

Planning Committee Meeting – 10th October 2007

2005/01694/FUL Received on 27 October 2005

W. S. Jones & Son, C/o Cooke & Arkwright, Bayer Lodge, Western Avenue,
Bridgend. , CF31 3TZ
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Whitewell Farm Buildings, Tyn Y Coed Farm, Bonvilston

Conversion of agricultural buildings to one dwelling including work from home office

SITE DESCRIPTION

The site comprises a group of redundant agricultural buildings, with associated yard, adjacent land and access track, located in the countryside to the south of Bonvilston.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of these redundant agricultural buildings to a four bedroom dwelling with an associated “homeworking” office. The proposal entails:

- Demolition of a number of existing lean-to structures and canopy.
- Construction of a new two storey pitched roof link extension, measuring approximately 5.5m x 6.2m, to a ridge height of 7.2m in line with the existing two storey on the west elevation.
- Rebuild of a number of elevations, including the north gable to Building 3, and front wall of Building 4, with complete new roof structures and internal first floors throughout.
- New flagstone, patio areas within existing yard and to south of buildings, along with enclosure of land to west and new hedgerow on southern boundary adjacent to Whitewell Cottages.

Vehicular access will be via the existing access track onto the adopted highway to the east.

The application is supported by a Design Statement, a Structural Report, ecology surveys and a soakaway test.

PLANNING HISTORY

None relating to application buildings, however, on the wider Tyn y Coed Farm:

98/00486/PNA - Hay store. Approved 12 June 1998.

05/00978/FUL - Two storey extension. Approved 16 September 2005.

CONSULTATIONS

Llancarfan Community Council – The buildings have been redundant for many years, the plans show a sympathetic conversion into a dwelling which has the support of the Council.

Environment Agency Wales' initial comments – Part of the site lies within zone C2 as defined by the development advice maps referred to under TAN15 Development and Flood Risk. In accordance with the guidance the development category is "highly vulnerable development" and the Environment Agency expects the Authority to refuse the application.

This stance could be changed if site boundary is amended or the submission of an appropriate assessment of flooding consequences to demonstrate that the total site is outside of the extreme flood outline.

Further comments – Following consideration of additional information from the applicant showing that the development lies outside the extreme flood outline we have no objection to the development on flood risk grounds.

Also of consideration are the recorded incidents of localised flooding along sections of highway in the general area which potential occupiers should be made aware of; and reference to developers responsibilities under separate legislation.

Subsequent comments on amended plans – No further comments on flood risk. Comments relating to biodiversity, including issue of bats; retention of mature trees and hedgerow; and responsibility for watercourses under separate legislation.

Dwr Cymru/Welsh Water were notified on 11 November 2005. No comments have been received to date.

Glamorgan Gwent Archaeological Trust has no objection.

Countryside Council for Wales' initial comments – The submitted survey report confirms the use of the buildings as a bat roost for two species. The report recommends a further survey to establish the nature of the bat roosts and agree that further information is required. It is not possible at present to conclude that the development would not have an impact on the Favourable Conservation Status of the bats therefore CCW objects to the proposal pending further information. This should include a method statement outlining mitigation measures to protect the bats.

Further comments – Have requested additional information in relation to the detail of the proposed mitigation measures.

Countryside and Environment (Ecology) initial comments:

Bats

As recommended in the bat survey further investigation is required prior to determination to establish the nature of the roosts and the recommendations submitted by Countryside Council for Wales (CCW) should be followed. A method statement and mitigation plan should also be submitted and agreed by CCW to ensure that the “three tests” are met and that any subsequent license may be granted.

Highway Verge and Hedgerow

It is also understood that Highways require a 45m length visibility splay either side of the access. This would require the removal of a length of existing hedgerow to the north and trees to the south. The hedgerow is species rich and may qualify as “Important” under the Hedgerow Regulations 1997. The verge on both sides of the access is a Highway Verge Conservation Zone (HVCZ) designated for its botanical interest and managed specifically for biodiversity. Both the hedgerow and the line of trees may also be an important navigation route for the lesser horseshoe bats.

Additional advice on great crested newts and nesting birds with recommendations for best practice and working outside the nesting season.

Further comments – CCW should be consulted on the additional survey work and methodology. Also noted that no hedgerows on the site will be affected. Further information on how and where visibility splays will be created if still required would be welcome.

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

“No objection in principle subject to:

- (1) Provision and maintenance of four parking spaces on site.
- (2) Maneuvring area provided and maintained on site.
- (3) Full details of access including visibility splays of 2.4m x 45m, within the splays no obstructions greater than 900mm above the carriageway channel edge and any planting located to the rear of the splays and shall not be greater than 600mm in height. The applicant is advised that there is a culvert immediately adjacent to the existing access which will need to be considered when undertaking any design.
- (4) The proposed access shall be constructed from a bound surface for the first 10m from the adjacent adopted highway.
- (5) Any gates should be set back a minimum of 6m.
- (6) No surface water from the site shall discharge onto the adopted highway.”

Comments on amended plans – Point 3 of the previous highway observations is still required to be addressed.

Public Rights of Way Officer comments that as an informal diversion of Public Footpath No. 25 Llancarfan along the same line as proposed has already been carried out without a Diversion Order. In addition an obstruction has already occurred. However there have been no complaints from the public in this regard and the alternative route could in my opinion be satisfactory with the addition of a new stile and improvements to the access. I would therefore ask that any planning consent be conditional on either restoration of the original route or a formal diversion of the path as shown on the planning application drawings.

Principal Building Control Officer confirms that the report highlights the need for total replacement of the roof structure; rebuild of main wall to building 4 and between buildings 4 and 5, along with several other areas on other units; and remedial works to a number of units to rectify structural problems.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 22 November 2005 and re-notified of amended plans on 11 September 2006. In addition the application was advertised on site and in the press on 15 November 2005. No representations have been received to date.

The applicant's agent has submitted letters in support of the proposal. These are reproduced at Appendix A.

REPORT

The site is located within the countryside and entails the conversion and extension of former agricultural buildings to a four bedroom dwelling with associated "homeworking" office. As such the following policy background is relevant to the consideration of the application.

Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

The policy most relevant to the assessment of the application is Policy ENV8 – Small Scale Rural Conversions. This states:

PROPOSALS WHICH INVOLVE SMALL SCALE CONVERSIONS OF RURAL BUILDINGS TO NEW USES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA IS MET:

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS;
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALLS, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE;
- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING;
- (v) WHERE RESIDENTIAL USE IS CONSIDERED ACCEPTABLE, AMENITY SPACE CAN BE PROVIDED WITHIN THE CURTILAGE OF THE SITE WITHOUT UNDUE INCURSION INTO THE RURAL LANDSCAPE;
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE;
- (vii) SATISFACTORY PARKING PROVISION CAN BE MADE WITHIN THE CURTILAGE OF THE SITE;
- (viii) IN THE CASE OF CONVERSION FOR SMALL SCALE COMMERCIAL, INDUSTRIAL, RECREATIONAL OR TOURISM USE THE PROPOSAL SHOULD NOT CREATE UNACCEPTABLE TRAFFIC OR OTHER ENVIRONMENTAL PROBLEMS;
- (ix) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL OR INDUSTRIAL USES, ANY RETAIL SALE OF PRODUCTS SHOULD BE ANCILLARY TO THE MAIN USE;
- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND, APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP;
- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT;
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA;
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

This is supported by the Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG). The SPG highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

“Proposals for the conversion of isolated buildings for residential purposes are generally unacceptable. Residential conversions are not considered suitable in such locations because 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.”

Indeed Strategic Policy 2 of the UDP favours proposals which encourage sustainable practices, including:

- “(ii) Proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.”

Whilst Strategic Policy 8 states:

“Development 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.”

The Council also has a recently approved SPG on Sustainable Development which supports the above strategic policies.

Other policies of relevance include Policy ENV4 which identifies the site as being within the Nant Llancarfan Special Landscape Area. This requires that new development demonstrate that it would not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area.

This policy is supported by ENV10 - Conservation of the Countryside and ENV11 – Protection of Landscape Features. These favour measures to maintain and improve the countryside, its features and resources, and only permits development if it does not unacceptably affect features of importance to landscape or nature conservation including trees, woodland, hedgerows river corridor, ponds, stone walls and species rich grasslands.

Policy ENV7 relates to Water Resources with developments which improve the water environment or help to prevent flooding favoured, and development that would be potentially at risk of flooding, or increase the risk locally or elsewhere to an unacceptable level, not being permitted.

Policy ENV16 of the UDP relates to Protected Species with permission only given for development that would harm or threaten the continued viability of a protected species if it can be demonstrated that there are exceptional circumstances that justify the proposal; there is no satisfactory alternative; and effective mitigation measures are provided.

Policy ENV27 of the UDP relates to the Design of New Developments and requires that it has full regard to the context of the local, national and built environment and its special features.

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

In addition to the previously mentioned Supplementary Planning Guidance the Council also has an SPG on Amenity Standards. This contains policies not only in relation to the level and quality of amenity space but also covers issues of privacy, overshadowing and visual amenity.

Planning Policy Wales March 2002 contains national guidance on the residential conversion of rural buildings and states at paragraph 7.6.11:

“If the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply.”

Issues

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

Criterion (iii) of Policy ENV8 requires that the conversion work can be achieved without substantial reconstruction of the external walls, or extension to the building. The proposal does not comply with this requirement as it is clear from the submitted plans and the structural report that the proposal entails substantial new build works. The existing buildings represent a scattered grouping of relatively small structures which do not lend themselves to residential use without an unacceptable level of reconstruction and new build work. Indeed the Planning Application Design Statement submitted in support of the scheme recognises that the development is contrary to guidance and states:

“Within our proposed conversion scheme, we have included the construction of a new “link building” and whilst this goes against Planning Policy Guidance, this new construction is required in order to make this scheme feasible.”

Criteria (iv) and (v) of Policy ENV8 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building, and that amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape. In addition to the significant alteration of the building with a substantial new build two storey link, the proposal entails the enclosure of part of the fields to the west of the buildings. This is required in order to provide a minimum level of private and useable amenity space to serve the proposed residential property. It is considered that the creation of this domestic curtilage to serve the property would have a harmful affect on the rural character of the surrounding countryside which is an area of Special Landscape Value. The Nant Llancarfan SLA is designated for its pastoral landscape with strong hedgerows and woodland cover. The proposed curtilage will intrude into the countryside on this western edge of the development where it will be highly visible from the nearby public right of way.

On a related matter of amenity it is noted that the buildings are located in proximity to the existing houses at Whitewell Cottages. The scheme proposes windows in the south elevation overlooking these properties. In order to mitigate any harm it is proposed to plant a hedgerow and trees which will be positioned to screen the development. This is not considered to be an acceptable long term solution to issues of privacy particularly in relation to first floor windows.

As regards the issue of sustainability it is noted that the site is an isolated location with no local facilities within walking distance and no realistic public transport option. The proposal to provide a “work from home office” would do little, if anything, to counter the un-sustainability of the scheme. It is noted that the supporting statement justifies the residential re-use on sustainable grounds on the basis that it would retain buildings that form an important feature of the local landscape. However the buildings are not listed and have no particular architectural or historical merit, and certainly their value within the local environment is not such that would warrant what is tantamount to a new dwelling in this countryside location. It is considered therefore that the proposal is contrary to the Council’s strategic aims and national guidance.

On the issue of highways, it is noted that the Council’s Highway Engineer has no objection, subject to a number of requirements including the provision of four parking spaces and manoeuvring within the site and vision splays of 2.4m x 45m to north and south of the site access. Photographs have been submitted to support the contention that the vision splays can be provided with only minimal impact on the existing hedgerow and trees. The Council’s Ecologist has noted that the hedgerow is species rich and may qualify as “Important” under the Hedgerow Regulations 1997. Notwithstanding this the verge on both sides of the access is a Highway Verge Conservation Zone (HVCZ) designated for its botanical interest and managed specifically for biodiversity. In addition both the hedgerow and the line of trees may also be an important navigation route for the lesser horseshoe bats. It is considered that despite the applicant’s agent’s statement that the necessary vision splays can be provided without any adverse impact on the hedgerow and trees, in reality the provision of the splays as required by highways, including planting to the rear of the splays being no greater than 600mm, will cause harm to this important hedgerow, not only in ecological terms but also visually in detracting from the rural character of the area.

The Council’s Public Rights of Way Officer has also noted that the proposal will require the formal diversion of the Public Footpath No. 25 Llancarfan.

As regards wildlife protection, the application is supported by a bat and barn owl survey which confirms the presence of protected lesser horseshoe bats and brown long eared bats. Additional surveys have been undertaken to provide information on any necessary mitigation measures. It is noted that the Countryside Council for Wales have requested further details on the proposed mitigation before they can make any final assessment. These include such matters as the exact dimensions of the proposed bat void, type of roofing felt, timing of monitoring, etc.

It is considered based on the nature of the information required it is unlikely that an appropriate form of mitigation could not be agreed, and this would not lead the Council to reject the application on the grounds of protected species. However there still remains the issue raised by the Council's Ecologist in relation to the Highway Verge Conservation Zone (HVCZ) and the likely hedgerow removal.

Finally, in terms of the infrastructure the proposal intends utilising a private treatment plant for drainage. Both Welsh Water and the Environment Agency have raised no objections. It is noted that the Environment Agency initially objected to the scheme on the grounds of flood risk, however, those objections have been removed following additional information from the applicant's agents. They do note that there are recorded incidents of localised flooding along sections of the highway in the general area of the site and recommend that any potential occupiers should be made aware of this information. It is considered that this is yet another indication of the unsuitability of the site for a new dwelling.

CONCLUSION

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

It is considered that the proposal due to the extent of new build works will amount to the creation of a new, and unsustainable dwelling in the countryside unjustified for agricultural purposes. The proposal will have a significant adverse affect on character of the surrounding rural landscape of the Nant Llancarfan Special Landscape Area, with the incursion of the domestic curtilage and likely impact on the important roadside hedgerow.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the conversion and extension of the barn for residential use will entail substantial new building work and is therefore tantamount to the construction of an unsustainable new dwelling in the countryside unjustified for agriculture or forestry purposes. The proposal represents an unacceptable and intrusive form of residential development that would detract from the rural character and appearance of the Nant Llancarfan Special Landscape Area contrary to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, ENV11 - Protection of Landscape Features, ENV27 - Design of New Development, HOUS3 - Dwellings in the Countryside and Strategic Policies 2 - The Environment and 8 -Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on The Conversion of Rural Buildings and Sustainable Development; and national guidance contained in Planning Policy Wales March 2002.

2006/01818/FUL Received on 19 December 2006

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9, Kymin Terrace, Penarth

New house in grounds at rear

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

The application is for demolition within the Penarth Conservation Area.

The application was advertised on 16 January 2007.

SITE DESCRIPTION

The application site comprises part of the rear garden of a substantial, semi-detached Victorian house which fronts onto Kymin Terrace and has an extensive side boundary to Bradford Place. The site is currently occupied by a number of outbuildings including a flat roofed garage outbuilding which has access onto the rear lane.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing garage and outbuilding and the construction of a two storey, pitched roof detached dwelling-house with integral double garage. The proposed dwelling will have an overall length of approximately 17.2m and will be 13.5m at its widest. The proposed dwelling will be set approximately 1.6m off the rear lane giving access to the pitched roof double garage. The accommodation will comprise at ground floor the double garage, utility room, store, upper and lower entrance hall, lounge, kitchen and dining area, with at first floor storage space over the garage, landing area, two bedrooms, a study, a bathroom, en-suite and a dressing room. The dwelling will vary in height from approximately 6m to the ridge over the garage, and 8m to the ridge over the main bulk of the house.

The design of the house uses local references in the use of steeply pitched dormer windows in the roof and full two storey height gables. External finishes include natural slate roof and light yellow facing brick.

An area of the existing garden will be enclosed to provide private amenity space for the new dwelling so that the total length of the curtilage of the new property, measured along the stone boundary wall with Bradford Place, will be approximately 36m. This boundary wall will be retained intact apart from a new pedestrian gate which will afford access to the main entrance to the dwelling.

The application is supported by a Design Statement.

PLANNING HISTORY

92/00844/CAC - Demolition of existing coach house. Approved 9 October 1992.

92/00845/FUL - Replacement two storey garage. Approved 24 September 1992. Part implemented.

04/00436/FUL – Replace roof with slate. Approved 6 August, 2004.

06/00163/FUL - Demolition of existing garage and replacement with new dwelling. Withdrawn 29 June 2006.

06/01814/CAC - Demolition of garage and garden shed. Withdrawn 26 April 2007.

06/01817/CAC - Demolition of existing porch and rear extension. Withdrawn 26 April 2007.

06/01819/FUL - Conversion of dwelling into three apartments. Withdrawn 26 April 2007.

CONSULTATIONS

Penarth Town Council – Comments on initial scheme – That the application should be approved subject to an assessment of any privacy issues associated with the rear first floor false balcony and possible overlooking of rear gardens.

Comments on amended plans – That the application should be approved on the basis of the amended plans received on 26 April 2007.

Environment Agency Wales has no objection and have submitted their “Standard Advice” Guidance Note for Developers.

Dwr Cymru/Welsh Water have requested that their standard conditions and advisory notes be attached to any consent.

Glamorgan Gwent Archaeological Trust has no objection.

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

The Head of Visible Services (Highway Engineer) - Comments on amended plans – The previous highway comments are still applicable.

Previous comments - The proposal will remove the parking provision serving the existing dwelling. Consequently the development proposals will increase the existing parking deficiency at the development site from 1 to 3 vehicle spaces.

Therefore, the Highway Authority object to the development proposals based on the loss of existing off street parking within the boundary of the development site.”

Vale of Glamorgan Conservation Advisory Group at their meeting on 31 May 2007 recommended approval.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 15 January 2007 and renotified of amended plans on 9 May 2007. In addition the application was advertised on site and in the press on 16 January 2007. Letters of objection have been received from the occupiers of Nos. 6 and 8 Kymin Terrace, 4 Bradford Place, 6 Beach Road, 2, 5 and 7 The Lindens, and the chairman of Lindens Penarth Limited. Whilst these are all available on file for Committee Members inspection the letters from the occupiers of Nos. 7 The Lindens and 6 Kymin Terrace are reproduced at Appendix A as being generally indicative of the points raised. In summary these relate to adverse impact on character of the Conservation Area; unacceptable garden development; exacerbate existing congestion and parking problems; loss of view; adverse affect on privacy; loss of trees; drainage problems; and detract from property values.

