design of the new extensions and alterations and its impact on the character and appearance of the surrounding countryside and the Upper Thaw Valley Special Landscape Area, the potential impact on the privacy and amenities of neighbouring and future occupiers and the provision of functional amenity space and on-site parking.

The City Inn is a popular public house and, due to its rural and remote location and the lack of any other public facilities such as shops or a post office, it is considered an integral part of the community. Policy COMMXXX – Retention of community facilities states: The retention of community facilities in rural settlements will be favoured.

This policy favours the retention of community facilities in rural settlements and villages such as City. The supporting text states:

For the purposes of this Policy community facilities are defined as services which seek to primarily meet the needs of the rural communities. Facilities such as Village Shops, Post Offices, Churches, Community Halls and Public Houses provide an important service in rural areas and help engender a sense of community.

Development proposals for the conversion of existing community facilities to alternative uses will be assessed in the light of all material considerations including the availability and accessibility of alternative services. Proposals for the conversion of retail uses in local and neighbourhood centres to alternative uses will be assessed in conjunction with Policy SHOP9.

This accords with the general aspirations of paragraph 10.1.4 of Planning Policy Wales that reads “corner shops in urban areas, village shops in rural areas, as well as public houses and other individual outlets with a retail function which are not part of established centres, can play a vital economic and social role and their loss can be damaging to a local community.” The applicant has not submitted any supporting information with the application and, therefore, there is no indication of the financial viability of the public house. Furthermore, no details have been provided of the form and extent of marketing of the public house to demonstrate that there is no likelihood of a public house continuing to serve the local community.

In the absence of any such supporting information, and taking into account the significant number of local representations referring to the importance of the premises as part of the community, it is concluded that there exists no justification for the loss of the community facility, which would cause harm to the needs and character of the local area. It thus fails to accord with Policy COMMXXX.

The nearest pub to the City Inn is the Barley Mow in Graig Penllyn but this is outside the reasonable catchment area of the village. It is in a very prominent position at the eastern end of the village on a road junction. It also lies within the Upper Thaw Valley Special Landscape Area and Policy ENVXXX (Special Landscape Areas) states that:

“New development within or closely related to SLA’s will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the SLA.”

The majority of the scheme relates to the conversion of the existing premises. However, it is considered that the erection of a projecting two storey extension to the eastern end of the existing building close to the boundary with Haulfryn is considered to represent a cramped relationship between building and boundary. The building originally started as a cottage that developed into a public house and it has been extended and adapted over the years. This has resulted in an incoherent appearance and the proposed extensions are likely to contribute to this effect, to the detriment of the visual appearance of this building in a very prominent location within the Upper Thaw Valley Special Landscape Area.

Policies ENV1(i) and HOUS3 state that general development and new housing in the open countryside will only be granted where it is essential for agricultural or forestry uses. Therefore, the new build element of the scheme, including the creation of an end of row three bedroom private residential unit is contrary to these policies.

With regard to the conversion and adaptation of the remainder of the building, Policy ENV7 specifically notes that proposals to convert rural buildings will only be permitted if the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building and if the proposed conversion retains architectural or historic features present in the building.

Whilst the City Inn is not listed and is not within a Conservation Area, the building has a long history and it is considered that the conversion, domestication and sub-division of the building into 5 No. residential units would be detrimental to the appearance of the rural character of the building.

Paragraph 2.5 of the Conversion of Rural Buildings SPG states: “The most frequent proposals are to convert rural buildings, in particular barns, to residential use. Whilst this can often be the most financially attractive option it is generally the least desirable from a building conservation and sustainability point of view. Other uses may be more appropriate particularly where they require less physical alteration to the building. These may include farm shops, small business uses and community halls. Small businesses are particularly acceptable where they are appropriate to the rural scene.” The Supplementary Planning Guidance note also suggests that proposals to extend converted buildings are likely to detract from the character and amenity of a rural building and new openings should be avoided. It is considered that the proposed extensions and alterations to the fabric of the building will detract from the character of the building and the surrounding countryside.

It is considered that the sub-division of the building into five separate units and the proposed extension, and particularly the raising of the ridge height of the annexe adjacent to the highway the large first floor extension and the inclusion of domestic additions such as dormer windows will detract from the appearance of this prominent building within the Upper Thaw Special Landscape Area. The two-storey extension close to the boundary with Haulfryn in particular will increase the impact of the built development on the Special Landscape Area, contrary to Policies ENV1, ENV25 and ENVXXX.

In terms of sustainability and accessibility, paragraph 4.1.1a) of the SPG states that “the conversion of buildings for residential purposes should usually be located within established rural settlements or within reasonable accessibility to local services. Isolated residential development can have a detrimental effect upon the rural/agricultural character of the landscape and encourage private car use contrary to the principles of sustainability embodied in national policy and the UDP.” Strategic Policies 2 and 8 of the adopted UDP recommend that developments should be highly accessible and located to minimise the need to travel, especially by car.

Policy TRAN9 states that the provision of parking facilities will be "... related to: the type of land use, its density and location; existing and potential public transport facilities; the capacity of the highway network." Whilst the provision of 12 No. on-site parking spaces is sufficient for the occupiers of the proposed units, the scheme will result in the loss of a public car park which currently serves the community. As the public transport facilities in City cannot provide a suitable alternative to private car use it is considered that the scheme is contrary to the aims and objectives of the Unitary Development Plan. Paragraph 8.7.1 of Planning Policy Wales states that "when determining a planning application for development that has transport implications, Local Planning Authorities should take into account: the level and nature of public transport provision; accessibility by a range of different transport modes and the effects on the safety and convenience of other users of the transport network." This is accentuated by the loss of the existing community facility as a result of this proposal.

The proposed extension to the eastern end of the building would be close to the boundary with a residential property at Haulfryn. It is considered that the proximity of the two storey extension would have a detrimental impact on the privacy and amenities of the neighbouring occupier, contrary to the provisions of Policies ENV25 and HOUS12, The 'Amenity Standards' SPG and Planning Policy Wales. Policy HOUS12 states that "existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling." Paragraph 9.3.3 of PPW advises that "Insensitive infilling or the cumulative effects of development or redevelopment should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."

The elevated car park to the rear of the building will form the majority of outdoor amenity space to serve the future occupiers of the proposed units. The 'Amenity Standards' SPG advises that "usable, adequate and appropriate private amenity space" must be provided with residential developments and "privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings and features." It is considered that, with the exception of the roof terrace, the communal nature of the outdoor amenity space provided for the converted properties will not offer any privacy for the future occupiers, while it will also be overlooked by the other units. Therefore, the communal garden will not provide any private outdoor amenity space for the future occupiers of the proposed residential units, contrary to Policy ENV25 of the Unitary Development Plan and the adopted Supplementary Planning Guidance Note on 'Amenity Standards'.

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

04252

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the absence of any supporting evidence to the contrary, it is the opinion of the Local Planning Authority that the proposal will result in the unjustified loss of an established community facility which would neither safeguard nor enhance the quality, character or sense of community within the village and locality. Accordingly, the proposal is contrary to Policy COMM XXX - Retention of Community Facilities of the adopted Vale of Glamorgan Unitary Development Plan 2005 and national guidance contained in Planning Policy Wales 2002.
2. In the opinion of the Local Planning Authority the proposal represents the introduction of unjustified new dwellings in the countryside which would also increase the impact of the built development on the surrounding countryside and adversely affect the rural landscape setting of the Upper Thaw Valley Special Landscape Area contrary to Policies ENV1, ENV7, ENV25, ENVXXX (Special Landscape Areas) and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005, the Council's adopted Supplementary Planning Guidance Notes on the Conversion of Rural Buildings (2005) and Planning Policy Wales 2002.
3. The proposal, by reason of its scale and siting, would represent an overbearing and unneighbourly form of development, causing unreasonable loss of amenity to the occupiers of the adjoining dwelling 'Haulfryn'. It also fails to provide useable and private outdoor amenity space for future occupiers of the units, all contrary to Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the approved Amenity Standards Supplementary Planning Guidance Note (1999).

**06/00081/OUT**

Received on 23rd January, 2006

Mr. and Mrs. H. Anstee, 38, Smithies Avenue, Sully, Vale of Glamorgan.  
(Mr. and Mrs. H. Anstee, 38, Smithies Avenue, Sully, Vale of Glamorgan. )

**REAR GARDEN OF 38, SMITHIES AVENUE, SULLY**

Pair of detached three bedroom bungalows in rear garden

**SITE DESCRIPTION**

The application site forms part of the rear garden of a detached two storey house at No. 38 Smithies Avenue, Sully.