REPORT

The proposal entails the redevelopment of part of an existing garden for the construction of a new dwelling. The site lies within the settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site also falls within the Penarth Conservation Area. As such the following policy background is relevant to the determination of the application.

Planning Policies

Policy HOUS2 of the Unitary Development Plan allows for housing infill, small scale development and redevelopment within the settlement boundary of Penarth, subject to Policy HOUS8 - Residential Development Criteria. This states:

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

Policy HOUS11 refers to Residential Privacy and Space where the Council seeks to protect existing areas characterised by high standards of privacy and spaciousness against overdevelopment and insensitive or inappropriate infilling.

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

Policy ENV20 relates to Development in Conservation Areas and requires that new development preserves or enhances the character of the Conservation Area.

Policy ENV21 refers to Demolition in Conservation Areas and seeks to strictly control the demolition of not only buildings but boundary walls, etc.

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

TRAN10 of the UDP refers to Parking and requires the provision of parking facilities in accordance with the Council's approved guidelines.

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

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 – Design. Paragraph 9.3.3 of PPW states:

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the primary issues relate to impact on the Conservation Area, residential amenity and highway safety.

Impact on the Conservation Area

The Penarth Appraisal identifies the Kymin Terrace houses as a key frontage being “an important example of a unified Victorian Terrace built out of local limestone”. It is also a key townscape area within the Clive Place and Environs Sub Area, with “its setting enhanced by its relationship with the adjacent landscaped open space at Kymin Gardens”. In contrast the Lindens on Bradford Place is identified as a weak frontage out of context, although it should be noted that the Lindens site has been converted and improved since this document was written.

The proposed new dwelling will impact mostly on the Bradford Place setting of No. 9 Kymin Terrace broaching the area of open vista above the boundary wall on that side. Currently the length of garden creates an open landscaped area between the built development of Nos. 2-4 (even) Bradford Place and the existing dwelling at 9 Kymin Terrace. It is accepted that the proposal will affect this open area, but this does not necessarily follow that it will adversely impact on the setting of No. 9 Kymin Terrace itself or the wider conservation area.

The area is characterised by a mix of relatively substantial Victorian properties and more modern blocks of flats. Generally the properties are set within relatively substantial plots. The older properties front the highway. The development will differ in that it has no obvious frontage and the main bulk of the property faces the existing house. The revised plans have reduced the overall height of the scheme so that the development is much more subservient to the existing houses. The proposal allows for a visual space to be retained between Kymin Terrace and the site and housing on Bradford Place. This spacing is important to the setting of the buildings and character of the conservation area, however the neighbours objections on the grounds of loss of the view would not be justified in planning terms. It should also be noted that this site historically had a two storey Coach House located at the western extremity of the rear garden. The planning application in 1992 which was not fully implemented allowed for rebuilding of that building, with the approved details allowing a structure 8.5m x 4.7m, and 6.4m in height with a pitched roof. The current proposal is larger but in terms of overall impact it is considered that it's affect will not be much more significant.

The loss of the flat roofed garage would not be detrimental to the character of the Conservation Area and the existing stone boundary wall will be retained apart from the pedestrian gate access to the site.

Residential Amenity

The scale of the garden, orientation of the site, and distance from both Nos. 8 and 9 Kymin Terrace, (approximately 13m from the rear of those dwellings), is such that it is not so harmful to amenity that the development should be refused.

In terms of privacy the main windows in the proposed dwelling are located in the greater massing of the building, i.e. the east elevation which overlooks No. 9 Kymin Terrace. The distance between the two properties and the oblique angle allows for an acceptable level of privacy, window to window, and the proposed boundary wall and opportunity for planting will minimise overlooking of the garden. There should be little, if any additional impact on the privacy of the other neighbours in the vicinity.

As regards amenity space, sufficient private garden will be retained to serve the existing house, whilst the proposed dwelling will have a separate private walled garden of approximately 180 square metres. This amounts to a shortfall of approximately 36% below the Council's guidelines, and whilst all development should seek to provide amenity space to meet the Local Planning Authority's standards, nevertheless the privacy and practical usefulness of the enclosed garden provided is such that a refusal on the basis of the limited deficiency in amenity space would be difficult to support.

Highways and Parking

The development will provide parking on site for the dwelling but as a consequence will displace the parking provided for the original dwelling. It is noted that the Council's Highway Engineer has objected to the development on the grounds of the loss of the parking for the existing house. In addition a number of the neighbour objections refer to the increased traffic and exacerbation of on-street parking. Notwithstanding this it is recognised that despite the existence of rear garages served off the rear lane, the majority of houses on Kymin Terrace rely on the available on-street parking. Whilst Kymin Terrace is generally fully parked during evenings there is parking available in the near vicinity including Bradford Place. There is the option to make on-site parking available for the existing house, however as this would involve a breach in either the front or side boundary, this would not be acceptable in conservation terms. It is considered therefore that it should be accepted that the existing house should rely on the on-street availability, bearing in mind that it is intended that it remain as a single unit, with the withdrawal of the concurrent application for its extension and conversion into three flats. To resist the scheme solely on the basis of the loss of on-site parking for the existing property is not considered to be a sustainable justification.

CONCLUSION

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

Having regard to Policies HOUS2 and HOUS8 – Residential Development Criteria, HOUS11 – Residential Privacy and Space, ENV17 – Protection of the Built and Historic Environment, ENV20 – Development in Conservation Areas, ENV21 – Demolition in Conservation Areas, ENV27 – Design of New Developments, and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and the Penarth Conservation Area Appraisal; and national guidance contained in Planning Policy Wales March 2002; it is considered that the scale, design and location of the proposal is such that it represents an acceptable form of development which will have a neutral impact on the character and appearance of this part of the Penarth Conservation Area, and should not adversely affect either the residential amenities of nearby residents, or highway safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans received on 26 April 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Prior to their use on site full details, including samples, of the external finishes of the development hereby permitted shall be submitted to and approved in writing with the Local Planning Authority, and the development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Development of the Unitary Development Plan.

4. Notwithstanding the submitted plans and prior to their development on site, full details of the proposed windows, to a scale of 1:20, which shall include provision of conservation type rooflights, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

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

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the layout of the slab full details, including cross sections through the site, of the existing and finished ground levels, along with the finished floor levels of the dwelling, shall be submitted to and agreed in writing with the Local Planning Authority, and the development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

7. Before the commencement of any works on the means of enclosure of the site, full details of both the new boundary walls and the repair of the existing, which shall include materials, mortar, gate opening, and a sample panel on site, shall be submitted to and agreed in writing with the Local Planning Authority. The means of enclosure shall be implemented thereafter in accordance with the agreed details prior to the first beneficial occupation of the dwelling hereby permitted.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure other than as approved under Condition 7 of this consent, shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

9. Notwithstanding the submitted plans, and before their development on site, further details of the proposed garage doors and opening shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

10. The garaging hereby approved shall be provided before the first beneficial occupation of the dwelling hereby permitted and shall thereafter not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garaging shall be available at all times for the parking of private motor vehicles associated with the dwelling hereby permitted.

Reason:

To ensure adequate off-street car parking is provided and retained in the interests of highway safety in accord with Policy TRAN10 - Parking of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

13. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the dwelling or completion of the development, whichever is the sooner, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

NOTE:

1. **Please note that this site lies within a Conservation Area. Under the Town and Country Planning Act 1990 a person who wishes to carry out work to trees must give the Local Planning Authority six weeks notice in writing of their intentions. Work to the trees must not be carried out during this period without permission, if you do you could be liable to prosecution. You may also be required to plant a replacement tree. There are exceptions to this rule and it would be advisable to check with the Local Planning Authority before undertaking works to trees within the Conservation Area.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
3. **Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**
4. **The applicant/developer should be aware of the requirements under the Wildlife and Countryside Act, 1981. Account must be taken of the need to protect the habitats of protected species. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**

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

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

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

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

2007/00109/FUL Received on 23 July 2007

Mr. G. Johnson, The Bungalow, Slon Lane, Ogmores By Sea, Vale of Glamorgan,
CF32 0PN
Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend., CF31 1JW

The Bungalow, Slon Lane, Ogmores By Sea

First floor extension to single dwelling

SITE DESCRIPTION

The application relates to a single storey bungalow located to the rear of a property known as Slon Cottage off Slon Lane, Ogmores By Sea.

DESCRIPTION OF DEVELOPMENT

The applicant proposes to increase the size of the currently single storey structure through the introduction of a first floor with the ridge raised from 5m to 7.5 m. The eaves of the roof will be raised by 0.3 m and a glazed gable feature will be created in the rear elevation to accommodate patio doors. Velux type windows will be inserted in the front (east) elevation, which faces away from the sea.

The accommodation will allow for the provision of two bedrooms at ground floor and two at first floor. The living room and kitchen will be located on the ground floor and a large lounge at first floor along with a centrally located balcony extension with obscure glazed screens at either end.

PLANNING HISTORY

None.

CONSULTATIONS

St. Brides Major Community Council comment as follows:

“Observations

The Committee felt it important that this application is determined by the full Planning Committee of the Vale Council and that it should not be officer delegated. The Committee also requested that the Vale Council's Planning Committee call a site meeting so that they can see the problems with this development at first hand.

Objections

- (a) Adequate car parking and turn around space is not provided, in breach of UDP Policy HOUS8(v). There is a strong likelihood that the current congestion problems will be made worse by additional vehicles parking along Slon Lane.
- (b) Access to the property is via a narrow driveway (shared with a neighbouring property) which opens onto Slon Lane with limited vision splays. This access does not meet current safety standards and there is no land available to improve highway access. The proposed development would inevitably increase traffic to the site and the committee opposes any development that increases traffic flows using this substandard access onto Slon Lane.
- (c) The additional traffic that this development would generate, both during the construction phase and after completion, would have an unacceptable effect on the amenity of neighbouring properties in breach of UDP Policy HOUS8(ii). (In a recent precedent, a planning application on Slon Lane at Claremont Court was rejected for this reason).
- (d) The proposed first-floor balcony would be an unacceptable intrusion into the privacy of neighbouring properties in breach of Policy HOUS8(ii).
- (e) The doubling of the size of the property would increase foul water flows into a main sewer which is currently over-capacity. A times of heavy rain the sewer overflows onto the common with sewage then running off onto a blue-flagged beach. The proposed development would therefore not comply with UDP Policies ENV27(iii) and ENV29(i). The committee also requests that the Vale planning department reports these concerns about inadequate utility services and the regular pollution events to Welsh Water.”

Hyder Consults has no objections subject to conditions.

REPRESENTATIONS

Neighboring residential properties were consulted on 5 February, 2 May following amendments, 20 June, and 25 July following further amendments. In total 8 letters of objection have been received in respect of the proposal objecting to the parking and manouvering arrangements, the height of the extension, possible overlooking and referring to the original construction of the cottage as an annex to Fox Hollows next door. A representative sample of these letters is reproduced at Appendix A.

REPORT

Members will recall that this application was deferred at the September meeting of Planning Committee to allow Members to view the site. The site visit is due to take place on 9 October 2007.

Planning Policies

The relevant planning policies in relation to this development are as follows :

- ENV27 - PROPOSALS FOR NEW DEVELOPMENT MUST HAVE FULL REGARD TO THE CONTEXT OF THE LOCAL NATURAL AND BUILT ENVIRONMENT AND ITS SPECIAL FEATURES
- ENV5 - THE SPECIAL ENVIRONMENTAL QUALITIES OF THE GLAMORGAN HERITAGE COAST WILL BE CONSERVED AND ENHANCED. WITH THE EXCEPTION OF LIMITED INFORMAL RECREATION FACILITIES AT CWM COLHUW, OGMORE-BY-SEA AND DUNRAVEN, THE REMAINDER OF THE AREA WILL BE TREATED AS A REMOTE ZONE WITH PRIORITY BEING GIVEN TO AGRICULTURE, LANDSCAPE AND NATURE CONSERVATION.

Issues

The proposed extension will involve raising the ridge of the bungalow by some 2.5 metres to allow accommodation to be provided within the roof space. In addition a glazed gable extension is proposed to the rear elevation to allow the rear first floor lounge to be full height. Members will note that a number of objections have been received from neighbouring properties concerning the access and parking at the site and possible overdevelopment. In addition it has been suggested that the bungalow was only built as an annex to the property Fox Hollows, next door. Unfortunately there is no planning history for the bungalow and therefore no way of confirming this, however given the current owners have owned the dwelling for in excess of 13 years, its use as an separate residential property will have been established.

The properties, which surround the bungalow, are of varied design with dormer bungalows, houses and flat roofed properties being located in close proximity. Accordingly the provision of accommodation in the roof of the dwelling would not be an unusual feature. Furthermore the windows to the rear of the dwelling would not overlook any adjoining properties and would only have some limited views of their gardens. The proposed balcony to the rear has been screened at either side to ensure that no further overlooking will occur. In addition, to the front of the dwelling only roof lights have been inserted and this combined with the distance of at least 21 metres from the property to the front, should ensure the protection of privacy. The property itself has a sufficient amenity space and backs on to the open common.

The property is currently accessed down a very narrow shared drive with the property Fox Hollows and while this situation is not ideal it should be noted that at least three off street parking spaces are currently provided to be used by the dwelling. These arrangements exist and given the limited nature of the extension, it is not considered that any objections could be substantiated on these grounds.

Accordingly the extension proposed is considered acceptable.

CONCLUSION

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

Having regard to Policies ENV5 – The Glamorgan Heritage Coast and ENV27 – Design of New Developments, the proposal is considered to have no adverse impact upon the appearance of the existing property, the private amenities of the adjoining neighbours, the wider street scene or the Heritage Coast. Therefore, the proposal is considered to comply with Policies ENV5 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice and guidance set out in the adopted Supplementary Planning Guidance Amenity Standards.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 06.19/2c received on 23 July 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no windows shall be inserted in the extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. The window in the first floor south elevation to the shower room, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. The screening glazing panels to the sides of the first floor balcony to the shower room, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2007/00113/FUL Received on 26 January 2007

Graham James Property Holdings Ltd., C/o Agent.
EPT Partnership, Ty Cefn, Rectory Road, Canton, Cardiff., CF5 1QL

Former Hyper Value site between 34/35, High Street and 106/107, Queen Street, Barry

Removal of existing redundant building and replace with 7 residential units.

SITE DESCRIPTION

The site comprises a vacant building most recently used as a retail sales premises but prior to that as a Chapel. The area is mixed commercial and residential on High Street and primarily residential to Queen Street.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the building and to erect seven residential units. The site will have a primary frontage to both Queen Street and to High Street. Vehicular access will be gained from Queen Street between and under the properties fronting that road.

The development will comprise two storey development to Queen Street and a two and three storey development to High Street.

Eight parking spaces will be provided on site. Amenity space will be provided to each of the units.

Design and Sustainability Statements accompany the application.

PLANNING HISTORY

81/00531/FUL – Change of use to Youth Centre including coffee bar. Approved.

82/00772/FUL – Change of use to retail. Approved.

CONSULTATIONS

Barry Town Council. See Appendix A1. Comments in respect of amended plans Appendix A2.

Director of Legal and Regulatory Services (Environmental Health (Pollution)). See Appendix B.

Glamorgan Gwent Archaeological Trust. See Appendix C.

The Head of Visible Services (Highway Development) in respect of the amended plans advises. “As the proposals only provide six parking spaces, the development will be deficient in parking by ten vehicle spaces, which will exasperate (sic) the existing on street parking demand. Therefore the Highway Authority object to the development proposals, based on inadequate parking provision”.

Further comments on amended plans:

“It is noted that the proposed number of residential dwellings at the development site has been reduced by combining the previous two, one bedroom flats into a single three bedroom flat. However, based on the gross floor area and the number of bedrooms within individual dwellings at the site, a total of sixteen parking spaces are still required to be provided to serve the development proposals.

While the amended drawings show eight parking spaces within the development site, the two parking bays located within the mouth of the site access are unacceptable due to the likelihood of vehicle and pedestrian conflicts.

Consequently, the development proposals are deficient in parking by ten vehicle spaces, which will exasperate the existing on-street parking demand within the area of the development.

Therefore, the Highway Authority object to the development proposals, based on the provision of inadequate parking facilities.”

Dwr Cymru/Welsh Water. See Appendix D.

Environment Agency Wales. “No objection”.

The Council’s Ecologist. Comments awaited, consulted 6 February 2007.

REPRESENTATIONS

The application was advertised on site and by neighbour notification.

A petition signed by 382 persons. A copy of the objections of the petition are attached as Appendix E.

Five letters of representation, in relation to the original and amended scheme, in total have been received and are attached as Appendix F.

REPORT

Planning Policies

The site lies within the residential settlement boundary of Barry and falls to be considered under the following Policies in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

POLICY 2 – SUSTAINABLE DEVELOPMENT

ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA FOR POLICY HOUS2 SETTLEMENT

POLICY 2 – SUSTAINABLE PRACTICES

TRAN10 - PARKING

Issues

The site lies within the identified District Shopping Area but is not within a primary shopping frontage. The principle of residential development is not , therefore, objected to.

The loss of the Chapel building to the street scene and its value for its own architectural merit has been fully considered. The building itself is of no particular architectural merit. It has a primary frontage onto High Street with ancillary buildings of very poor design and quality forming the frontage to Queen Street. It is considered that its loss is not so significant that refusal on this ground could be justified. The redevelopment of the Queen Street frontage following the line of the established residential properties and with a recessed opening to access the rear parking area would visually improve this part of Queen Street.

The use of red/buff brick detailing to street/frontage elevations with render to the rear whilst not identical to the stone finished properties in the area would not be untypical of finishes in the area generally. It is not considered that the scale or design of development at this location would adversely affect the setting or character of the street in general and would in fact remove an unsightly rear service entrance.

The development to High Street has sought to break up the frontage and although being larger scale does seem to replicate the general street scene in scale. The development along High Street near to the site is broken at intervals by gabled three storey roof development. The Chapel building itself is larger scale than the terraced dwellings.

The comments of the Environmental Health Officer are noted but not concurred with as there are residential developments above shops, and in individual residential units on both High Street and Queen Street in the vicinity of A3 uses as existing.

The issue of amenity space falls to be considered in relation to planning policy and in the light of the adopted Supplementary Planning Guidance 'Amenity Standards'. The requirement is that the development should provide such space. The development would be significantly deficient in terms of the provision of amenity space however each unit would have a small area of private, defensible space. It is noted that adjoining residential properties on Queen Street and on High Street have similarly deficient provision of amenity space. Having regard to the character of the area it is difficult to argue that the development would be out of keeping. As development in a relatively tight knit urban environment the small areas of amenity space would be relatively private and well related to the units they serve. The distances between the developments back to back would be commensurate with, if not slightly better than that found in the existing development at Queen Street/High Street. The development is therefore similar in character to that existing within the wider environment.