**DESCRIPTION OF DEVELOPMENT**

This is an outline planning application seeking consent to construct 2 No. detached 3 bedroom bungalows in the rear garden of No. 38 Smithies Avenue. Matters relating to siting and means of access have been included for approval now with all other matters reserved.

The plans indicate that an existing crossover off Oyster Bend would form the point of access to secure the proposed bungalows.

**PLANNING HISTORY**

The main history relating to this site is as follows:

74/1152 – A planning application was refused for the demolition of an existing house and the building of a two storey block to contain 4 floors. An appeal was dismissed in May 1976.

78/0946 – Planning permission was granted in October 1978 to demolish a bungalow at No. 38 Smithies Avenue and construction of a house.

79/1352 – Planning permission was granted in November, 1980 for the construction of 17 No. dwellings in the rear garden sections of Nos. 34, 36, 38, 42 and 44 Smithies Avenue.

81/606 – Full planning permission was granted in July 1984 for the erection of 17 No. bungalows at the site known as Oyster Bend. This layout actually included for the construction of the bungalow within the rear garden of No. 38 Smithies Avenue, Sully.

**CONSULTATIONS**

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



The Head of Visible Services (Highways) - Has objected to the proposal, stating that it constitutes over development in highways terms. Three parking spaces would be required within each plot according to the Council's guidelines, but only two per plot are shown to be provided. A turning area with a depth of 6 metres to the rear of each parking space is also required, but the plans indicate a turning area with a depth of only 4 metres. The proposed shared access is 3.2 metres in width, which is below the required 4.5 metres to allow two vehicles to pass side by side.

Environment Agency - Have no objections.

Dwr Cymru/Welsh Water - Has been consulted. No comments to date.

## REPRESENTATIONS

Neighbouring occupiers have been consulted. A letter of objection received is attached as Appendix A.

## REPORT

The development plan for the site comprises the Vale of Glamorgan Unitary Development Plan 2005. The application has been assessed with regard to the following policies of the Unitary Development Plan:

- Policy ENV25, which relates to design of new development.
- Policy HOUS2, which states that housing infill, small scale development and redevelopment which meets the criteria listed in Policy HOUS 9 will be permitted within the settlement boundaries.
- Policy HOUS9, which requires that the scale, form and character of new residential development is sympathetic to the environs of the site, has no adverse impact on the amenity and character of surrounding environments and parking and amenity space is in accordance with the Council's approved guidelines.
- Policy HOUS12, which states that existing residential areas characterised by high standards of privacy and spaciousness, will be protected against over development and insensitive or inappropriate infilling.
- Policy TRAN9, requires parking to meet the Local Planning Authority's standards for the form of development proposed.

The application has also been assessed with regard to the Council's Amenity Standards SPG and Car Parking Guidelines.

The proposal raises the following issues:

### Impact upon the Character and Appearance of the Site

The construction of the dwellings in part of the rear garden of the existing property would comprise an over-development of the plot and a cramped form of infill development that would be out of keeping with an area characterised by large properties which have relatively high standards of privacy and spaciousness. This would be to the detriment of the visual amenities of the area.

### Living Conditions for Future Residents

The Council's Amenity Standards require a minimum of 1 square metre of amenity area for 1 square metre of floor area of a proposed dwelling. Plot 1 would have a substandard level of amenity space of approximately 111 square metres, where compared with the floor area of the proposed dwelling of approximately 125 square metres. More importantly, the layout would not allow for sufficient private amenity space, as required by the Council's guidelines.

### Car Parking and Access Arrangements

The proposed arrangement constitutes a tandem form of development, with one dwelling to the rear of the other. This has the potential to cause future problems, such as noise and disturbance to neighbouring occupiers from traffic and the potential for vehicles to queue on the highway whilst waiting for vehicles from the other properties to exit the site. The Head of Visible Services (Highways) has also reiterated that the proposal amounts to an over-development of the site and has expressed concerns regarding the adequacy of the car parking access and turning arrangements proposed.

### Proposed Impact on the Amenity of Neighbouring Occupiers

The proposal would result in development along a significant proportion of a number of the boundaries of the site.

Whilst it is acknowledged that the proposed dwellings would be bungalows, thereby seeking to reduce the potential impact of development, it is nevertheless considered that the extent of development in such close proximity to the boundaries of neighbouring residential properties is a further reflection of the fact that the proposal constitutes an over-development of the site. It is considered that the degree of development adjoining the boundaries with neighbours is out of character with the area and would be to the detriment to the amenities of neighbouring occupiers. Those properties particularly affected are likely to be Nos. 38 and 42 Smithies Avenue.

To conclude, the layout of the two dwellings is cramped and so the proposal would be contrary to Policies HOUS2, HOUS9, HOUS12, ENV25 and TRAN9 of the Vale of Glamorgan Unitary Development Plan 2005 and the Council's adopted Amenity Standards SPG.

04255

RECOMMENDATION (W.R.)

## REFUSE

### Reason(s):

1. The proposal amounts to a cramped and contrived form of infill development that would be out of character with the locality. It would also constitute an over-development of the site that would provide a poor living environment for future occupiers, adversely impact upon the amenities of neighbouring residents and would have a detrimental impact on the visual amenities and character of the surrounding area. The proposal would therefore be contrary to Policies HOUS2, HOUS9, HOUS12 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's adopted Amenity Standards Supplementary Planning Guidance.
2. The proposal amounts to a tandem form of development with substandard access, parking and manoeuvring arrangements that would have an adverse impact on highway safety. The proposal would therefore be contrary to Policies HOUS2, HOUS9, TRAN9 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's approved Parking Guidelines.

**06/00092/FUL**

Received on 24th January, 2006

Hamlett Enterprises Limited, Ystrad Court, Ystradowen, Vale of Glamorgan. CF71 7TN  
(Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff. CF4 5GG )

**LAND ADJOINING THE FORMER GOLDEN HIND PUBLIC HOUSE AND BAY CARAVAN PARK, LAVERNOCK**

Change of use involving formal incorporation of land into Bay Caravan Park and provision of site access road and concrete bases

**SITE DESCRIPTION**

The application site is located to the south of the former Golden Hind Public House on open land directly adjacent to the coast. The site lies adjacent to the St. Mary's Well Bay Caravan Park.

**DESCRIPTION OF DEVELOPMENT**

This is an application submitted for the change of use of an area of open land, to use for the siting of caravans in association with the neighbouring Bay caravan Park. The proposal includes the laying of concrete bases for 10 static caravans and the construction of an access road to link the site with the Bay caravan park and previous unauthorised works to the north of this site.

**PLANNING HISTORY**

05/01227/FUL - Variation/modification to car parking scheme required by Condition Nos. 6 and 8 of planning consent PP/Z6950/A00/1047923 at the former Golden Hind Public House and A/01/1079778 (Vale application references 00/00127/OUT and 01/00566/OUT). No decision as yet.

01/00566/OUT - Construction of replacement restaurant and bar facility to replace fire damaged existing shell. Refused 30<sup>th</sup> October, 2001. Appeal allowed 22<sup>nd</sup> May, 2002.

00/00127/OUT - Demolition of existing restaurant extension to front of Golden Hind and relocate. Refused 5<sup>th</sup> April, 2000 and appeal allowed 22<sup>nd</sup> May, 2002.

99/01233/FUL - Convert existing derelict public house into 8 No. 2/3 bedroom self-contained flats. Refused and allowed on appeal 4<sup>th</sup> January, 2000.

05/0227/M - Enforcement action was also authorised against the unauthorised works which were the subject of this application in July 2005.

05/01236/OUT - Change of use from former public house car park to become part of caravan site - retention of four concrete bases, access roadway, lighting stanchions and gabion wall. Refused 29th September, 2005. Appeal currently in abeyance pending determination of current application.

## CONSULTATIONS

Sully Community Council – Comments awaited.

Environmental Agency – No response to date.

Dwr Cymru/Welsh Water – Comments awaited.

Private Sector Housing Officer – Please keep informed of outcome.

## REPRESENTATIONS

A site notice was posted on 3<sup>rd</sup> February, 2006. There are no objections to date.

## REPORT

The key issue with regard to this application is considered to be the impact of the proposed development on the character and appearance of this part of the undeveloped East Vale coast.