However, given the general shortfall of amenity space and in particular the lack of amenity space to 2 of the units, it is considered that the developer should pay a financial contribution to enhance public open space in the vicinity of the site. This has been raised with the developer.

The site lies within close proximity to good public transport links (bus and rail), services and amenities. The provision of eight spaces (including parking for the disabled) would be one per unit plus one visitor space and whilst deficient as objected to by the Highway Development Officer this level of parking with urban location would be acceptable. Information in the way of car parking surveys have been undertaken by the applicant and in addition provision is made within the development for secure, covered bicycle storage.

Planning Policy Wales Paragraph 9.2 states:

“Policies will be needed to cover the physical scale and design of new buildings, access, density and off-street parking, taking account of particular residential areas and of changing needs. Higher densities should be encouraged on easily accessible sites, where appropriate, but these will need to be carefully designed to ensure a high quality environment. In particular, local planning authorities should adopt a flexible approach to car parking standards”.

Planning Policy Wales further advises (para. 9.1.1) that the objectives of housing policy should be to ensure that homes are in good condition, in safe neighbourhoods and sustainable communities and that a greater choice for people over the type of housing and locations given. The development includes 2 small single bedroom units and larger units, thus it is considered affords some choice at “first time” buyer end of the market albeit price could not be controlled by the Local Planning Authority.

Refusal on amenity and parking grounds has been fully and carefully considered, however given the location of the site, the character of development in the area and the information presented with the application it is considered that on the basis of the specifics of this site and the scheme a recommendation for approval is made.

The site was visited by the Planning Committee on 6 September 2007 and deferred at the meeting of the same date, to seek a reduction in the density of the development through a reduction in the number of units, whilst also expressing concern regarding the lack of amenity and parking space.

The applicant's agent has submitted amended details which shows a reduction in the number of units proposed from eight to seven with an increase in parking provision of two spaces and ensuring a small area of dedicated private amenity space for all the dwellings. The applicants' agent has submitted a letter in support of these amendments at Appendix G.

CONCLUSION

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

Having regards to Policies HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, ENV27 – Design of New Developments and TRAN10 – Parking the development will reflect the form of residential development in the area and provides adequate car parking and is of an acceptable scale, form and design such that the visual amenities, general amenity and privacy of nearby occupiers would not be significantly adversely affected.

RECOMMENDATION

That subject to the applicants first entering into a Section 106 Legal Agreement to:

- (a) pay a financial contribution of £20,000 to enhance public open space in the vicinity of the site;
- (b) meet the Council's standard charge set at 20% of the planning application fee, for monitoring the implementation of the Agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans 1004/1001B and site location plan and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. All means of enclosure associated with the development shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial unit of any unit on site, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being brought into beneficial use.

Reason:

In the interests of the visual amenities of the area and to ensure privacy for existing and future occupiers and to meet the requirements of Policies HOUS8 and ENV27 of the Unitary Development Plan.

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

Reason:

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

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 1004/1001A and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

6. Prior to their use on site samples of the bricks, external surface finishes and slate roofing shall be submitted to the Local Planning Authority for their approval in writing and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

7. Details of the finished floor level and access through the site in relation to street level shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the slab level or access and the development shall be carried out in accordance with the agreed levels.

Reason:

To ensure a satisfactory form of development in the street scene and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

8. The development shall be carried out in accordance with the sustainability checklist submitted with the application and details of any solar heating shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason:

To safeguard the environment and to meet the requirements of Policies 2 and ENV27 of the Unitary Development Plan.

NOTE:

- 1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 2. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**
- 3. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

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.

2007/00273/FUL Received on 26 February 2007

Mr. M. J. P. Board, Moorlands Farm, Penllyn, Vale of Glamorgan., CF71 7RQ
Mr. M. J. P. Board, Moorlands Farm, Penllyn, Vale of Glamorgan., CF71 7RQ

Rear garden of Moorlands Farm, Penllyn

Construction of a two storey outbuilding to provide a workshop, garden store, gymnasium and office as ancillary accommodation to the main dwelling

SITE DESCRIPTION

The site relates to a large detached dwellinghouse located outside Penllyn settlement boundary in the Upper Thaw Valley Special Landscape Area. The property is adjoined by two other large detached properties and has a large rear curtilage with a number of small storage outbuildings.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the demolition of the storage buildings in the curtilage and the erection of a large annex outbuilding to accommodate storage needs as well as a workshop, gym and shower facilities. The annex measures 6.5m wide x 12m length and 5.8m high to the ridge.

PLANNING HISTORY

None.

CONSULTATIONS

Penllyn Community Council were consulted on 6 March 2007, no comments have been received to date.

The Head of Visible Services (Highway Development) was consulted on 6 March 2007. No comments have been received to date.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 6 March 2007. No comments have been received to date.

REPRESENTATIONS

Moorlands Hall and Barry Meadow were consulted on 6 March 2007. No representations have been received to date.

REPORT

Members will recall that this application was deferred at the September meeting of Planning Committee to allow Members to view the site. The site visit is due to take place on 9 October 2007.

The site relates to a large detached dwellinghouse located outside Penllyn settlement boundary in the Upper Thaw Valley Special landscape Area. The property is adjoined by two other large detached properties and has a large rear curtilage with a number of small storage outbuildings.

Planning Policies

In assessing this application consideration must be given to local planning policies and the following are considered relevant in assessing this application.

Policies ENV27 - Design of New Developments, HOUS7 - Extension and Replacement of Dwellings in the Countryside and ENV4- Special Landscape Areas of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Adopted 'Amenity Standards' Supplementary Planning Guidance.

Policy HOUS7 - Extension and Replacement of Dwellings in the Countryside states the replacement or extension of dwellings in the countryside will be strictly controlled. Proposals will be permitted if all of the following criteria are met.

- (i) The extended dwelling is not disproportionate in size to the original dwelling.
- (ii) Adequate utility and infrastructure services exist, are readily available or can be economically provided.
- (iii) The replacement dwelling or dwelling as extended does not require an unacceptable extension of the existing residential cartilage.
- (iv) In respect of replacement dwellings, parking and amenity space is provided in accordance with the council's approved guidelines.
- (v) The scale, siting, design, materials, landscaping and external appearance of the replacement dwelling or extension is compatible with any existing related structures and the surrounding landscape; and
- (vi) In the case of replacement dwellings for derelict buildings, the residential use of the building has not been abandoned.

Furthermore, it is important to note Policy ENV4 - Special Landscape Areas as the site lies within an area identified for its special landscape value. Thus it is recognised that the design of development can have a significant impact on the quality of the rural landscape

Issues

In regard of this application the main issues relate to the proposed annex's scale, design, siting and impact upon the adjoining neighbours as well as the wider visual amenities of the Special Landscape Area.

It should be noted that there will no impact upon the private amenities of the adjoining neighbouring properties. The proposed annexe is sited within the curtilage with heavy tree cover lining the boundary between the adjoining neighbours at Moorlands Hall. As a consequence there is no concern over unneighbourliness, privacy or light issues.

With regard to the wider visual amenities of the proposals it is considered that the outbuilding will be partly obscured. Nevertheless, we are considering a development situated within a Special Landscape area and an annex outbuilding that is large in scale and would be detached and some distance from the main outbuilding. It is considered that the erection of the outbuilding will increase the sprawl of buildings within the curtilage of the dwelling house into a previously undeveloped garden area and as a consequence cause a detrimental impact visually from fields to the west of the site on the surrounding open countryside and Special Landscape Area.

In addition, the scale of the building and its accommodation can be seen as an annex that is capable of being used for independent living. The outbuilding has been amended to 12m length x 6.5m depth with the majority of the building being at a one and half storey, 5.8m high. Furthermore, the building is sufficiently far from the main dwelling house and detached garage (approx 14m) and could be accessed via the existing driveway making it capable to function as a separate independent dwelling. As such, the Council would be giving approval for a building that could be tantamount to a new dwelling in the open countryside

The use of the building can be controlled to some extent through conditions; however, it is considered that it would be far more acceptable to control through good design and appropriate siting. Therefore it is considered that the building would be more acceptable if the scale and siting were amended.

The applicant is not willing to amend the scheme substantially and therefore having considered the scale and siting of the outbuilding and its potential impact the recommendation is for refusal.

CONCLUSION

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

In summary, it is considered that the proposed annex's scale, design and siting is tantamount to a new dwelling in the open countryside that would detract from the rural character of the existing main dwelling house's garden curtilage and the surrounding open countryside and Special Landscape Area.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed annex by reason of its scale, design and siting is tantamount to a new dwelling in the open countryside that would detract from the rural character of the existing main dwelling house, its garden curtilage and the surrounding Special Landscape Area. As such, the proposal is considered contrary to Policies ENV27- Design of New Developments, HOUS7- Extension and Replacement of Dwellings in the Countryside and ENV4 - Special Landscape Area of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/00560/FUL Received on 20 April 2007

Mr. and Mrs. M. Barrett, 59, Lakin Drive, Barry, Vale of Glamorgan., CF62 8AH
Mr. and Mrs. M. Barrett, 59, Lakin Drive, Barry, Vale of Glamorgan., CF62 8AH

7, Paget Road, Barry Island

Rear extension & internal alterations to provide further residential accommodation (11 no. flats) in total. Car parking to rear

The property is situated within the Barry (Marine) Conservation Area.

SITE DESCRIPTION

The application site relates to an existing 3 storey bay fronted property, located in the middle of a traditional Victorian terrace on Paget Road, Barry Island. The rear elevation is slightly elevated and overlooks the Barry Athletic Club Sports Ground and the Old Harbour beyond. The application site falls within the Barry Marine Conservation Area.

The existing building is used as a bar at ground floor area with a beer cellar skittle alley and function room at basement level. The first and second floor accommodation comprises of three flats.

DESCRIPTION OF DEVELOPMENT

This is a full application for a rear extension and internal alterations to provide the following accommodation :

- 2 No. 1 bedsits.
- 6 No. 1 bedroom flats.
- 3 No. 2 bedroom flats.

The extension on the rear elevation as amended will extend the existing rear projecting wing by 11 metres, by a width of 5.4 metres, where the eaves and ridge height will form a continuation of the existing wing. The first and second floor accommodation is shown to be elevated above the ground floor supported on brickwork columns. The extension is shown to be clad with horizontal timber boarding, dark grey UPVC windows and a slate roof (to match existing). The rear gable is shown to be served with inward opening French doors and a handrail.

The proposed development will be served by a total of 7 No. parking spaces which will be accessed via the one way lane to the rear.

PLANNING HISTORY

04/00614/FUL – Conservatory at rear of pub. Approved 28 May 2004.

03/01479/FUL – Remove restriction of trading hours. Refused 28 November 2003.

98/00031/FUL – Upgrading and refurbishment of existing structure. Renewal of canopy shop fronts. Approved 27 February 1998.

96/00648/FUL – Change of use from A1 to A3 hot food takeaway. Approved 13 September 1996.

CONSULTATIONS

Barry Town Council were consulted on the original scheme and raised a strong objection on the following grounds :

- (i) The proposal represents overdevelopment with a total lack of amenity space for the enjoyment of future residents and an under provision of on site car parking. The brickwork piers together with the tight and congested layout of the parking spaces would leave little room for the manoeuvring of vehicles within the site.
- (ii) The unimaginative and unsympathetic external design and finish of the rear extension is considered to be unacceptable as it would neither preserve nor enhance the appearance of the Barry Marine Conservation Area.

The application is considered to be contrary to Policies and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and should therefore be refused.

Environment Agency Wales were consulted and have stated that the application site lies within Zone B as defined by the development advise map (dam) referred to under TAN 15 Development and Flood Risk (July 2004). However in this instance they have no adverse comments with regard to flood risk.

The Director of Legal, Public Protection and Housing Services (Environmental Health (Private Sector Housing)) was consulted and requested further details in respect of internal arrangements.

The Director of Legal, Public Protection and Housing Services (Pollution Section) was consulted and have raised no objection in principle but have raised concern regarding the compatibility of the proposed development with the existing use and construction of the present building. They have requested details of how the applicant intends to insulate the building from the commercial areas of the site.

Hyder Consults were consulted and have raised no objection subject to conditions.

The Head of Visible Services (Highways Development) was consulted on the original and amended plans. In relation to the amended scheme they have stated that the proposal is still deficient in parking by 3 No. spaces and that the Highway Authority will not relax the parking standard below 1 for 1.

Vale of Glamorgan Conservation Advisory Group at their meeting on 28 June 2007 recommended refusal, having regard to the scale, form, design and materials of the proposal and the impact thereof on the character of the existing building, on existing properties in Paget Road and, when viewed from the rear elevation, on the setting of the conservation area when viewed across the Athletic Ground and Old Harbour.

Glamorgan Gwent Archaeological Trust have stated that whilst medieval remains are known both at Friars Point and also the northern end of Paget Road, no recorded archaeological features are within the area of the proposed application.

REPRESENTATIONS

Adjacent occupiers were notified and a site notice was also posted. To date no letters of representation have been received.

REPORT

In terms of planning policy, the site itself (including the whole of the adjoining Paget Road terrace) lies outside the defined residential settlement boundary for Barry and therefore the application site falls within the countryside, although the site is also classified as falling within the developed coast.

The most up-to-date policies are contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, of which the following are of direct relevance to this application.

Policy ENV1 relates to development within 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; or
- (iv) Development which is approved under other policies of the plan.

Policy ENV6 relates to the East Vale Coast and states :

Outside the Glamorgan Heritage Coast development within the undeveloped coastal zone will be permitted if:

- (i) a coastal location is necessary for the development; and
- (iii) the proposal would not cause unacceptable environmental effects by way of :
 - visual or noise intrusion;
 - impact on areas of landscape importance;
air, land or water pollution;
 - exacerbation of flooding or erosion risk;
 - hazardous operations; or
 - impact on ecology or features of geological or geomorphological importance.

In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

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

- (i) provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility;
- (ii) 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.

TRAN 10 – Parking

Furthermore, the site is now included within the amended boundary to the Barry Marine Conservation Area, where the entire Paget Road terrace has been highlighted as an important context frontage, where their prominent rear elevations have an impact on the character and setting of the Athletic Ground and Old Harbour. As such regard should be given to Policies ENV17 (Protection of Built and Historic Environment), ENV20 (Development in Conservation Areas)

Also relevant is the Supplementary Planning Guidance Amenity Standards. Consideration should also be given to the guidance and policies contained within the Barry Marine Conservation Area Appraisal and the Barry Development Guidelines, which states (p.22: 'Paget Road Terrace') that 'encouragement should be given to unifying the appearance of this 3 storey key frontage. Developments that reflect the scale and massing of this terrace will be encouraged'.

Issues

The purpose of the residential settlement boundary is to prevent new residential development in the countryside, to prevent the expansion of urban areas and urban coalescence. The settlement boundary also limits residential development to within existing residential areas to ensure that new residential development is limited to areas where there would be no conflict with any existing or adjacent uses. In the case of this application it may well be argued that Paget Road has been excluded in order to protect the area from new residential development, which may affect the vitality and viability of Barry Island as a tourist destination.

However, notwithstanding the above, Policy ENV6 recognises the fact that part of East Vale Coast is developed and accordingly this policy permits new development within the countryside in areas designated as developed coast, subject to any such proposal being designed to respect to its local context and coastal setting.

The property is a mid link terrace forming part of the main crescent of properties on Paget Road which comprise of retail uses, cafes and amusements at ground floor with first and second floors in residential use. Therefore the adjoining uses and indeed the application site itself have an historic residential use, although it is accepted that the residential element is limited to flats above existing ground floor shops. However, this proposal will retain the former ground floor bar with the residential element above. The proposed layout would follow the same form and layout of the adjoining uses and would therefore not be out of keeping with the adjoining uses nor impact on the viability of the area as a tourist attraction.

It should be noted that precedent has already been set for such developments, where a much larger scheme of redevelopment has been completed at the other end of Paget Terrace, at the former Rock Café/Galleon Lounge, as approved under planning permission ref: 04/01200/FUL. More recently a scheme has been completed for a similar scale of development at No. 11 Paget Road as approved under planning permission ref: 05/00164/FUL. These schemes result in a gradual improvement in the rear elevation of property when viewed from the causeway approaching the Island. The overall design, form, scale and materials of the proposed development follows that of the previous schemes.

Having accepted the principle of residential use at the site, the main considerations in assessing this application is the impact of the extension by virtue of its scale, form, design and materials, on the Paget Road street scene and its wider impact on the Conservation Area and whether the proposal meets the Council's standards in respect of parking and amenity space.

The scheme unlike the others approved does not propose any alterations to the front façade, and the works are limited to the construction of a contemporary extension to the rear overlooking the bowling club and cricket ground and Old Harbour beyond.

The scheme as originally submitted proposed a large rear projection where first and second floors were supported on large brick columns creating a large void area below, out of keeping with the character of the building and therefore would fail to preserve or enhance the character of the Conservation Area. Following discussion, the scheme has been revised and the extension now includes accommodation at ground floor area and has been reduced in depth by 1 metre. The resulting extension, whilst still relatively large is nevertheless considered to be of a scale and form which is now appropriate in relation to the rear elevations of the properties and in line with the large projecting wing on the adjacent property.

The rear elevations to the existing crescent are neutral in terms of their materials and finishes, although given the difference in levels, the scale of the rear elevations are a prominent feature on the skyline when viewed at a distance from Parade Gardens. It is considered that the revised scheme, now respects the rear elevations of adjoining properties and the wider setting of the Conservation Area.

Amenity Space

The Supplementary Planning Guidance Amenity Standards requires a minimum provision of 20 square metres of amenity space per person in flatted developments. The proposed development of 11 units could accommodate a total of 26 people, which would require 520 square metres of amenity space. However the submitted scheme does not include any private areas of amenity space. However there is potential to provide areas for a bin store and cycle parking in the lower ground floor undercroft car park area, which would be required by condition.

In respect of impact on the privacy and amenity of nearby or adjacent residential occupiers, the adjacent projecting wing of No. 5 Paget Road mainly comprises of a blank elevation with blocked up windows none of which appear to serve habitable windows serving residential units. The opposing west facing elevations will overlook the rear yard of Nos. 8 and No. 9 Paget Road and as such will not result in the loss of any residential privacy.

Consideration should however be given to the location of the site and the proximity of public amenity space which could be used by the occupiers in the nearby park and Whitmore Bay. Given the deficiency in amenity space financial contributions have been sought towards enhancing existing public open spaces in the locality, which is detailed separately below under Section 106 considerations. In light of the above it is considered appropriate to relax the approved standards in this instance.