The relevant development plan for the site is the adopted Vale of Glamorgan Unitary Development Plan 2005, within which the following policies are of direct relevance to the proposals:

**Policy ENV1** Development in the Countryside

**Policy ENV5** East Vale Coast

Indicates that in the East Vale, outside the Glamorgan Heritage Coast, development in the undeveloped coastal zone will be permitted if (i) a coastal location is necessary; and (ii) the proposal would not cause specific environmental effects.

**Policy TOUR4** Caravan, Chalet and Tent Sites

States (inter alia) that 'further development or expansion of static and touring caravan sites, chalet and tent sites in the coastal zone will not be permitted'.

Regard also has to be been paid to policy guidance in Planning Policy Wales and

**TAN (Wales) 14** Coastal Planning (1998)

There can be little doubt that the appeal site is located within the countryside, given that it is located well outside any of the recognised settlements in the area. It is also located in the East Vale Coast. To this extent, it is clear that the proposal is fundamentally for new development in the countryside, and accordingly needs to be assessed against the restrictive policies governing new development in such coastal countryside locations.

Looking at such policies in turn, as a matter of fact, the proposals represent the 'further development or expansion' of a static caravan site in the coastal zone, which **Policy TOUR4** of the adopted Unitary Development Plan states "will not be permitted". The proposal thus fails to accord with that policy. The applicants argument that the site forms part of the caravan site is not accepted.

The site is located within the East Vale Coast, as defined on the Unitary Development Plan Proposals Map. For the purposes of **Policy ENV5**, (and contrary to submissions by the applicants agent) the site is also clearly located within the undeveloped coast. The undeveloped coast is clearly defined in the adopted Unitary Development Plan, with the site being outside of any of those areas defined by the UDP Proposals map (Proposed MODS to Unitary Development Plan refers) as being 'developed coast'. This matter has been clarified since an earlier appeal, referred to by the agent, at which time undeveloped coast had not been identified. Furthermore, at that time, the Unitary Development Plan had not been adopted.

Paragraphs 5.5.1 to 5.5.3 of Planning Policy Wales highlight the importance of the conservation and improvement of the natural heritage, in making development control decisions. It states "when considering any development proposal [...] local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment."

Furthermore, paragraphs 5.7.1 – 5.8.4 deal with developments in coastal zones stating that "the undeveloped coast will rarely be the most appropriate location for development". Furthermore, TAN 14 emphasises the importance of development in the coastal zone requiring a coastal location as a necessity (which is not the situation in this case).

The proposals therefore represent the expansion of a commercial development located in the coastal zone, where a coastal location is not necessary; and such expansion/ development would cause unacceptable visual harm. The proposal therefore fails to accord with Policy ENV5.

The site also lies within landscape character 20 – Coastal Strip – East of Aberthaw Power Station in the publication 'Landscapes Working for the Vale of Glamorgan'. This area is described as having "distinctive qualities and particularly intense problems of leisure development such as caravan parks, visitor management and coastal access, which set it apart from its direct hinterland".

In addition to the above, therefore, it is considered that the proposal would cause harm to the rural character of the locality, the visual harm from which cannot be mitigated through additional landscaping or suitable boundary treatment.

The site also lies within the countryside, outside of any designated settlement, whereat the development cannot be considered to be 'essential' in the interests of agriculture, forestry, mineral extraction or public utilities. The proposals therefore also fail to accord with **Policy ENV1** of the adopted Unitary Development Plan.

For these reasons, the proposal is clearly contrary to national and local policy guidance which seek to restrict new development in the coastal zone/ countryside. In such circumstances, the applicant thus needs to demonstrate that there are other material considerations of sufficient weight to justify overriding the fundamental policy presumption against such new development.

The appellant has made reference to a previously allowed appeal, which related to the construction of a restaurant on this land (reference 01/00566/OUT), and specifically to the Inspector's conclusions at that time concerning the nature of the site. Reference is also made to the previous local plan which showed the area as part of an 'intensive recreation area'.

The Unitary Development Plan has, however, now been adopted and has clarified the interpretation of Policy ENV5 insofar as it relates to developed coast. Policy TOUR4 is also particularly pertinent to this proposal. Furthermore, since no further reserved matters were submitted relating to the restaurant proposal on the site, accordingly the right to submit such details expired on 22<sup>nd</sup> May, 2005 and in order to reactivate this consent, an application to vary the terms of the conditions would have to be submitted by the 22<sup>nd</sup> May, 2007. However given the change in circumstances since the determination of this appeal, specifically in regard of the adoption of the Unitary Development Plan, it is likely that any such application would be resisted and considered contrary to the policies contained within this plan. This previous approval should therefore have little bearing on the consideration of the current application.