Highway Considerations

The development provides 7 No. off-street spaces with spaces provided at lower ground floor level (partly undercroft). The Head of Visible Services (Highway Development) has stated that the proposal is deficient by 3 spaces and that the Highway Authority will not relax the parking standard below 1 for 1. However whilst there is a shortfall the site is also in relatively close proximity to Barry Island Station which provides regular train services to Cardiff. Furthermore given the deficiency in off-street parking, there is an opportunity to provide a more sustainable form of development through financial contributions from the applicant to provide improvements to local sustainable transport facilities, which is detailed below.

Section 106 Considerations

As a result of the consultation responses and requirements set out within Supplementary Planning Guidance, the following matters should be considered to form part of a Section 106 Agreement.

Public Open Space

Given that the proposed scheme is deficient in on-site public open space contributions have been sought towards the enhancement of public open space in the vicinity. The applicant has agreed to provide a financial contribution of £25,000 for enhancements to open space which is considered to be commensurate to the scale and type of development proposed.

Sustainable Transport

As stated above, the proposed scheme is deficient in on site parking, and to offset this deficiency and to assist in providing a more sustainable form of development contributions were sought to provide improvements to local sustainable transport facilities. Following consultation, it is advised that a contribution of £770 would be required to provide updated information on eight bus stops, bus stop specific timetables and to provide a contribution to the Council's Public Transport Guide. The applicant has agreed to the level of commuted sum required.

Notwithstanding the above, it has been agreed by Planning Committee and Cabinet, that all Planning Agreements or any unilateral Agreements include a provision or clause for the payment of a fee to the sum of 20% of the value of the relevant planning application fee upon the completion of the Agreement and prior to the release of the relevant planning permission. In this case a fee of £460.80 would be required in addition to those matters set out above.

CONCLUSION

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

Having regard to Policies ENV6 - East Vale Coast, ENV20 - Development in Conservation Areas, ENV27 - Design of New Development, and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance on Amenity Standards, Barry Development Guidelines and Barry Marine Conservation Area Appraisal, it is considered that the proposal represents an acceptable form of development that would preserve and enhance the character and appearance of the Barry (Marine) Conservation Area, and would not have a detrimental on neighbouring or general amenities of the area.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary obligations:

- (1) The developer shall pay the Council a sum of £25,000 for improvements to public open space.
- (2) The developer shall pay the Council a sum of £770 as a sustainable transport contribution.
- (3) The Legal Agreement will include the standard claim requiring the payment of a fee set at 20% of the value of the planning fee (£460.80 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 20 April 2007 other than where amended by plans referenced 'PI 5, 6, 7, 10, 11 and 12 received on 2 July 2007.

Reason:

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

3. No part of the development hereby approved shall not be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. PI 5 and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

4. Notwithstanding the submitted plans details of cycle parking and areas for bin storage to serve the flats hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory cycle parking and bin store areas are provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Prior to their use on site samples of ridge and roof tiles, timber cladding and brickwork 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 samples.

Reason:

To ensure that the visual amenities of the area are safeguarded and to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2007/00686/FUL Received on 15 May 2007

Mr. Rhys Price, C/O Moulton Court Farm, Moulton, Nr Barry, Vale of Glamorgan., CF62 3AB
Andrews Gay & Partners, Watson House, 2, Cora Street, Barry, Vale of Glamorgan., CF63 4EP

Curnix Farm, Moulton, Near Barry

Proposed amendments to previous consent 04/00003/FUL & to site a residential caravan on the site for 5 years to enable client to live on site while converting barn

SITE DESCRIPTION

The application site relates to a small complex of unconverted farm buildings located in a rural location on the north side of the Weycock Valley to the east of Penmark.

DESCRIPTION OF DEVELOPMENT

This is a full application described as amendments to previous consent ref: 2004/0003/FUL and to site a residential caravan on the land for 5 years to enable client to live on the site while converting barn.

As in application ref: 2004/0003/FUL, the proposal seeks to convert two barns to a single residential dwelling. The two buildings, which form an 'L' shape are situated to the north east of Curnix Farm House and are shown to be linked by a fully glazed mono pitched single storey extension. The property would have a kitchen / dining area, living room, study and bedroom to the ground floor and three bedrooms and a bathroom to the first.

The proposals would include the following external alterations to the buildings:

- The construction of a single storey glazed extension to link between the two storey and single storey barns.
- Provide a 'break through' separating the single storey building to provide pedestrian access to the field to the rear.
- A new roof structure to the single storey barn together with the provision of a new façade to the south courtyard elevation.

The barn would be served by the southerly access that serves Curnix Farm.

It is proposed to provide a strip of amenity space to the rear of the barns extending three metres into the field.

The application is supported by a structural survey and a bat and barn owl survey.

PLANNING HISTORY

97/00232/FUL – Conversion of barns to a guest house. Approved 8 June 1998 subject to conditions and a Section 106 Legal Agreement.

04/00003/FUL – Conversion of barns to residential dwelling. Approved 13 May 2004 subject to conditions.

04/00961/FUL - Conversion of barns to residential dwelling. Approved 23 September 2004 subject to conditions.

05/00660/FUL – Resubmission of approval of 04/00961/FUL – To vary scheme to include adjustment to single storey roof element and creation of additional bedroom. Approved 8 July 2005 subject to conditions.

07/00087/FUL – Resubmission of approval 05/00660/FUL - To vary scheme to include an additional bedroom and ground floor room. Approved 12 September 2007 subject to conditions.

CONSULTATIONS

Llancarfan Community Council. No comments have been received to date.

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

Civil Aviation Authority – No safeguarding objection to the proposal.

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

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

REPRESENTATIONS

Adjacent occupiers were notified and to date no letters of representation have been received.

REPORT

Planning Policies

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

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

Policy ENV4 - Special Landscape Areas

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

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

Issues

Residential conversion of this barn and the adjacent barn has already been approved (see planning history) for which there is extant planning permission.

A bat and barn owl survey was undertaken by a licensed survey of all buildings on site (including those to be demolished) to ascertain the presence of roosting bats and nesting barn owls. The submitted report states that a detailed inspection was made of the buildings and that no evidence was found to suggest that the site is used by either bats or barn owl.

By way of background it should be noted that there have been several applications for amendments to the adjoining barn, which includes a small increase in the ridge height of the single storey element of the barn. This application also seeks to increase the height of the single storey barn in line with that of the adjacent barn. On the basis that both barns form one continuous building the increase in ridge height to match that of the adjoining barn is considered acceptable.

In terms of the structural integrity of the barn, a structural report was submitted to support the application residential conversion under application ref. 2004/0003/FUL. However due to the passage of time since that approval, a revised structural report has been submitted. The Principal Building Control Officer has considered the submitted report and states that the report briefly identifies the sites structural issues and present condition of the existing property. However he has advised that there will be further implications to the structure where conversion works to provide a dwelling are proposed. On the basis that there is an extant consent for residential conversion, it is considered appropriate to re-impose the condition which required section drawings through the main barn indicating how the first floor is to be accommodated, together with a structural appraisal of the impact of any reduction in ground levels.

The principal amendment in this application is the link between the two storey barn and the single storey barn. A fully glazed link was originally approved under planning permission ref: 2004/003/FUL, 3.6 metres wide constructed in anodized aluminium on the basis that it was a lightweight linking structure which retained the character of the two barns. The original plans submitted in this application proposed a much wider link 6 metres wide with a slate roof. The increase width and provision of solid roof was considered to significantly increase the massing and scale of the link to a point where it no longer a simple glazed structure but as large scale extension to the barn to provide an additional room. Accordingly such an extension was considered contrary to the above referenced policies.

Following negotiation amended plans have been submitted which now retains the glazed roof on the link building. Whilst the amended plans indicate that the link will be some 0.2 metres wider, such an increase in width will have no material change to the building over that previously approved and the ridge height of the mono pitched roof remains the same as previously approved and is therefore considered acceptable.

The other alteration relates to the reduction in the size of the barn, in that the adjacent residential unit will extend into this unit which has been approved under 07/00087/FUL. The only external alterations will be the re-location of the through link in the barn which would facilitate access from the front to the rear of the barn in order to allow access to the area of amenity space to the rear. Given that the through link has previously been approved its relocation will not have any impact on the character of the existing rural building over that previously approved scheme.

The application also seeks to site a residential caravan on the land for 5 years to enable client to live on the site while converting the barn. There is a policy presumption against the siting of new dwellings in the countryside, where no justification exists. However the caravan will be sited within the approved residential curtilage of the barn sited adjacent to the parking and turning area and will not be visible when viewed from outside the site. Therefore there is no objection for temporary siting for a period of up to 3 years or until the conversion of the barn has been completed, whichever is the sooner, subject to the caravan being removed from site in its entirety after that time.

CONCLUSION

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

Having regard to Policies ENV8 – Small Scale Rural Conversions, ENV4 - Special Landscape Areas and ENV27 - Design of New Developments the proposal is considered acceptable as conversion work can be undertaken without unacceptably altering the appearance and rural character of the building and can be achieved without substantial reconstruction of the external walls, or extension to the building and would not impact on the character of the Special Landscape Area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 15 May 2007 other than where amended by plans reference 5A, 6A and 7A received on 18 June 2007.

Reason:

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

3. No works to the barn shall take place until a permanent landscape barrier is installed across the driveway leading to the shared northern access, in accordance with a detailed scheme which shall be submitted and approved have previously submitted and approved in writing by the Local Planning Authority.

Reason :

In the interests of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. No works to be barn shall take place until the southern vehicular access is improved in accordance with the approved scheme previously submitted to the Local Planning Authority on 16 June 2005 under application ref. 2005/00660/FUL. The improvements shall include for the provision of 2.4 metre by 33 metre vision splays including the maintenance of the hedgerow within 33 metres each side of the access to a maximum height of 900mm and the improvement of the surface of the access track.

Reason:

In the interests of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

9. The use of barn shall not be approved by this consent until samples of ridge and roof tiles and rainwater goods have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

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

10. Notwithstanding the submitted plans, prior to the commencement of development, section drawings through the main barn indicating how the first floor is to be accommodated together with a structural appraisal of the impact of any reduction in ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reason:

To ensure that the structure of the building is not compromised as a result of the development to ensure compliance with Policy ENV8 of the Unitary Development Plan.

11. Further details of the windows, doors, eaves and glazed link including sections to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason:

In the interests of visual amenities of this rural area and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

12. No works involved in the development hereby permitted, shall be carried out during the bird nesting season between 1 March, and 31 July in any year, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason:

In the interests of nature conservation.

13. Prior to the commencement of development details, including a sample panel, of the proposed stonework and detail of the mortar type and pointing, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

14. No part of the development hereby approved shall be brought into beneficial use until such time as the parking and turning areas have been laid out in full accordance with the submitted details and the parking and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN 10 of the Unitary Development Plan.

15. The caravan hereby approved shall be removed from the site on or before 3 years from the date of this consent or on completion of the residential conversion of the barn hereby approved, whichever is the sooner.

Reason:

To enable the Local Planning Authority to control the nature of use in this rural location and to comply with the terms of Policies ENV1 and HOUS3 contained within the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

NOTE:

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.

2007/00727/FUL Received on 21 May 2007

A. N. & M. J. Quick, C/O. Agent
White Young Green, 21 Park Place, Cardiff., CF10 3DQ

The Greendown Inn, St Georges Super Ely, Cardiff

Conversion and alteration of existing buildings for 3 No. residential units

SITE DESCRIPTION

The application site comprises an existing public house, restaurant and hotel accommodation located in the countryside to the west of Cardiff. The property is located within the St. Georges Conservation Area and within the vicinity of the listed St. Georges Church.

DESCRIPTION OF DEVELOPMENT

This is a detailed application for the conversion and alteration of the existing buildings to create three dwellings. The proposal entails:

- (a) Demolition works, including the front entrance porch and projecting bay windows; the flat roof dining room, central portion of the kitchen, bar and toilet areas; areas of the rear pitched roof annexe; the rear entrance lobby and section of toilets; plus additional internal wall demolition to provide accommodation within the proposed dwellings.
- (b) New build works, including new porch on rear of Plot 1; complete remodelling of existing attached residential annexe, Plot 2 with a new pitched roof, lean-to side extensions and a buttressed full height entrance on the west elevation; extensions to the detached annexe, Plot 3, including new openings, a porch/canopy on the front elevation, two storey pitched roof projecting gable on the front elevation and lean to dormer to the rear.
- (c) Subdivision of the existing open yard, car parking and associated grounds to provide enclosed private courtyards and gardens.
- (d) Vehicular access will be via the existing northernmost entrance, with the existing access to the south blocked up.

The external finishes will comprise rendered walls with stained timber detailing and blue/black slate. The application is supported by an accompanying statement and a sustainability statement.

PLANNING HISTORY

There is an extensive history of applications on the site. Of particular relevance to the current application are:

84/01212/FUL – Extension to provide eight hotel bedrooms. Refused 12 March 1985 with a subsequent appeal allowed on 14 October 1985.

90/00977/OUT – 39 No. bed motel and diner. Refused 20 November 1990 on the grounds of being detrimental to the setting and amenities of the Conservation Area.

91/01225/FUL – Food preparation and storage unit. Refused 16 June 1992 with a subsequent appeal allowed 9 December 1992.

98/00026/FUL – Change of use, part of first floor and rear annexe to hotel use. Approved subject to conditions 6 March 1998.

04/00834/FUL – Extensions to the main hotel and annexe to provide an additional 27 No. beds. Refused 23 September 2004 on the grounds of an intrusive feature within the rural landscape that would detract from the character and appearance of the St. George's Conservation Area and the unspoilt countryside of the Ely Valley and Ridge Slopes Special Landscape Area.

05/01230/FUL - Conversion and alteration of existing buildings to create five dwellings. Refused 20 October 2005 on the grounds of the introduction of unjustified new dwellings in the countryside adversely affecting the rural landscape setting of the Ely Valley and Ridge Slopes SLA and neither preserving or enhancing the character and appearance of the St. Georges Conservation Area; plus the unjustified loss of an established tourism and community facility. A subsequent appeal was dismissed on 31 October 2006. A copy of the appeal is reproduced at Appendix A for Committee Members inspection.

CONSULTATIONS

St. Georges and St. Brides Community Council. Comments on initial scheme – No objections to the proposed development.

Comments on amended scheme are that the Community Council has no objections.

Environment Agency Wales has no objection.

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

Glamorgan Gwent Archaeological Trust has no objection as the proposed development comprises demolition and redevelopment within the existing footprint of the standing building.

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

“Three parking spaces per unit are required to be provided to serve Plots 1, 3 and 4 and two spaces for Plot 2. Additionally two spaces are required to serve visitors. A manoeuvring area for service vehicles is also required within the site.”

Comments on revised scheme:

“Further to receiving amended plans in relation to the above, I would comment that the proposed manoeuvring areas within each plot are required to be increased in size in order to provide adequate turning facilities for residents and visitors.

Additionally, two parking spaces are required to be provided within the boundary of the development site for the use of visitors.

Finally, an area is required to be provided within the boundary of the development site to enable service vehicles to manoeuvre and enter/exit the site in forward gear.

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

Vale of Glamorgan Conservation Advisory Group at their meeting on 28 June 2007 recommended refusal, the Group considering that the current proposal would neither preserve nor enhance the character and appearance of the Conservation Area given its scale and detailing and overpowering frontage onto the road, having regard to its siting at the entrance to the hamlet and in relation to the scale of historic development which establishes the character of development in the Conservation Area.

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the initial scheme on 8 June 2007 and renotified of the amended plans on 11 September 2007. In addition the application was advertised on site and in the press on 15 June 2007. Following the initial notification letters in support of the application were received from the occupiers of Drope Farm, Springfield, Morning Star, Church Cottages, Mornington, Hen Ysgol and Ty Ffonnon all of Drope Road; Hawthorne, No. 8 Drope Terrace; Ty Draw Farm, St Georges-Super-Ely; and Coedarhydyglyn Nr. Cardiff. It should be noted however that following the acknowledgment of the representations the occupiers of Ty Ffonnon and Ty Draw Farm have subsequently contacted the authority to advise that they did not submit the letters.

The applicant's agent's supporting statement is reproduced at Appendix B for Committee Members inspection.

REPORT

The site is located in the countryside and within the boundaries of the St. George's Conservation Area. The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) also identifies the site as lying within the Ely Valley and Ridge Slopes Special Landscape Area. As such the following policy background is considered relevant to the assessment of the application.

Planning Policies

Policy ENV1 of the Unitary Development Plan refers to Development in the Countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV4 relates to Special Landscape Areas and identifies the site as being within the Ely Valley and Ridge Slopes Special Landscape Area and requires that new development within or closely related to these areas can demonstrate that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area.

Policy ENV8 relates to Small Scale Rural Conversions and states:

PROPOSALS WHICH INVOLVE SMALL SCALE CONVERSIONS OF RURAL BUILDINGS TO NEW USES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS;
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALL, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE;
- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING;
- (v) WHERE RESIDENTIAL USE IS CONSIDERED ACCEPTABLE, AMENITY SPACE CAN BE PROVIDED WITHIN THE CURTILAGE OF THE SITE WITHOUT UNDUE INCURSION INTO THE RURAL LANDSCAPE;
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE;
- (vii) SATISFACTORY PARKING PROVISION CAN BE MADE WITHIN THE CURTILAGE OF THE SITE;
- (viii) IN THE CASE OF CONVERSION FOR SMALL SCALE COMMERCIAL, INDUSTRIAL, RECREATIONAL OR TOURISM USE THE PROPOSAL SHOULD NOT CREATE UNACCEPTABLE TRAFFIC OR OTHER ENVIRONMENTAL PROBLEMS;
- (ix) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL OR INDUSTRIAL USES ANY RETAIL SALE OF PRODUCTS SHOULD BE ANCILLARY TO THE MAIN USE;
- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND. APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP;
- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT;
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA; AND
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

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

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

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

WILL NOT BE PERMITTED.

Policy ENV20 refers 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 ENV21 refers to Demolition in Conservation Areas and states that this will be strictly controlled with, in particular the requirement that proposals should be accompanied by the appropriate re-use of local indigenous materials which reflect the character of the conservation area.

Policy ENV27 seeks quality in the Design of New Developments and is a criteria based Policy that requires development proposals to have full regard to the context of the local natural and built environment and its special features. The first criterion requires that new development should complement or enhance the local character of buildings and open spaces.

Policy COMM5 seeks the Retention of Community Facilities in rural settlements and villages.

Policy HOUS3 of the Unitary Development Plan relates to Dwellings in the Countryside and seeks to restrict new dwellings to those that can be justified in the interest of agriculture and forestry.

The Vale of Glamorgan Adopted Unitary Development Plan also has strategic policies including Strategic Policy 1 which states:

THE VALE OF GLAMORGAN'S DISTINCTIVE RURAL, URBAN AND COASTAL CHARACTER WILL BE PROTECTED AND ENHANCED. PARTICULAR EMPHASIS WILL BE GIVEN TO CONSERVING AREAS OF IMPORTANCE FOR LANDSCAPE, ECOLOGY AND WILDLIFE, THE BEST AND MOST VERSATILE AGRICULTURAL LAND AND IMPORTANT FEATURES OF THE BUILT HERITAGE. PROPOSALS WHICH ENHANCE THESE AREAS WILL BE FAVOURED.

In addition Strategic Policy 6 states:-

TOURISM DEVELOPMENTS WILL BE FAVOURED WHERE THEY:

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

The Council also has Supplementary Planning Guidance relating to Conservation Areas in the Rural Vale, the Conversion of Rural Buildings, Amenity Standards and Sustainable Development.

National guidance is contained within Planning Policy Wales, March 2002, TAN12 Design, TAN13 Tourism. The guidance recognises the importance of protecting the historic environment as a resource for future generations as well as supporting tourism as an essential element in providing for a healthy, diverse, local and national economy which can also contribute to the provision and maintenance of facilities for the local community.

Issues

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

In addition to the above policies and guidance a material consideration in the assessment of the application is the planning history. It will be noted that an earlier scheme for the conversion and alteration of the buildings to five dwellings was refused in 2005 (05/01230/FUL) and dismissed on appeal in October 2006. The Council rejected the scheme as it considered that the proposal represented the unjustified introduction of five new dwellings in this countryside location, with the loss of an established community and tourism facility, all of which would have an adverse impact on the surrounding rural landscape and the setting and character of the St. George's Conservation Area. Whilst the Inspector did agree with the Council that the proposal as submitted would fail to preserve the character and appearance of the St. Georges Conservation Area, nevertheless, he did not accept all of the Council's grounds for rejecting the scheme.

The Inspector considered the question of the loss of this community facility and the argument of the local residents that the Greendown Inn is an important social facility. Whilst accepting that the loss of the public house would reduce the range and choice in the area, nevertheless evidence presented at the Inquiry on behalf of the appellant convinced the Inspector that there wasn't sufficient justification to dismiss the appeal on the basis that the community facility should be retained.

Thus it is considered that the primary issue that remains for the Council to consider in this revised application is whether or not this reduced proposal for three dwellings will have less of an impact on the character and appearance of the Conservation Area and the surrounding countryside than the scheme rejected on appeal.

In assessing the impact on the character of the conservation area and the surrounding rural landscape the Inspector identified a number of important elements. These included the generally low profile of the buildings on the site; the area of open land between the Greendown Inn and the remainder of the dwellings in the small settlement. It also included the fact that although the existing development has limited architectural merit, contributing little to the visual quality of its surroundings, the settlement is prominent within the surrounding attractive and sensitive rural landscape being visible from a network of public footpaths. Following on from this the main concerns highlighted by the Inspector, and given as grounds for rejecting the previous scheme related to the significant increase in the bulk and massing of the development, particularly on plot 2 with the new two storey; and increased scale of development, representing double the number of houses in the settlement.

The current application was initially submitted for four houses but has been further amended to reduce the total number to three, i.e. an additional two units over and above the existing residential accommodation associated with the property. The revised scheme has omitted the original Plot 2, which amounted to a virtual new build two storey house to replace the single storey flat roofed dining room. This was also in the most prominent area of the site and an element of the earlier scheme that the Inspector had raised as a concern. The omission of this plot serves to reduce the scale and prominence of the development, and enhance the area of open land between the site and the remainder of the conservation area. The remainder of the plots will involve less demolition works and rely on retaining much more of the original structure. Although the overall character of some of the buildings will be altered, particularly the amended plot two to the rear of the main frontage building, nevertheless, it is considered that detailed changes will serve to improve the overall appearance of the site.

In terms of the Council's previous argument that the development is not supported by Policy ENV8 and the Supplementary Planning Guidance on the Conversion of Rural Buildings, (on the grounds that the conversion of rural buildings for residential use is viewed less favourably than business uses), it is noted that the appeal Inspector was satisfied that the conversion of the buildings to residential use would be acceptable within the conservation area. In addition it is recognised that Planning Policy Wales (PPW) favours the reuse of previously used land, and paragraph 9.2.18 of PPW suggests that minor extensions to groups of houses in the countryside may be acceptable dependent upon the character of the surroundings.

On the highway issues it is noted that there are no objections in principle subject to provision of parking and manoeuvring within the site. On the previous application the Highway Engineer also required that the sole access to the site be via the northern access point with the existing southern access blocked up. The current scheme does provide for such an arrangement.

On the issues of amenity and neighbourliness it is considered that sufficient garden space will be available to serve the proposed dwellings. In addition due to the distance of the development from the existing housing around the church, there should be no impact on those neighbouring occupiers. There is some concern over the proximity of Plots 1 and 2, however, it is noted that there are no directly overlooking habitable room windows.

As regards other infrastructure issues, it is noted that there are no objections from either Welsh Water or the Environment Agency.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV8 - Small Scale Rural Conversions, ENV17 - Protection of Built and Historic Environment, ENV20 - Development in Conservation Areas, ENV21 – Demolition in Conservation Areas, and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Conservation Areas in the Rural Vale, Conversion of Rural Buildings and Amenity Standards; and national guidance contained in Planning Policy Wales March 2002 and TAN12-Design, it is considered that the conversion and alteration of the existing buildings to provide three detached dwellings would serve to preserve and enhance the character of the St. George's Conservation Area. In contrast to the previously rejected scheme the reduced scale of the proposal would have a minimal affect on the unspoilt, undeveloped landscape setting of the Ely Valley and Ridge Slopes Special Landscape Area.

RECOMMENDATION`

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans:

- Site Location Plan, received 21 May 2007.

- Plans as Existing, received 21 May 2007.
- Elevations as Existing, received 21 May 2007.
- Proposed Site Plan and Elevations, Drawing. No. 29904:19, amended plans received 4 September 2007.
- Proposed Floor Plans, Drawing. No. 29904:20, amended plans received 4 September 2007; and
- General Works, additional drawing received 6 September 2007.

Reason:

For the avoidance of doubt as to the approved details.

3. Prior to their use on site a full schedule of external finishes, including samples, and a 1:20 scale detail of the windows, rooflights and doors, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

4. Notwithstanding the submitted plans further details of the on-site parking, turning areas and driveway, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented before the first beneficial occupation of any one of the dwellinghouses hereby permitted, unless otherwise agreed in writing with the Local Planning Authority. The parking and turning facilities shall be retained on site thereafter to provide for the parking and manoeuvring of private motor vehicles associated with the dwellinghouses hereby permitted.

Reason:

To ensure adequate on site parking and manoeuvring space in the interests of highway safety in accord with Policy ENV27 - Design of New Development of the Unitary Development Plan.

5. The existing vehicular access in the south eastern corner of the site shall be permanently stopped up before the first beneficial occupation of any one of the dwellinghouses on Plots 1 and 2. Full details of the proposed closure shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of those works.

Reason:

In the interests of highway safety and visual amenity in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

6. Notwithstanding the submitted plans further details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the first beneficial occupation of any one of the dwellings hereby permitted. The scheme shall provide for robust native species and shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

NOTE:

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

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

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

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

2007/00810/FUL Received on 5 June 2007

Miss Anna Bendall, C/o RWE NPower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Miss Anna Bendall, C/o RWE NPower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Aberthaw Quarry, Aberthaw

Variation of various conditions relating to planning permission 05/01811/FUL for the deposition of PFA from Aberthaw Power Station in Aberthaw Quarry

SITE DESCRIPTION

The application relates to an area of approx. 42 ha., forming part of Aberthaw Quarry.

DESCRIPTION OF DEVELOPMENT

A full application by RWE Npower, the operators of Aberthaw Power Station, for the variation of various conditions attached to planning permission ref. 05/01811/FUL, for the disposal of pulverised fuel ash (pfa) in the quarry and the restoration of part of the quarry, granted on 8 September 2006. The application is accompanied by an Environmental Statement.

PLANNING HISTORY

There is an extensive planning history on the quarry but of particular relevance to this proposal are:

05/01811/FUL - Disposal of pfa from Aberthaw Power Station in the quarry. Approved 8 September 2006.

07/00808/FUL - Retention of access track from the B4265 to Castle Road and proposed works to facilitate access to the quarry. Approved 10 July 2007.

CONSULTATIONS

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

St. Athan Community Council has no objection.

Environment Agency Wales require a detailed method statement and details of necessary pollution prevention measures to be approved and implemented prior to commencement of development. The method statement must identify all fuel, oil and chemical storage facilities, details of surface water runoff arrangements for interception and treatment of contaminated surface water runoff and details of measures to ensure no polluting discharge from haul roads and disturbed areas. Their letter is attached as Appendix A.

In response to the previous application ref: 05/01811/FUL, the Agency advised that they have concerns over the design of the artificial geological barrier to be used as a liner for the site, and required the submission of a hydrogeological risk assessment. However, they confirmed that these issues will be dealt with under the parallel application under the Pollution Prevention and Control Regulations.

Civil Aviation Authority have no objection subject to:

- (a) Access to the site being granted for the duration of the project to their Bird Control Co-ordinator.

- (b) The operating plan including the non-feeding of birds and the correct disposal of food waste, and
- (c) The erection and maintenance of a one metre high fence between the lake and the landfill at the highwater mark to restrict the movement of geese.

Their letter is attached as Appendix B.

The Director of Legal, Public Protection and Housing Services (Pollution Control): notes that parts of Phases 2 and 3 are within 150 metres of Home Farm, Fonmon. To avoid complaints of noise nuisance, noise levels on Sundays, Bank Holidays and at night should not exceed 42 dB(A). To achieve this, it is recommended:

- (a) That operations within 500 metres of dwellings should be prohibited before 0800 and after 1800 on any day with no working on Sundays or Bank Holidays.
- (b) That Phases 2 and 3 should be designed so that tipping is along the quarry wall and not away from the quarry wall and within the quarry bowl for as long as possible.
- (c) That levelling of tipped material within 500 metres of dwellings should be carried out during day time only.
- (d) That modern equipment not using reversing beepers should be used.
- (e) That a scheme for the mitigation of dust nuisance should be submitted and approved, and
- (f) That consideration should be given to the use of a conveyor to transport material, if only within the quarry bowl.

The memo is attached as Appendix C.

Glamorgan Gwent Archaeological Trust note that there are no archaeological features within the quarry and there is therefore no need for an archaeological watching brief.

Countryside Council for Wales were consulted on 13 June 2007 and on additional information on 3 September 2007. Their comments are awaited at the time of preparing this report.

In response to the previous application ref: 05/01811/FUL, CCW noted following surveys that there are no great crested newts on the site. However, they noted the presence of a pair of breeding Peregrine falcons (a protected species under Schedule 1 of the Wildlife & Countryside Act 1981) on the site and suggested leaving an appropriate distance between the tipping operation and the nest site during the breeding season. They also recommended the provision of a platform at the power station as an alternative nest site for future years.

The Welsh Assembly Government Regional Planning Advisor commented in respect of the previous application ref: 05/01811/FUL, with regard to the proposed agricultural restoration, that on the information supplied to date and in line with the advice given in Technical Advice Note (Wales) 6, it cannot be confirmed that agriculture is an appropriate use for all or part of the site. A number of issues are raised concerning the proposal, including:

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

HM Inspectorate of Mines & Quarries have been consulted but have made no comment.

REPRESENTATIONS

In the absence of a Community Council for this area, the occupiers of 70 of the closest dwellings in East Aberthaw and Fonmon were notified directly on 13 June 2007. In addition, the application was advertised on site at four locations in the vicinity on the same date and the appropriate publicity procedures for an application accompanied by an Environmental Statement have been carried out. Additional information in respect of dust issues submitted in August 2007 has been registered as an Addendum to the Environmental Statement and the necessary additional consultations and publicity have been repeated.

One letter of objection, from a property management company representing an unidentified property in Station Terrace, has been received. No grounds of objection were stated.

In addition, Barry/Vale Friends of the Earth express concern that no revised Environmental Statement has been submitted in view of perceived shortcomings in the previous submission, issues raised by them in respect of toxic nanoparticles and the need for interim disposal arrangements if capacity on the existing ash mound is exhausted prior to commencement of disposal in the quarry. They consider that further information is required on dust issues, and that greater efforts should be made to re-use the ash rather than dispose of it to landfill. Further information on dust has since been submitted, but no further comments have been received. FoE's letter is attached as Appendix D.

No other representations have been received.

REPORT

Aberthaw power station produces in the order of 400,000 tonnes of pfa per year. From the opening of the station in the 1950's to date, ash that has not been sold as a secondary aggregate has been stored in an ash mound within the power station site. Permitted capacity on the ash mound is now nearing exhaustion, and in 2006 planning permission was granted for disposal of pfa in the nearby Aberthaw Quarry and the construction of a new access road from the B4265 across Castle Road into the quarry. That permission was subject to numerous conditions, certain of which required schemes to be submitted and approved prior to the commencement of development. Work commenced on the construction of the access road and access to the quarry early in 2007 without complying with several of the relevant conditions. RWE Npower have been advised that the work carried out to date is unauthorised and that the 2006 permission is no longer capable of implementation, in its current form given the commencement of the access works.

In order to regularise the position, two applications have been submitted. Application ref: 07/00808/FUL sought approval for the retention of the access road and additional proposals for creation of the new access to the quarry. That application was approved in July this year.

The current application effectively seeks approval for the disposal of pfa in the quarry bowl without complying with the various 'conditions precedent' attached to the previous permission. No change is proposed to the method of working set out in application ref: 05/01811/FUL. My report to the September 2006 meeting of the Planning Committee analysed the proposal in detail and is attached as Appendix E to this report.

Since that approval, two material developments have taken place that have a bearing on consideration of this application. An application for a 12 metre increase in the height of the existing ash mound at the power station (ref. 06/00800/FUL) was refused in December 2006 and is currently the subject of an undetermined appeal which is to be the subject of a Public Inquiry in November this year. It appears likely that disposal capacity on the ash mound will be exhausted before a decision is made on that appeal.

As required by the original permission for ash disposal in the quarry, the applicants have submitted an assessment of transport of ash to the quarry by conveyor, and a formal request for a Screening Opinion for that development under the Environmental Assessment Regulations has recently been dealt with (ref: 07/00951/SC1), which concluded that an Environmental Impact Assessment would not be required. It is anticipated that a formal application for a conveyor link may follow in the short term.

Planning Policies

The application has to be considered in the context of the Waste Policies of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

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

Policy WAST 2 (Criteria for Assessing Waste Management Facilities) sets out a list of criteria against which waste management proposals must be assessed. In terms of Criterion 1, the applicants have taken various steps to reduce the amount of pfa requiring disposal by bringing forward proposals for the treatment and sale of increased quantities of ash as aggregate, and the aims of the 'proximity principle' are met with the quarry being very close to the power station. The environmental issues covered by other criteria were assessed in detail in my report on application ref: 05/01811/FUL, and the highways and access issues have been addressed in the recently-approved application ref: 07/00808/FUL.

Issues

As the principle of ash deposition in the quarry and the subsequent restoration of the site at the surrounding ground level was established in the 2006 permission, and with the separation of the access from the process of ash deposition, the main issues remaining to be considered are whether any material factors have changed since the previous permission that would lead to a different conclusion and, if not, what conditions should be imposed on the revised permission.

Even though a final decision on the proposal to increase the height of the ash mound at the power station is now unlikely to be made until well into 2008, the urgent need for a long-term solution to ash disposal remains. Also, with the imminent transfer of quarrying operations to the 'south' quarry there is no justification in delaying the restoration of this site. There has been no material change in the policy background since the previous approval, and none of the bodies consulted have raised any new issues that were not subject of their previous comments. The comments of Friends of the Earth in respect of both this application and the ash mound application regarding the toxicity and nuisance value of fine-grained dust are noted. However the Environment Agency have not raised this as an issue and have confirmed that day-to-day site management issues will be dealt with under the parallel application to them for a permit under Pollution Prevention and Control legislation. The submission and approval of a dust mitigation scheme as required by the Council's Pollution Control officers, which could be required to include information on ambient air quality and particle size distribution with particular reference to PM 10 levels required under the suggested conditional permission, is considered to address FoE's concerns. It should however be noted that any such scheme should not seek to unnecessarily duplicate the controls of the Environment Agency under the PPC Regulations.

The progress made to date on the feasibility of conveyor transport is welcomed, but to encourage the early development and implementation of a suitable scheme, it is considered important that the previous condition restricting transport of ash by road to a period of two years is reiterated.

Doubts remain about the potential for successful agricultural restoration of the site in view of the nature of the tipped material and the availability of suitable restoration materials. As stated in the report on the previous application, considerable additional work will be required to establish the best methods to obtain the most beneficial after-use of this extensive site, but in view of the delay, likely to be several years at least, before ash disposal on any part of the site would be completed, it is considered that this issue can be dealt with by conditions requiring the submission and approval of detailed restoration schemes for each phase.

It is therefore concluded that despite the unauthorised works carried out by the applicants, the principle of ash deposition in the quarry remains acceptable and approval is recommended subject to a revised list of conditions to reflect the changed circumstances of the site and the separation of the access issues from this proposal.

CONCLUSION

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

Having regard to Policies WAST 1 (Provision of Waste Management Facilities) and WAST 2 (Criteria for assessing Waste Management Facilities) of the Unitary Development Plan and all other material considerations, the proposal is considered acceptable in terms of the principle of the development, its design and impact on amenity.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement and supporting documents received on 5 June 2007 and the additional information received on 30 August 2007.

Reason:

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

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

Reason:

For the avoidance of doubt, in the interests of amenity and to comply with the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

4. All loaded vehicles carrying pulverised fuel ash for deposition in the quarry and all empty vehicles having deposited ash shall use the new entrance to the site off Castle Road approved under permission ref: 2007/00808/FUL.