In light of the above, it is considered that the appellant has failed to demonstrate that there are any other material considerations of sufficient weight to override the fundamental policy presumption against such new development in the coastal zone.

It is therefore considered that the proposal represents an unjustified intrusion into the countryside and the undeveloped coast which is contrary to the aims and objectives of the above Unitary Development Plan policies and national guidance.

In conclusion, the proposed development represents a new caravan development in the undeveloped coastal zone, which is considered to be contrary to both local and national planning policy referred to above. Moreover, it would have an unacceptable environmental impact and harmful visual impact on the character and appearance of this part of the coastline.

Finally, given that the application site is not on an identified public transport route, it is considered that the development is likely to generate a significant number of car borne trips, which would not comply with the principles of sustainable development.

Members will also note that enforcement action has already been taken in respect of the works which have been undertaken on the adjoining site to the north, including the laying of concrete bases, a road way and a retaining wall. Both the refusal of the previous application for this site and the enforcement notice are the subject of an appeal, which is currently held in abeyance, with both these matters and the current application likely to be determined concurrently in the event that Members choose to accept the recommendation below.

04262

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The development would be contrary to Policy TOUR4 of the Unitary Development Plan since the proposal represents the further development/expansion of a static caravan site within the coastal zone, which the policy states will not be permitted within the coastal zone due to the harmful effect of such development on the appearance of the coastline.
2. The development will have a harmful effect on the character and appearance of this open coastal location and as such is contrary to Policy ENV1 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and also Planning Policy Wales, both of which seek to protect the countryside against inappropriate development and would also fail to accord with Policy ENV5 which only permits development in the undeveloped coastal zone if a coastal location is necessary for the development and it does not cause unacceptable environmental effects.



**05/01996/REG3**

Received on 23rd December, 2005

Mrs. G. Cottrell, c/o St. Nicholas Primary Sch., St. Nicholas, Vale of Glamorgan.  
CF5 6SG  
(Mark Haynes, Learning & Dev. Directorate, Civic Offices, Barry, Vale of  
Glamorgan. CF63 4RU )

**ST. NICHOLAS PRIMARY SCHOOL, ST. NICHOLAS**

Metal storage container (6.00 x 2.4m) to store outdoor PE equipment on playing field to rear of St. Nicholas Primary School

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

The application was advertised on 12<sup>th</sup> January, 2006.

**SITE DESCRIPTION**

The application site lies in the south-west corner of the playing field to the rear of the Primary School building itself. The site boundaries to the rear of the container are characterised by hedging, beyond which are residential properties. This site lies in a Conservation Area.

**DESCRIPTION OF DEVELOPMENT**

This application seeks consent to retain an existing dark green steel container measuring 6m x 2.4m, previously granted permission for a temporary period.

**PLANNING HISTORY**

04/01807/REG3 – Infill extensions in two separate locations to increase classroom areas. Existing external screens to be re-used thus overall appearance to elevations unchanged. Approved on 10<sup>th</sup> December, 2004.

04/01248/REG3 – Provision of an external boiler room to house the new heating system equipment. Approved on 20<sup>th</sup> October, 2004.

01/01435/REG3 – Site a steel container in playing fields. Approved on 10<sup>th</sup> January, 2002.

95/00921/TCA – Fell three silver birch trees as indicated on the plan included with letter of application dated 4<sup>th</sup> October, 1995. Approved on 26<sup>th</sup> October, 1995.

**CONSULTATIONS**

St. Nicholas and Bonvilston Community Council - Was consulted on 11<sup>th</sup> January, 2006. Awaiting reply.

## REPRESENTATIONS

Neighbouring properties were consulted on 11<sup>th</sup> January, 2006 and to date no representations have been received.

## REPORT

The application has been submitted to seek planning consent to retain for a further period of time the previously approved steel container within the existing location, which allows for the storage of outdoor P.E. equipment.