Reason:

In the interests of highway safety and in order to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

5. Notwithstanding the terms of this consent the Local Planning Authority shall be formally advised in writing of the commencement date for the transportation of pulverised fuel ash by road from Aberthaw Power Station to the quarry prior to its commencement, and the transportation of ash by road to the quarry shall run for a temporary period expiring two years after the commencement date of the transportation by road, after which the transportation of pulverised fuel ash to the quarry by road shall cease, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To review the impact of transporting ash to the quarry by road and to assess alternative options of importing pulverised fuel ash into the quarry and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

6. All vehicles transporting pulverised fuel ash from the Power Station to the quarry shall be enclosed or sheeted.

Reason:

In the interests of highway safety and general amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan Unitary Development Plan 1996-2011.

7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted in writing to and agreed in writing by the Local Planning Authority prior to the commencement of ash deposition in the quarry, and the approved means of enclosure shall be implemented prior to the development being brought into beneficial use.

Reason:

To safeguard local amenities and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

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

Reason:

In the interests of highway safety and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

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

Reason:

In the interests of the protection of the ecological interest in the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

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

Reason:

In the interests of aviation safety and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

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

Reason:

In the interests of aviation safety and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

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

Reason:

In the interests of visual amenity and to ensure the beneficial restoration of the site so as to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

13. The transportation, deposition or consolidation of ash within 500 metres of any dwelling shall not be carried out outside the hours of 0800 to 1800 on any day or at any time on Sundays or Bank Holidays.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

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

Reason:

In order to protect groundwater resources and to comply with the objectives of Policy WAST 2 (Criteria for assessment of waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 2011.

15. During each bird nesting season throughout the period of ash deposition at the site, a survey shall be carried out of:
 - (a) any quarry faces that may be affected or disturbed by works during the subsequent breeding season, to identify the location of any breeding Peregrine falcon, and
 - (b) the quarry floor to identify the location of any Little Ringed Plover or any other ground nesting bird.

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

Reason:

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

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

Reason:

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

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

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

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

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011

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

Reason:

In the interests of general and residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

20. No later than twelve months following the date of commencement of ash deposition in each of the phases approved under Condition No. 9 of this permission, a detailed scheme for the restoration of that phase shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve months of its approval and shall make provision for the formation of top soils and subsequent seeding and appropriate aftercare.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

21. The scheme approved under Condition No. 20 above shall have particular regard to the nature and quantities of any capping material to be imported, and shall make provision for an appropriate agricultural aftercare scheme.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development plan 1996-2011.

22. All soils and soil-forming materials on the site at the date of this permission shall be retained for use in the scheme of agricultural restoration to be approved under Condition Nos. 20 and 21 above.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

23. Notwithstanding the provisions of planning permission ref. 1979/02300/FUL or the deemed planning permission granted by the former Minister of Fuel and Power on 3 November 1955, no further lateral extension shall take place to the southern or eastern perimeters of the ash mound at Aberthaw Power Station as existing at the date of this permission.

Reason:

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

24. Notwithstanding the submitted details, no development shall commence on site until full details of the proposals to discharge surface water run off to the perimeter drainage ditches and onwards, including hydraulic flow calculations, have been submitted to and approved by the Local Planning Authority and the site shall thereafter be drained in accordance with the approved details.

Reason:

In the interests of the satisfactory drainage of the site and in order to comply with the terms of Policy WAST 2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan adopted Unitary Development plan 1996-2011.

NOTE:

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

2. 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. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account the environmental information submitted with this application.

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

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

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

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

2007/00841/FUL Received on 26 July 2007

Beechwood Court Limited, 5th Floor, Harlech Court, Bute Street, Cardiff,
Powell Dobson Architects, Charterhouse, Links Business Park, St. Mellons,
Cardiff., CF3 0LT

Beechwood College, Hayes Road, Sully

Proposed 2 storey plus basement residential extension to Beechwood College

SITE DESCRIPTION

The site is occupied by an independent residential hospital/college for people with Autism Spectrum Disorders. The site is situated in substantial gardens in the countryside between Barry and Sully.

DESCRIPTION OF DEVELOPMENT

It is proposed to construct a substantial new building to the west of the existing buildings at the site to provide additional accommodation for the college. The building would provide 18 bedrooms together with kitchens, bathrooms, living areas and activity rooms.

The new building would comprise a two-storey building with accommodation within the roof space. The building would have a pitched roof structure with a height to ridge of almost 9.9 metres.

The building would be rendered with a slate finish to the roof.

PLANNING HISTORY

02/01149/FUL – Full planning permission granted 3 July 2003 for the change of use of the site to an independent hospital for people with Autism Spectrum Disorders including extensions and new buildings.

03/01622/FUL – Planning permission was granted on 23 January 2004 to construct a new building for purposes associated with a proposed independent hospital for people with Autism Spectrum Disorders; in place of a barn approved to be converted by planning permission ref: 02/01149/FUL.

04/00445/FUL – A planning application seeking to construct an additional building on the site to provide additional accommodation for the hospital was refused in May 2004 on the grounds that the development represented substantial new build in the open countryside which by virtue of its scale, height and design, would be out of keeping with existing buildings and would unacceptably affect the rural character and appearance of an area of countryside that has significant importance in the local landscape.

04/00986/FUL – Full planning permission was granted on 24 September 2004 for minor amendments to previous approvals relating to the development of an independent college for people with Autism Spectrum Disorders at Beechwood House.

05/01275/FUL – Proposed 3 storey extension to college. Withdrawn 9 January 2007.

CONSULTATIONS

Sully Community Council was consulted and to date no response has been received.

Environment Agency Wales has raised no objection to the application.

Dwr Cymru/Welsh Water has no objection.

The Head of Visible Services (Highways Development) has no objection to the application.

The Head of Community Services (Private Sector Housing (Environmental Health)) has no objection.

REPRESENTATIONS

Neighbouring occupiers have been consulted and the application has been advertised and a notice posted on the site, to date no responses have been received.

REPORT

Planning Policies

The development plan for the site comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site is situated outside the residential settlement boundary for Sully and is therefore located in the countryside as defined by the Unitary Development Plan. The site is also located within the undeveloped East Vale Coastal Zone.

The application has therefore been considered in the light of the following policies of the Unitary Development Plan:

Policy ENV1 'Development in the Countryside' strictly controls development in the countryside, stating that development will only be permitted for 'development that is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential'.

Policy ENV6 'East Vale Coast' states that permission will be granted where a coastal location is necessary for the development and the proposal would not cause unacceptable environmental effects including by way of visual...intrusion or impact on areas of landscape importance...

In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

Policy ENV10 'Conservation of the Countryside' states that measures to maintain and improve the countryside, its features and resources will be favoured, particularly in the Glamorgan Heritage Coast, areas of high quality landscape and areas subject to development pressure and/or conflict such as the urban fringe. ENV11 'Protection of Landscape Features' states that development will be permitted if it does not unacceptably affect features of importance to landscape...including trees, woodland...stone walls...

Policy ENV27 relates to the Design of New Developments.

Policy HOUS10 'Nursing Homes' permits the extension of residential care homes subject to criteria including impact of the proposal on the character of the area.

A Development Brief was prepared for the site by the Council in November 2000, which set out the principles which the Council sought to attain in the future development of the site.

Issues

The main issues with regard to the application relate to the principle of the development and the design of the development and its impact on the character of the site and the surrounding area, having regard to the Council's planning policies.

Policy ENV1 'Development in the Countryside' strictly controls development in the countryside and Policy ENV6 'East Vale Coast' also refers to the issue of locational necessity stating that developments will be permitted where a coastal location is necessary for the development. It is acknowledged that the college is established and that there is significant demand for additional accommodation. It is also accepted that the nature of the student population and the advantages of the campus environment in providing care, education and leisure activities provides a persuasive argument for justifying further development at the site. In terms of the principle of the development, it is therefore considered that the application can be supported.

Members will recall that the applicant, following concerns about the height and size of the proposed extension, withdrew a previous application for an extension to the property. The current proposals have been designed to take account of these concerns and provide a more traditional style building with a pitched roof, as opposed to a mansard style building that was originally submitted.

The currently proposed scheme will now ensure that all the extensions are nearly 1 metre lower than the main House, which is 10.8 metres to ridge whilst the secondary buildings have a height varying between 8.2 and 9 metres. It is also proposed to reduce ground levels so that floor levels would be set a metre lower than existing buildings on the site. The proposed building would therefore be set slightly lower in height than the main house. In addition there is now no proposed floor area within the roof void and in its place some office and learning accommodation has been provided in a basement.

The development itself will involve the felling of some fairly poor specimen beech trees and a hedge of leylandii. While the Council's tree officer has raised no concerns in respect of the felling of these trees, the Council's ecologist has pointed out that bats have been known to roost in the vicinity. Accordingly the applicants have undertaken a bat survey, which has confirmed that there is no evidence of bat roosts in any of the trees and shrubs to be removed from the site.

Members will note that although no objections have been raised to the scheme by the Council's Highway Development Unit, concern has been expressed at the lack of parking on the site and the apparent fact that all that currently provided is used. In this regard the developer has agreed to enter into a Legal Agreement under Section 106 of the Town and Country Planning Act, with the Council to provide £10,000 for sustainable transport improvements in the vicinity of the development.

CONCLUSION

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

In this regard, the development is considered to be justified on the basis of the community facilities it will provide at an existing college site and is considered to be in accord with the Development Brief for the site and generally accords with Policies ENV1, ENV6, ENV10, ENV11, ENV27, and HOUS10, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION

That subject to the applicants first entering into a Section 106 Legal Agreement to:

- (a) pay a financial contribution of £10,000 to improve sustainable transport facilities serving the site;
- (b) meet the Council's standard charge set at 20% of the planning application fee, for monitoring the implementation of the Agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

To ensure that the appearance of the surrounding countryside is safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. This consent shall relate to the plans registered on 8 June 2007 other than where amended by plans reference received on 31 July 2007.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

4. The extension shall be used only for the purpose(s) specified in the application and for no other purpose, whatsoever, including any other purpose in Class (2) of the Town and Country Planning (General Permitted Development) Order 1995, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

10. Notwithstanding the submitted plans and prior to their use in the construction of the extension hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

11. The parking area indicated on Drawing No. G1940(05) 104 shall be maintained at all times to serve the development in accordance with the plans hereby approved.

Reason:

In the interests of highway safety and the satisfactory development of the site and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

1. I should be grateful if you would consider replacing the tree(s) in order to continue the benefits which trees make to the setting and amenities of the area in general.
2. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.

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.

2007/00888/OBS Received on 19 June 2007

Bay Pointe Ltd
Cardiff Council County Hall, Cardiff, CF10 4UW

**Cardiff International Sports Village, (Whole site), Dunleavy Drive,
Grangetown, Cardiff**

Variation of condition 26, (and variation of conditions 1, 23, 25, 28, 29, and 55 to accord with changes to condition 26), of planning permission number 05/1754C, to increase no. of dwellings from 1127 to 2400.

SITE DESCRIPTION

The land relates to a site lying within the local authority administrative district of Cardiff County Council. The site lies opposite the Penarth Marina development area. The highest of the proposed buildings will vary in height between 21 and 41 storeys and will be just less than 150 metres tall.

DESCRIPTION OF DEVELOPMENT

To increase the number of residential units on a site granted a residential consent by Cardiff County Council from 1,127 units to 2400 units.

PLANNING HISTORY

Planning history is relatively extensive and relates to the land known as International Sports Village.

CONSULTATIONS

The Head of Visible Services (Highway Development) comments:

"I refer to the new planning application submitted for the residential development at Cardiff International Sports Village and the Transport Assessment prepared by WSP in support of this scheme. The proposal is for the construction of several high rise high density apartment dwellings in the peninsular area of the CISV with a reduced parking provision.

The consented scheme is for 1,127 residential units complying with the current Parking Guidelines whereas the present application by Bay Pointe is for 2,400 apartments with a parking provision of only 0.74 car space per apartment over a phased construction period requiring a variation in the conditions attached to the existing consent.

The Transport Assessment highlights the differences between the previous Transport Assessments and Addendums produced by Ove Arup in support of the original scheme and the new proposals which also utilise a different residential trip generation rate for the development.

A report has been prepared by WSP, Residential Trip Rate Assessment, on the rationale of using a lower trip generation figure than was used by Ove Arup for the original scheme, based on a study of a few selected site surveys which has been used in their Transport Assessment. They have demonstrated that a scheme containing apartment dwellings will have a lower figure than one that contains housing as per the original Transport Assessment. This is in accordance with studies carried out by WSP for the Residential Car Parking Research, Department for Communities and Local Government, May 2007 however this suggests 1 car parking space per dwelling (owner occupied flat) and also shows that houses have higher car ownership levels than flats.

However one difficulty with using the lower figures derived by WSP from their study is that some of the developments are gated developments, these have strictly regulated on-site parking resulting in overflow parking being displaced elsewhere. The methodology employed by WSP did not allow for this displaced parking in their analysis of parking demand and trip rate assessment.

Another is that the spread of results reflects on the variability of the figures obtained by WSP who have then used a weighted average car trip rate to determine the rate employed in the Bay Pointe scheme. This averaging masks the inherent discrepancies between the surveys and raises the question of whether this is appropriate for this specific location and consequently how much reliance can then be attached to them.

Furthermore to extrapolate from these surveys based on small sample size to a large development such as Bay Pointe requires a high degree of confidence as to their exact correlation and close examination of possible deviation from the adopted figure together with consideration of the effects of any such disparity.

In such a large unique setting such as CISV any over reliance on figures which may prove to be at variance with the final outcome could cause problems for the local highway network leading to congestion and road accidents on the main transport routes in the vicinity of the site. This is especially significant for traffic travelling to and from the Vale of Glamorgan along Cogan Spur viaduct and the Bute Tunnel. These effects were amply demonstrated during the construction of the off-site highway improvements required by the consented scheme for the Sports Village.

Therefore a robust approach should be employed so that when a threshold level is reached equivalent to that predicted by the Ove Arup's Transport Assessment, a review should be instigated of the parameters chosen to verify whether the predicted level of trip generation is actually being exceeded within the site before proceeding with the remaining phased construction. The potential for severe disruption of the existing heavy vehicular peak flows on the main transport routes is sufficiently significant to justify such a review.

It is acknowledged that Cogan railway station is the closest railway station geographically at approximately 800 metres to the west of the CISV site and that pedestrian access is prohibited across the Cogan Spur viaduct. There is currently no separate pedestrian /cycle crossing of the River Ely. However there is already unauthorised pedestrian movement along the viaduct to which the increase of residential units in the Bay Pointe scheme will also contribute additional demand. Therefore provision must be made to enable pedestrian/cyclists to cross the River Ely in the interests of highway and pedestrian/cyclists safety."

In the Vale of Glamorgan Council's response to Cardiff Planning Department's consultation on the Bay Pointe scheme they need to be advised that:-

1. There should be a staged review to monitor the actual vehicular trip generation rate relating to the Bay Pointe development prior to approval of the later phases of development, i.e. Blocks 8, 9 & 10 and implement mitigation measures as appropriate.
2. The provision of a pedestrian/cycle crossing of the River Ely be required before beneficial occupation of the high rise high density apartments.

REPRESENTATIONS

None.

REPORT

Planning Policies

The site lies within the Cardiff County Council administrative area and therefore relevant planning policy is contained in their Development Plan.

Issues

The impacts on the Vale of Glamorgan will be two fold. Firstly the impact on the skyline as viewed from Penarth and adjoining areas. This is of concern however the overall impact is more likely to be a matter for the assessment of Cardiff as to overall visual impact and other impacts e.g. overshadowing and wind tunnel effects/micro-climate.

The major concern for this authority is the impact on the highway network and adverse effects on traffic flow. As can be seen from the Highway development Officers comments there are several issues in this respect. These relate to pedestrian access as required to service the ISV development as a whole with Cogan station as the nearest point of access and the need for actual trip generation monitoring with inbuilt requirement for remedial measures depending on findings of studies.

RECOMMENDATION

That Cardiff County Council be informed of the Vale of Glamorgan Council's comments as follows:

1. There should be a staged review to monitor the actual vehicular trip generation rate relating to the Bay Pointe development prior to approval of the later phases of development, i.e. blocks 8,9,and10, and a requirement that all appropriate mitigation measures be implemented.
2. The provision of a pedestrian/cycle crossing of the River Ely should be required to be provided prior to any beneficial occupation of the development.
3. A copy of this Committee report is enclosed for reference.

2007/01000/FUL Received on 10 July 2007

David Housley 5, Purcell road, Penarth, Vale of Glamorgan
Paul Rolley (MJD) Unit 10, Springmeadow Bus Park, Wentloog, Cardiff, CF3 2ES

5, Purcell Road, Penarth

Retain a set of gates to driveway. Retain a temporary boundary fence, built in feather edge close boards and stained.

SITE DESCRIPTION

The application site is located at No. 5 Purcell Road, within the settlement boundary of Penarth. The dwelling is a two storey semi-detached property, situated on the corner of Purcell Road and Sullivan Close. Purcell Road currently comprises of semi-detached properties with open plan gardens, occasionally screened by trees and hedges.

DESCRIPTION OF DEVELOPMENT

The application is for the retention of a close boarded timber fence, sited along the front and side boundary of the property and the retention of a set of gates, gaining access to a driveway to the rear garden of the property. The original application was to retain the structures as built, however amended plans were received 14 September 2007 which supersede the previously submitted plans. The fence to be retained is approximately 1.7 metres high to the front and side of the property adjoining the existing hedge, which reduces to a height of 1 metre for approximately 6 metres in length, immediately in front of the property. The application includes the replacement of 8 metres of the existing hedge with a 1.8 metre high fence, similar in design to the fence enclosing the front of the property. The proposal also includes trailing plants to be draped over the top of the fence along the front boundary.

PLANNING HISTORY

None.

CONSULTATIONS

Penarth Town Council were consulted on 13 July 2007. Their response received 30 July 2007 states an objection on the grounds of visual amenity.

The Head of Visible Services (Highway Development) was consulted on 13 July 2007. Their response received 18 July 2007 states no objection.

REPRESENTATIONS

Nos. 3, 7, 10, 12, 14 & 16 Purcell road, were notified on 13 July 2007.

Nos. 1 & 2 Sullivan Close were notified on 13 July 2007.

Objections were received from Nos. 14, 16 Purcell Road and Nos. 23, 49 Sullivan Close on the grounds of the proposal being out of character, highway safety, design and scale. These letters are attached at Appendix A.

REPORT

Planning Policies

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

ENV27 – DESIGN OF NEW DEVELOPMENTS

Issues

The primary issue in assessing this application is the visual amenity of the development. Objections were raised by neighbouring properties in relation to highway safety, however the Head of Visible Services (Highway Development) are unable to sustain an objection to the proposal on the grounds of highway safety. Therefore it is not considered that highway safety is an issue when considering this application. The application site is located on a prominent corner position, within a street which is characterised by low boundary walls and trees. This results in the development being intrusive and out of character within the street scene.

Although this form of development may be acceptable to enclose a rear garden area, a fence of this height and design is not considered acceptable along the front boundary of a property given the characteristics of the immediate built environment. The applicant has been advised that a fence enclosing the side and rear of the property, leaving the front garden area open plan would be more favourable and would still offer the privacy which the applicant requires. The applicant has submitted amended plans which indicate that the fence would be dropped to 1m in height directly in front of the house but would retain the 2m height to the rear and around the corner of Purcell Road with Sullivan Close. However it is not considered that the reduction proposed is sufficient to ensure the proposal is not detrimental to the street scene and it is considered that any reduction in height should extend at least around the corner of the properties garden. In addition although plants are proposed which may reduce the visual impact of the fence these can be removed at any time and it is not considered that these reduce the visual impact of the development.

CONCLUSION

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

Having regard to Policy ENV27 'Design of new Developments' of the Unitary Development Plan, the proposal by virtue of its scale, siting and design represents an unacceptable form of development which would be detrimental to the appearance of the property and the street scene.

In addition it is considered that enforcement action should be authorised to require the removal of the unacceptable part of the fence.

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse the planning application, the Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure a reduction in the height of the unauthorised fence at the front and side of the property to a maximum height of 1m.

REFUSE

1. The proposed development by virtue of its scale, siting and design would be an intrusive and prominent feature within the street scene, which would be detrimental to the appearance and character of the area and therefore contrary to Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/01078/FUL Received on 22 August 2007

Chris and Mary Roach, Drope Farm, Drope Road, St Georges Ely., CF5 6ED
Alan Gillard RIBA., 7, Kemps Covert, St Donats, Llantwit Major., Vale of Glamorgan., CF61 1YZ

The Barn adjacent to Glan Y Mor House off Heol Las, Wick

Conversion and extension of redundant agricultural barn to a dwelling including associated amenity area

SITE DESCRIPTION

The application site is the barn adjacent to Glan Y Mor House, off Heol Las, Wick, and is located at the end of a single track road which leads to Glan Y Mor House, approximately 1.5km west of the village. The application site measures 708m² in size, and is comprised of the single storey stone barn, a small concrete shed and an area of the adjoining field to the south east. The rear, north elevation of the barn forms the rear boundary of the application site.

The existing barn measures 16m long x 6m deep x 4m in height to the ridge of the corrugated sheet metal roof. There are a number of full height openings on the inward facing southern elevation, whereas the two side elevations and north back elevation have no openings

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion of the barn to a dwelling, with a single storey extension coming off the southern elevation. In terms of the existing barn, the two stone side elevations and the rear elevation would remain unchanged and the sheet metal roof would be retained. Three corrugated plastic inserts are proposed within the rear roof plane to allow additional light to the dwelling.

The south elevation presently contains two large full height openings, and two smaller window openings. These would be replaced by two large, fully glazed openings of size 2.8m wide x 1.9m high and 4.2m wide x 1.9m high.

The single storey extension measures 10.5m long x 5.5m wide and would be flat roofed, 1.9m in height above the existing ground level. The extension would therefore sit just below the eaves of the existing barn, with the ground level inside being lowered by 1m to provide the required headroom. It is proposed to screen the extension from outside the site with a landscaped 'earth berm' to the side and rear and with shrubs planted on the roof. The internal facing side elevation of the extension would be clad in timber with operable timber shutters in front of the windows. Approximately 3m of the outside elevation of the extension would be visible adjacent to the existing barn, with a small timber and glass panel to mark the distinction between the existing and the new build.

The existing barn would be converted to provide a kitchen, living room and second bedroom, with a utility room, master bedroom and en-suite bathroom in the extension.

In terms of amenity space, the application initially proposed a terrace/courtyard of size 10.5m x 10m the adjacent to the dwelling, with a grassed area 10.5m deep x 6m wide further to the south. A triangular 'grass grid' parking area of size 8m x 6m was proposed to the rear of the extension, with a vehicular access directly off the highway. The area of amenity space has now been reduced to the terrace area directly adjacent to the barn 5m x 10.5m in size. The triangular parking area to the south of the extension is retained.

The plans also indicate a wind turbine in the adjacent field, however, this is not within the application site and therefore does not form part of the application.

PLANNING HISTORY

An application was submitted for the conversion of the barn to a dwelling in 1996, ref: 96/00361/FUL. The application was refused for the following reasons:

1. The development would be contrary to Policies S3 Part 1 of the Mid Glamorgan County Structure Plan and Policy EV6 of the Ogwr Borough Local Plan which seeks to control the conversion of buildings in the countryside.
2. The development would be contrary to Policies LC1 of the Mid Glamorgan County Structure Plan and Policy EV8 of the Ogwr Borough Local Plan which seeks to enhance and conserve the environmental qualities of the Heritage Coast.
3. The proposed development fails to meet the criteria laid down in the Ogwr Borough Council's Design Guide 4 Farm Building Conversions and thus falls to be considered as development in the open countryside.

4. In order to preserve the countryside, the Local Planning Authority considers that no additional development shall take place there other than is necessary for agriculture or forestry. No such justification exists in respect of this development.

CONSULTATIONS

Wick Community Council. No representations have been received to date.

Environment Agency Wales has no objection.

The Head of Visible Services (Highways Development), has commented as follows:

“A vehicle passing bay is required to be provided along the adjacent adopted highway, to enable two vehicles to pass side by side. The passing bay is required to be located approximately 150m south of the junction with Heol Las along the highway providing access to the development site.

Three parking spaces (2 resident and 1 visitor) and an area to enable vehicles to manoeuvre in and out of the development site in forward gear is required to be provided within the boundary of the development site.

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

It is recommended that prior to issuing amended plans, showing the required passing bay, that the applicant contacts Mr. Peter Coughlan of the Highways Traffic Section to discuss location and specifications.”

The Head of Leisure and Economic Development (Public Rights of Way Officer). No representations have been received to date.

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

Countryside Council for Wales. No representations have been received to date.

Dwr Cymru/Welsh water has no objection since the building would be utilising private drainage facilities.

Building Control Section. No representations have been received to date.

The Council's Ecology Section have advised that there do not appear to be any protected species within the building. However, the site does potentially provide habitats for protected species, and therefore any potential developer should be aware of the Law that protects these species.

REPRESENTATIONS

The neighbouring addresses of Glan Y Mor Farm and Glan Y Mor House were consulted in respect of the application and a site notice was erected. No representations have been received to date.

REPORT

Planning Policies

The development falls outside the settlement boundary of Wick and relates to the conversion of a rural building. The relevant planning policy is that contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), Supplementary Planning Guidance 'The Conversion of Rural Buildings', and guidance in Planning Policy Wales 2002.

The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are considered relevant to the assessment of the application:

STRATEGIC POLICY 2 - SUSTAINABLE DEVELOPMENT

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV5 - GLAMORGAN HERITAGE COAST.

ENV8 - SMALL SCALE RURAL CONVERSIONS.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

Strategic Policy 2 relates to sustainable development and states that proposals will be favoured provided they contribute to energy conservation, minimise the need to travel- especially by car, reclaim derelict or degraded land and utilise high standards of design.

Policy ENV1 of the UDP permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy ENV5 relates to the Glamorgan Heritage Coast and seeks to protect the special environmental qualities and landscape.

Policy ENV8 provides the criteria to assess the conversion of rural buildings and requires primarily that the building is structurally sound and the conversion to be undertaken without substantial reconstruction of the external walls or extension to the building. The policy also states that conversion work should not unacceptably affect the appearance and rural character of the building. In terms of amenity space, the Policy states that where residential use is considered acceptable, amenity space should be provided without undue incursion into the rural landscape.

Policy ENV27 relates to all new forms of development and requires proposals to have full regard to the context of the local natural and built environment and complement the existing local character of buildings and open spaces.

Issues

It is considered that the primary issues in the assessment of the application are whether the application site is in a sustainable location for such a conversion, and whether the detail of the scheme would safeguard the character of the barn and the wider rural landscape.

Sustainability Issues

The supporting text to the Council's Unitary Development Plan (UDP) Policy ENV8 on Small Scale Rural Conversions states:

"Isolated conversions in particular are unsustainable". They can place an unacceptable burden on local services, are often at a distance from local public transport services, thereby increasing the need to travel by car to work, school or for shopping."

The Council's Supplementary Planning Guidance on the Conversion of Rural Buildings also states that the conversion of isolated buildings for residential purposes is generally unacceptable.

The application site is in an isolated location, approximately 2km to the west of Wick (following roads) and 2km from the nearest bus route. The site is considered to be remote from existing services and public transport routes and it is therefore likely that the occupiers of the dwelling would be solely reliant on the private motor vehicle to access the site and to visit services in the nearest towns and villages.

Whilst it appears that the conversion has been designed to be energy efficient within the confines of the site, it is considered that any benefits that may be gained from such an approach are outweighed by the fundamentally unsustainable location of the application site, which would be contrary to the aims of Strategic Policy 2, Policy ENV8 and the Council's Supplementary Planning Guidance.

The agent has cited other examples of barn conversions within the vicinity which they consider are equally remote and constitute precedents for which this scheme does not differ. However, notwithstanding the principle that each application is assessed on its own merits, it is not considered that the 2 examples constitute comparable cases, one being approximately just 250m from the settlement of Broughton, and the other being only 1km west of Wick, and within approximately 600m of a bus route.

It is therefore considered that the occupiers of these approved dwellings would have a range of services available within a distance where they can be accessed sustainably, unlike the current application site.

Impact on the Character of the Barn and the Wider Landscape

At present, the barn appears as a simple, traditional agricultural barn, which is well assimilated into the rural landscape. The landscape surrounding the site is extremely open, with views of the barn from surrounding public footpaths to the south and west of the site, from a range of up to 150m.

The Council's UDP Policy and Supplementary Planning Guidance seeks to ensure that conversions safeguard the character of the barn itself and do not result in an undue incursion in the wider rural landscape, either by virtue of works to the building itself or from the associated curtilage. The supporting text to Policy ENV8 of the UDP states that:

"The creation of a new residential curtilage around a newly converted building can have a harmful effect on the character of the countryside, especially in areas of high quality landscape."

It is acknowledged that some aspects of the proposal relating to the existing structure have been designed sympathetically, and would preserve the character of this aspect of the building- especially the retention of the corrugated roof and the preservation of the original side and rear elevations. Likewise, the applicant has clearly attempted to design a low impact extension, utilising screening in an effort to minimise its impact on the surrounding area.

However, notwithstanding the above, the extension would project some 10.5m southwards from the existing building and the development as a whole some 31m into what at present is an unspoilt rural landscape. Attempts have been made to screen the building with timber cladding and an earth berm, however, it is considered that the extension would remain as starkly visible, particularly from the south of the site along the public footpath, and it is considered that its cumulative impact, in addition to the curtilage and associated parking area, would serve to domesticate the site and surrounding area and draw attention to the new residential use.

The site is extremely open and unspoilt in nature, and it is considered that the proposed alterations and curtilage would intrude into the rural landscape to an unacceptable degree and would fail to preserve the rural character of the application site and the wider landscape. To this end, it is considered that the proposal fails to satisfy the criteria of Policy ENV8 of the UDP and the Supplementary Planning Guidance on the Conversion of Rural Buildings.

It is further noted that when refusing planning application ref: 96/00361/FUL for the conversion of the building, strong concerns were cited regarding the impact of the conversion and associated curtilage on the character of the area, for a scheme which did not involve any extension to the building.

CONCLUSION

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

Having regard to Strategic Policy 2, ENV1 - Development in the Countryside, ENV5 - Glamorgan Heritage Coast, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings, it is concluded that the proposed barn is located in an unsustainable isolated location, and its conversion and associated residential curtilage would cause demonstrable harm to the appearance and rural character of the barn and the wider area.

RECOMMENDATION (W.R.)

REFUSE

1. The barn is in an isolated location in the open countryside, located a substantial distance from the nearest settlement, services and public transport routes, and its conversion would therefore result in the occupiers being overly dependent on the private motor vehicle to access the site and surrounding day to day needs. The barn is therefore considered to be in an unsustainable location, contrary to the aims of Strategic Policy 2 and Policies ENV1- Development in the Countryside, ENV5 - Glamorgan Heritage Coast, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings.
2. By virtue of the open nature of the site and the cumulative impact of the extension, associated curtilage and parking area, it is considered that the proposal would serve to overly domesticate the barn and surrounding land, intruding into the rural landscape to an unacceptable degree and failing to preserve the unspoilt rural landscape of this part of the Heritage Coast. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV5 - Glamorgan Heritage Coast, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings.

Newydd H.A. (1974) LTD., Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff.,
CF15 7NE
Rhodri Davies, Asbri Planning Ltd., 32 Lambourne Crescent, Llanishen, Cardiff.,
CF14 5GG

Former nursery land adjacent to Cemetery Road, Barry

Erection of 66 no. affordable dwellings (made up of 42 no. houses and two blocks of 12 no. flats) and associated works

SITE DESCRIPTION

The application site is the former nursery on land adjacent to Cemetery Road, Barry, and lies opposite the junction of Barry Road and Tynwydd Road. The land was formerly used as a Council nursery, however, it has not been in active production for over 10 years. The land is mainly in grass with several dilapidated single storey buildings on either side of the road. Either side of Cemetery Road is lined with mature trees and there are several less mature trees located within an informally delineated central reservation. There are no protected trees within the site.

The site measures 0.9 hectares in size in total, and is comprised of two parcels of land, one of each side of Cemetery Road. The first section, to the east of the highway, measures 190m x 23m deep and the opposite parcel is comprised of a linear strip, 23m x 120m in size and a triangular parcel to the rear of size 60m x 40m. The eastern parcel is bounded to the rear by allotments and the western parcel of land is bounded by the rear gardens of the properties on St. Teilo's Avenue and Barry Road.

The site is served by 2 No. access points, the main access being along Cemetery Road from Barry Road, and a second access along St. Teilo's Avenue.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of a development of affordable housing, comprised of 42 No. dwellings and 24 No. flats (2 blocks of 12).

The scheme proposes a residential development comprised of three different house types of a mix of 2, 3 and 4 bedroom terraced and detached dwellings. The east elevation facing Cemetery Road contains 3 terraces, containing 5, 7 and 8 dwellings respectively, and the two blocks of flats. The west elevation facing Cemetery Road contains two terraces, of 8 and 10 dwellings. The triangular piece of land towards the west of the site contains a crescent of 4 No. detached dwellings.

- The two bedroom dwellings have a general footprint of 6m wide x 7.5m deep with a ridge height of 5.5 metres and ridge height of 9.2 metres.
- The three bedroom dwellings have a general footprint of 6m wide x 9m deep with a ridge height of 5.5 metres and ridge height of 9.5 metres.

- The four bedroom dwellings have a general footprint of 7.5m wide x 8m deep with a ridge height of 5.5 metres and ridge height of 9.2 metres.
- The main front section of the apartment blocks measures 19.5m wide x 9m deep and both contain a rear projecting element of size 8.5m wide x 8m deep. The blocks measure 14.7m in height.

The proposed dwellings are to be finished externally in a mix of coloured render and brickwork, with blue/black roof tiles and U–pvc fenestration.

The site's primary access is off Barry Road, at the roundabout junction with Tynewydd Road. The scheme proposes a one-way system along Cemetery Road, around a tree lined central reservation. The central island also contains 6 areas of informal visitor parking. The dwellings are each served by 1-2 allocated parking spaces within the front portions of their curtilages, accessed directly off Cemetery Road and the new crescent within the western portion of the site. The apartment blocks are served by 24 No. parking spaces in total, located to the fronts of the blocks and in a communal parking area to the rear.

The proposed layout indicates two areas of public open space within the development, one opposite the crescent of 4 No. detached houses, and one at the junction of Cemetery Road and St. Teilo's Avenue. Further space is located within the central reservation, however this has not been identified as a formal area of open space with any seating or recreational facilities.

The application proposes the retention of the existing trees along either side of Cemetery Road, along with the trees along either side of the triangular section of the site. Additional new trees are proposed along the central reservation of Cemetery Road, along the eastern side of Cemetery Road and at the entrance to the site on Barry Road.

The application has been supported by the following documents:

- Ecological Appraisal.
- Reptile Translocation Strategy.
- Tree Survey.
- Statement of Sustainability.
- Design Statement.
- Planning Statement.

PLANNING HISTORY

1986/01158/REG4 - Temporary Portakabin. Approved.

1988/00498/REG4 - Portakabin office. Withdrawn.

1989/00973/REG4 - New boundary fence. Approved.

1998/00155/REG3 - Relocation of storage and office units. Approved.

The site has not been subject to any planning applications for its re-development.

CONSULTATIONS

Barry Town Council have raised a 'very strong objection' to the proposal on the following grounds:

- The proposal is an overdevelopment of the site.
- The proposal is out of keeping with the area.
- The processional route to the cemetery will be adversely affected.
- The level of additional traffic.

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

The Head of Visible Services (Highway Development) has provided the following comments:

"There are no highway objections to the proposals subject to the inclusion of the following conditions:

- (1) Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the required highway improvements, with sections, street-lighting etc., have been submitted to and approved by the Local Planning Authority.
- (2) All highway improvements and the creation of the supporting traffic orders shall be completed to the satisfaction of the Local Planning Authority prior to the beneficial occupation of any dwelling contained within this application.
- (3) The developer will enter a legal agreement with the Council [Section 278 Highways Act 1980] prior to any works commencing within the adopted highway.
- (4) All costs associated with the provision of the highway improvements and traffic orders [including legal and engineering fees] shall be borne by the developer.

Dwr Cymru/Welsh Water were consulted on the application and have raised no objection subject to conditions relating to the drainage of the site.

The Council's Ecologist's comments are attached to this report as Appendix A, but are summarised as follows:

- Nesting Birds: Development should be carried out outside the nesting season unless it can be demonstrated that nesting birds are absent.
- Bats: Whilst no evidence of bats was found, the developer should be made aware of the possible presence of bats and the legislation that protects them.
- Badgers: It is recommended that quarterly monitoring of the badger site is carried out prior to construction.
- Reptiles: It is recommended that a reptile clearance and translocation methodology be submitted and agreed prior to construction works commencing.