The siting of the container is not particularly visible as it is obscured from the properties located to its rear by existing hedges, tall trees and other mature vegetation. In addition, the container is not particularly visible from the road as it is located more than 50m away from the school frontage. Therefore, the container can only be identified from within the school grounds to the rear of the buildings. The field where the container is located is used by the school for football activities and the relatively small scale does not harm the visual amenities of the surrounding area.

Additionally, the external colouring of the steel container (dark green) ensures that the structure is made less visible, together with the mature vegetation surrounding the site, which in turn protects the local amenity of the area.

As a result, the proposal is not considered to harm the visual and neighbouring amenity of the area nor of the Conservation Area, and the application should be approved. However, as the steel container is not an ideal long-term solution for the school's storage facilities, the approval should therefore be conditioned on a temporary basis.

04248

## RECOMMENDATION

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

1. This permission shall be for a temporary period only and the container shall be removed from the site on or before 1st March, 2008.

Reason(s):

1. In the interests of the visual amenities of the 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.**

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

**LLANGAN PRIMARY SCHOOL, LLANGAN**

Major extension consisting of assembly hall, three classrooms, integral nursery unit, children's toilets, link corridor, head teacher's office, as well as nursery play area and removal of three demountable units (existing) from site

**SITE DESCRIPTION**

The application site comprises an existing primary school and grounds located in the countryside on the main highway from the Pentre Meyrick junction.

**DESCRIPTION OF DEVELOPMENT**

This is an application submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 (Minute No. 1979 May 2002 refers) for a permanent extension to the existing school building. The proposal entails the following:

- a) Demolition of an existing single storey storage block and two of the 4 No. existing demountable units, with re-location of the existing nursery unit to the south west.
- b) Construction of a new extension to the rear of the original school building comprising a central, pitched roof hall, with a ridge height of approximately 7.4m, and two single storey, lean-to wings either side. The proposed extension will have a footprint of approximately 23.3m x 18m and be linked to the original building by a single storey corridor measuring approximately 3.0m x 8.9m. In addition to the new hall the extension will accommodate 3 No. classrooms with an integral nursery, toilets and offices. The external finishes will be Catnic Tuffslate or similar roof tile with render to match the existing building.
- c) Associated works including car parking for 13 No. spaces; a new pedestrian access gate and playing fields access; a hard surfaced play area and nursery play area's ramped access path around the proposed new extension; car park barriers; temporary fencing around nursery unit; single storey pitched roof shed 2.4m x 1.5m, and temporary W.C. block.

**PLANNING HISTORY**

00/00006/REG3 – Retention of demountable nursery unit. Approved 23<sup>rd</sup> March, 2000.

05/01348/FUL – New access driveway and car parking area. Refused 12<sup>th</sup> January, 2006 on the grounds of unacceptable and unjustified encroachment into the countryside with loss of an important hedgerow.

## CONSULTATIONS

Llangan Community Council - Were notified on 13<sup>th</sup> January, 2006. No comment has been received to date.

Environment Agency – Comment as follows:

“In respect of foul drainage it is noted that the existing foul drainage system (septic tank) is to be utilised. In this respect the developer must ensure that this existing system can adequately accommodate the likely increase in foul flows. Furthermore as the loading upon the foul drainage system is to increase, the Agency may require an application for consent to discharge effluent from this site under the provisions of the Water Resources Act 1991, and such a consent may not be granted.

**It is the applicant’s responsibility to ensure that the existing discharge consent conditions are met.** Further information regarding the Agency’s consenting requirements can be obtained from Matthew Simon, Customer Contact Team (029 2024 5330).

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Only clean surface water from roofs and paved areas should be discharged to any soakaway.

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

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990.”

Dwr Cymru/Welsh Water – “Further to the above consultation we would provide the following comments:

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

## Sewerage

## **Conditions**

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

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

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

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

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

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

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

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

## **Advisory Notes**

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

## **Sewage Treatment**

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

## **Water Supply**

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

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

Countryside Council for Wales – agree with the recommendations put forward by Council’s Ecologist. Provided that these are taken into account and implemented we have not further observations to make.

## REPRESENTATIONS

A site notice was posted on 17<sup>th</sup> January, 2006. No representations have been received to date.

## REPORT

The site comprises existing primary school premises that are located within the countryside. As such the following policy background is relevant.

Policy ENV1 of the adopted Vale of Glamorgan Unitary Development Plan 2005 relates to development in the countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV10 refers to the protection of landscape features and states:

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

Policy ENVXXX – Protected species seeks to minimise any impact on protected species or their habitats.

Policy ENV25 refers to the design of new development and states:

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES.
- (ii) MEETS THE COUNCIL’S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING.
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT.

- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS.
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES.
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES.
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY.
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy TRAN9 of the Unitary Development Plan states:

THE PROVISION OF PARKING FACILITIES WILL BE IN ACCORDANCE WITH THE APPROVED PARKING GUIDELINES, AND WILL BE RELATED TO: THE TYPE OF LAND USE, ITS DENSITY AND LOCATION; ACCESSIBILITY TO EXISTING AND POTENTIAL PUBLIC TRANSPORT FACILITIES; AND THE CAPACITY OF HIGHWAY NETWORK.

Policy COMMXXX relates to community facilities and seeks the retention of community facilities in rural settlements and villages.

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

The proposal entails large scale development with the footprint of the new extension being greater than the original school building. There are concerns over the quality of the design of the new building in relation to the existing traditional school, particularly its form and bulk. However it is noted that the integrity of the original building will remain intact as the extension will be linked by a new corridor and will therefore be viewed as a separate unit. In addition fenestration detailing and external finishes will reflect the original building.

There is also concern at the loss of a number of existing trees on the site. The Council's Tree Officer has not raised an objection however, subject to the submission of a detailed landscaping scheme which should incorporate significant tree planting. In addition a tree protection scheme will be required.

Associated with the tree issue is the impact of the development on protected species. The Council's Ecologist agrees with the bat survey undertaken and confirms that the proposals will not impact on the existing brown long eared bat roost in the roof space of the main school building. However, the proposals will affect a sycamore tree that has the potential for bat roosts, along with other bird nesting sites, and, as such, a condition is requested relating to the timing of the works.

On the issues of highways it is noted that the Council's Highway Engineer has no objections provided the proposed new parking layout is implemented and retained and that a method statement be agreed for access and parking facilities during construction.



As regards drainage, both the Environment Agency and Dwr Cymru/Welsh Water have raised no specific objections, however, Dwr Cymru/Welsh Water have requested a condition requiring the agreement of drainage details before commencement.

In conclusion, despite some concerns over the design and loss of trees, it is considered that the proposal represents a rationalisation and improvement of the facilities at the school which complies with Policy COMMXXX of the Unitary Development Plan. The following recommendation is therefore made.

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### 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 car parking layout indicated on Drawing No. AL(00) 04 REVB shall be fully implemented before the first beneficial use of the extension hereby permitted and shall thereafter be retained and maintained within the site for the purposes of car parking in association with the school premises.
3. Before the commencement of development a Method Statement detailing access, on-site parking and timing of construction works shall be submitted to and agreed in writing with the Local Planning Authority. The construction works shall be undertaken in accordance with the agreed scheme.
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.
6. The landscaping details referred to above shall pay particular regard to the incorporation of significant tree planting, bearing in mind the needs of protected species and screening of the new building.

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. 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.
9. No works involved in the development hereby permitted shall be carried out during the bird nesting season between March and September, unless it can be demonstrated that nesting birds are absent and this is agreed in writing with the Local Planning Authority prior to such works taking place.
10. The sycamore tree indicated for removal should be removed following the best practice methods as outlined in Appendix No. 4 of the bat survey report, and if any known nesting sites are to be removed as a result of the proposal then details of alternative provision for nesting birds shall be submitted to and agreed in writing with the Local Planning Authority.
11. Details of the materials and colour of the external finishes of the proposed extension shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure satisfactory on-site parking provision in the interests of highway safety.
3. In the interests of highway safety.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.
6. In the interests of visual amenities and biodiversity.
7. In order to avoid damage to trees on or adjoining the site which are of amenity value to the area.
8. To ensure satisfactory drainage of the site.
9. In the interest of wildlife protection.

10. In the interests of wildlife protection.
11. To safeguard local visual amenities.

**NOTE:**

1. **The developer should take particular care when disturbing materials/dense vegetation at ground level which could be being used by sheltering/hibernating great crested newts. Keep grassland in the development site short wherever possible to discourage newts from entering the site and in the event that great crested newts are found to be present on the site stop works immediately and seek advice from the Countryside Council for Wales, Tel: 02920 772400.**
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.**

**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.**