• REPRESENTATIONS

Adjacent occupiers were notified and a site notice was posted. To date a petition containing 185 signatures and two letters of objection have been received in relation to the application. The petition cover is attached as Appendix B and the objection letters as Appendix C, however, the points of objection are summarised below:

- The development would result in the loss of an attractive green space.
- The development will cause noise and disturbance.
- There would be an increase in traffic and pollution.
- The development would have a detrimental impact on the value of surrounding properties.
- There would be no parking space for funerals and the development would result in the loss of a sensitive setting and approach to the cemetery.
- There are insufficient play areas within the development.
- Cemetery Road is a popular route with dog walkers and learner drivers.
- Cemetery Road is used by parents waiting to pick up children from St. Helen's RC Junior School on Tynewydd Road.
- The scheme is an overdevelopment of the site.
- There is insufficient parking to serve the development.
- The submitted ecology survey does not take account of all wildlife that may be living in the area.
- The development will overlook rear gardens of existing properties.

REPORT

Planning Policies

The planning policy framework is comprised of national planning policy guidance contained within Planning Policy Wales (March 2002) and local planning policies within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

The following are a list of relevant Part 1 (Strategic Policies) and Part 2 Policies contained the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

Part 1 Strategic Policies

Policy 1 and Policy 2.

Part 2 Policies

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION IMPORTANCE

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS.

POLICY REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.

POLICY REC6 - CHILDREN'S PLAYING FACILITIES.

POLICY TRAN10 – PARKING

The following Supplementary Planning Guidance is also of relevance:

- Sustainable Development.
- Amenity Standards.
- Public Art.
- Trees and Development.
- Barry Development Guidelines SPG.

Issues

Given that the site falls within the residential settlement boundary of Barry, the principle of residential development is considered acceptable subject to the proposal satisfying the relevant policies and guidance. The land has formerly been used as a Council nursery but has been dis-used for in the region of ten years.

The development is located within a predominantly residential area and the application site is bounded by the residential streets of Barry Road and St. Teilo's Avenue and the allotments and cemetery. It is therefore considered that the nature of the development is compatible with the existing adjacent uses in that the proposal would not be likely to cause nuisance or harm to existing residential amenity.

Site Layout

The development would be served by two existing access points, primarily from the roundabout at the junction of Barry Road and Tynewydd Road, and also along the western of the site from St. Teilo's Avenue. A secondary cul-de-sac is proposed to serve a small crescent of detached houses in the western portion of the site.

The site is primarily comprised of the two long linear parcels of land, along which the various terraces and 2 No. apartments blocks are proposed. Given the relatively limited depth of these areas, it is considered that this represents the most efficient use of the land and the most practical layout. The layout has been proposed so as to achieve a 'boulevard' development, which would be most compatible and sympathetic with the character of the existing tree-lined avenue. It is also considered that the retention and expansion of the existing central reservation, with the planting of further trees, would add considerable character to the highway and would improve the visual amenities of the site.

Whilst the proposal represents a relatively dense level of development, the terraces would be positioned some 11m back from the highway. Accordingly it is considered that the layout would not appear as cramped or as an overdevelopment of the land, and it would retain an appropriate degree of openness to Cemetery Road. Areas of informal open space are proposed at the junction with St. Teilo's Avenue and in the triangular parcel of land to the west of Cemetery Road. While no formal play areas have been identified, there is space within the development to achieve this, either within the informally denoted areas, or within the enlarged central reservation. These issues can be confirmed as part of the Legal Agreement.

The two apartment blocks are located relatively centrally within the eastern section of the development, which would achieve a level of symmetry to this linear frontage, and the remaining terraces are comprised of a mix of dwelling types.

In summary, the approach reflects a traditional approach to street layout with a particular emphasis on providing a street scene and urban form of simple yet effective layout.

Scale, Design and Materials

The terraces are comprised of a mix of sizes and type, which have stepped roof planes and frontages. It is considered that this form of development, including large and smaller gable features, would serve to break up the overall massing of the development, and would appear visually as a more interesting façade than single continuous frontages. The use of a mixture of coloured renders and brickwork would further serve to enhance the overall design and appearance of the development.

Whilst the dwellings are approximately 9m to the ridges, it is considered that they are of a form and massing that is compatible with the surrounding established residential developments, and would not appear as overscaled within the site. The apartment blocks are approximately 14m in height, however they are located well within the site, 55m from Barry Road, and they would therefore not be overly prominent within the wider street scene. It is considered that the scale and form of the apartment blocks relate appropriately to the terraces of dwelling houses.

Highways and Parking Considerations

The Highways Engineer has raised no objections to the scheme, both in terms of the highway layout and level and arrangement of off and on-street parking. The highway layout is primarily comprised of the one way system around Cemetery Road.

In terms of parking, between one and two spaces are provided per unit and provision is made for 24 No. visitor spaces within the highway adjacent to the central reservation. Whilst the Council's parking guidelines require 2 No. spaces for units of this size, these guidelines are post-dated by Planning Policy Wales (2002), which explicitly states at paragraph 8.4.2 that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past. In addition, the site is well served by public transport facilities, located adjacent to a regular bus route on Barry Road.

Privacy and Amenity

With regards to impact on the privacy and amenity of the existing occupiers located adjacent to the site and future occupiers within new site, the site layout and orientation of the dwellings is such that the distance between habitable windows satisfies the requirements of Policy 3 of the Supplementary Planning Guidance Amenity Standards.

Whilst concerns have been raised by one neighbour on Barry Road in respect of overlooking, there are no balconies proposed on the apartment block, which is located in the region of 50m from that property. It is therefore considered that the development will not cause demonstrable harm in this respect. The apartment blocks also do not contain windows on elevations that would overlook the rear gardens of new dwellings within the development.

In relation to the provision of amenity space, the Supplementary Planning Guidance Amenity Standards requires a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. Whilst the majority of units are deficient in the level of amenity space, each is served by an adequate and useable rear garden, which would satisfy the basic outdoor requirements of the occupiers. It is also considered reasonable to accept a small shortfall in amenity space given the linear nature of the site and the need to achieve a desirable layout of the site.

Ecology

An ecology survey has been undertaken for the site as a whole. The ecology survey concluded that the application type supported a limited range of habitat types, including poor semi-improved grassland, scrub and scattered broad leaved trees. The survey also noted that there was no recent evidence of bat or badger activity.

The Council's Ecology report has noted that there does not appear recent activity of bats or badgers, but has recommended quarterly monitoring of potential badger site prior to construction works commencing.

The application was also accompanied by a Reptile Translocation Strategy, in respect of the presence of slow worms on the site. The strategy proposes the re-location of the slow worms to Cosmeston Lakes Country Park, which has been identified as the most appropriate receptor site. This site was identified in consultation with the Council's Ecologists. However, the Ecologist has recommended conditions to be attached to any consent relating to a 'reptile clearance methodology'.

The developer's attention should also be drawn to the relevant legislation that is afforded to protected species that may be found during the site during the course of construction works.

Other Specific Objections

Whilst the development would result in the loss of the grassed areas, the land is not identified as public open space within the Unitary Development Plan and there is therefore no in principle policy objection to the development of the land. It is further considered that the retention and introduction of new trees will serve to retain the green amenity value of the road.

It is alleged that the development will cause noise and disturbance and that there would be an increase in traffic and pollution. Whilst there is likely to be a degree of noise and disturbance as a result of the development, this is an inevitable by-product of construction and does not in itself warrant the refusal of the application. It is also accepted that the development would result in an increase in vehicle movements, however, the Highways Engineer has concluded that the existing highway network is capable of accommodating the development.

The impact of the development on the value of surrounding properties is not a planning consideration.

Objections have been raised due to the loss of parking spaces for people visiting the cemetery and waiting to pick up from the school. Whilst the road may have been used as such, the highway is not designated for these purposes and it is considered that sufficient parking is available on-street in the surrounding area within walking distance of the cemetery and school. The development would not prohibit the use of the public highway by dog walkers or learner drivers.

The objections in respect of overlooking, parking provision and the density of the development have been addressed above within the body of the report,

Section 106 Issues

As a result of the consultation responses and requirements set out within Supplementary Planning Guidance, the following matters should be considered to form part of a Section 106 Agreement:

- Retention of dwellings as affordable housing.
- Traffic Regulation order costs.
- Highway improvements.
- Sustainable transport facilities.
- Public art.
- Community facilities.
- Children's play area.
- Recreational facilities.
- Transferral of public open space.
- Education facilities.

The specific details of each aspect of the Legal Agreement are contained within the recommendation below.

CONCLUSION

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

Having regard to Policies ENV11 - Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation Importance, ENV16 – Protected Species, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria – Policy HOUS2 Settlements, REC3- Provision of Open Space Within New Residential Developments, REC6- Children’s Playing Facilities and TRAN10 – Parking, the proposed scheme is considered acceptable in respect of the principle of residential development, density, layout, siting, design, material and finishes, and is considered acceptable having regard to highway considerations and impact on the amenity of existing and future occupiers.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The dwellings to be built as part of the development built under the planning permission shall be built and thereafter maintained as affordable housing units in perpetuity.
- The developer shall pay the Council a traffic contribution (£9,500) to cover the costs of administration and implementation of Traffic Regulation Orders (TRO's) required as a result of the development.
- The developer shall enter an agreement made under Section 278 of the Highways Act 1980 to upgrade the adopted highway at the access points to the development site on Cemetery Road and St. Teilo’s Avenue through the provision of new street lighting, kerbing, planting and footway and carriageway resurfacing.
- The developer shall pay the sum of twenty five thousand pounds (£25,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council’s public art fund.
- The developer shall pay the sum of twenty five thousand pounds (£25,000) to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The developer shall provide Recreation Facilities in the form of children’s play equipment on site to a specification to be agreed by the Local Planning Authority or provide a financial contribution in lieu of such provision.
- The developer shall pay a commuted sum to be agreed by the Local Planning Authority following submission of a maintenance scheme for the Recreational Facilities, to be used to maintain the Recreational Facilities for a 20 year period.

- The developer shall transfer at no cost to the Council, any areas of public open space land to be adopted by the Council and pay an associated commuted sum to ensure the maintenance of such land for a 20 year period.
- The developer shall pay the sum of sixty nine thousand five hundred and twenty pounds (£69,520) to the Council to provide or enhance Educational facilities available for future occupiers of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£3,416.00 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on the 2 August 2007 other than where amended by plans reference 002/Rev: F, received on the 16 August 2007.

Reason:

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

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

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout including sections, levels, details of street lighting and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out strictly in accordance with the agreed details.

Reason:

In the interests of highway safety and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. Full details of a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To ensure effective drainage facilities are provided and that no adverse impact occurs to the environment or the existing public sewerage system, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees on the land to be retained, together with measures for their protection in the course of development, and details of all new landscaping and trees as indicated on Drawing No. 002/Rev F of the plans hereby approved.

Reason:

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

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

Reason:

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

8. Prior to their use in construction of the dwellings hereby approved, samples of the ridge and roof tiles, bricks, render and hard landscaping 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 samples.

Reason:

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

9. No development shall commence until details of the finished levels of the site in relation to existing ground levels and finished ground levels are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

13. Prior to the commencement of development, a Reptile Clearance Methodology shall be submitted to and agreed in writing by the Local Planning Authority, which shall be prepared in accordance with Countryside Council for Wales guidance.

Reason:

In order to ensure the appropriate re-location of any protected reptiles within the site, and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

14. Between the date of this consent and the commencement of development, quarterly monitoring of potential badger sites, as identified within the submitted Phase 1 Habitat Survey, shall be carried out, and the results of these surveys provided in writing to the Local Planning Authority.

Reason:

In order to ensure the protection of protected species within the site and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

15. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

NOTE:

1. **Notwithstanding the submitted ecology survey, the applicant and any future developer should be made aware of the following legislation.**

All British bats are European Protected Species under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations 1994. Bats are fully protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended). It is also an offence under the Countryside and Rights of Way Act 2000 to deliberately kill or disturb a European Protected Species or recklessly damage or destroy the breeding site or its resting place.

Notwithstanding the lack of bats evident at the time of survey, if bats or any other protected species are found to be present during the development, work must stop and advice be sought from the Countryside Council for Wales (CCW).

Under the Wildlife and Countryside Act 1981, it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. I therefore recommend that work be carried out outside the nesting season, which is generally recognised to be from 1 March to 31 July, unless it can be demonstrated that nesting birds are absent.

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.

2007/01246/FUL Received on 3 September 2007

Mr. Z. Stoddart, 24, Almond Grove, Brentford, Middx., TW8 8NL
Mr. Mark Baldwin, 26, Chiltern View Road, Uxbridge, Middx., UB8 2PE

Penylan Farm, Llancarfan

Barn conversion into dwellinghouse

SITE DESCRIPTION

The application site is described as 'Penylan Farm, Llancarfan'. It is comprised of a single storey stone barn, of size 9.3m wide x 6m deep x 4.5m in height to the ridge of the pitched roof. There is a single storey lean to 'tin shed' attached to the side elevation. The barn has 3 doorway sized openings on the rear elevation and 2 windows openings and a blocked up doorway on the front.

The application site is located just east of the defined settlement of Llancarfan, approximately 100m east of the Primary School and is accessed off a single track, dead end lane that leads to the dwelling known as Broomwell. A public footpath runs along the eastern boundary of the site, northwards through the adjacent fields.

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion of the barn to a single dwelling, comprised of a living area, kitchen, bathroom and 2 bedrooms. The conversion is to be accommodated within the existing stone barn, with the demolition of the tin shed lean-to. The existing slate roof is to be retained.

The central doorway opening on the rear elevation is to be utilised for the entrance door with windows and timber panels inserted into either flank doorway opening. Two windows are proposed on the front elevation within the existing openings, and a third window within the area of the blocked up doorway.

The amenity space to serve the dwelling is comprised of an enclosed grassed area to the rear and sides of the barn. The site is presently enclosed on the west side and rear boundaries and a new hedgerow is proposed to the eastern side boundary, adjacent to the public footpath. The amenity space extends to a depth of 5m at the rear of the barn and approximately 10-13m at the east side of the barn. A new gravel driveway and hardstanding (10m x 6m) is proposed to the front of the barn.

PLANNING HISTORY

90/01306/FUL - Conversion of barn to dwelling. Refused 22 May 1991 for the following reason:

1. The proposed development would be contrary to Policy H.4 of the Draft Rural Vale Local Plan and Policy H.10 of the approved Structure Plan which carry a presumption against the erection of dwellings in the open countryside, unless such development can be justified in the interests of agriculture and forestry. Insufficient justification exists for this proposal at this present time.

94/00466/FUL - Conversion of barn to dwelling. Refused 19 July 1994 for the following reason:

1. The proposed development fails to satisfy the criteria laid down in the Council's approved Policy and Design Guide for barn conversions inasmuch as the building does not form part of a rural settlement nor does it have any architectural or historic value. It therefore represents residential development in the open countryside contrary to Policy H4 of the Draft Rural Vale Local Plan and Policy H10 of the approved County of South Glamorgan Structure Plan which carry a presumption against residential development in the open countryside unless supported by an agricultural justification.

CONSULTATIONS

Llancarfan Community Council. No representations have been received to date.

Cadw has no objection.

Environment Agency Wales has no objection.

The Head of Visible Services (Highway Development) has no objections subject to the provision of two parking spaces and a driveway in bound materials.

The Head of Economic Development and Leisure (Public Rights of Way Officer). No representations have been received to date.

Countryside Council for Wales. No representations have been received to date.

Hyder Consults has no objections.

Building Control Section. No representations have been received to date.

Ecology have required a method statement to be submitted detailing mitigation measures to protect any bats present.

REPRESENTATIONS

A site notice has been erected outside the site. No representations have been received to date.

REPORT

Planning Policies

The development falls outside the settlement boundary of Llancarfan and relates to the conversion of a rural building. The relevant planning policy is that contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), Supplementary Planning Guidance 'The Conversion of Rural Buildings', and guidance in Planning Policy Wales 2002.

The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are considered relevant to the assessment of the application:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV4 - SPECIAL LANDSCAPE AREAS

ENV8 - SMALL SCALE RURAL CONVERSIONS.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

Policy ENV1 of the UDP permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy ENV4 relates to development in Special landscape Areas (SLA's) and states that proposals will be permitted provided it can be demonstrated they would not adversely affect the landscape character, landscape features or visual amenities of the SLA.

Policy ENV8 provides the criteria to assess the conversion of rural buildings and requires primarily that the building is structurally sound and the conversion to be undertaken without substantial reconstruction of the external walls or extension to the building. The policy also states that conversion work should not unacceptably affect the appearance and rural character of the building. In terms of amenity space, the policy states that where residential use is considered acceptable, amenity space should be provided without undue incursion into the rural landscape.

Policy ENV27 relates to all new forms of development and requires proposals to have full regard to the context of the local natural and built environment and complement the existing local character of buildings and open spaces.

Issues

The barn is located off a single width track, in the corner of a field parcel approximately 12m back from an existing agricultural field entrance and public footpath style. The barn lies open to the field and is not enclosed to the south or east by any natural or physical boundary on the ground. The barn appears as a simple, traditional agricultural barn, which is well assimilated into the rural landscape. The landscape surrounding the site is relatively open in nature, with open views of the barn from the immediately adjacent public footpath and the highway.

The Council's UDP Policy and Supplementary Planning Guidance seeks to ensure that conversions safeguard the character of the barn itself and do not result in an undue incursion in the wider rural landscape, either by virtue of works to the building itself or from the associated curtilage. The supporting text to Policy ENV8 of the UDP states that:

"The creation of a new residential curtilage around a newly converted building can have a harmful effect on the character of the countryside, especially in areas of high quality landscape."

The Council's Supplementary planning Guidance on the Conversion of Rural Buildings states:

"The spaces surrounding rural buildings are generally restricted by the nature of their original use. Unless unobtrusive and sufficient amenity space can be provided around a building without conflict with surrounding uses, the proposal will not be favourably considered. The provision of adequate amenity space should avoid the creation of a suburban style curtilage around the building."

Whilst part of the curtilage is proposed to the rear and west side of the barn, enclosed by an existing fence and partially screened from public views, the scheme would necessitate the introduction of a new curtilage to the front and side of the barn, with an associated new driveway and parking area within what is presently an open field. This curtilage would extend in the region of 10-13m outwards from the side of the barn and, in addition to the new driveway and parking area to the front, it is considered that the development would serve to overly domesticate the site and immediately surrounding area, resulting in an unacceptable residential incursion into the rural landscape.

The effectiveness of conditions restricting permitted development rights for extensions and outbuildings has been considered, however it is considered that the residential use of the site and the domestic character that it would take on, would in itself cause demonstrable harm to the character of the area.

The site is extremely rural and open in nature, and it is considered that the proposed alterations and curtilage would visually intrude into the existing landscape to an unacceptable degree and would fail to preserve the rural character of the application site and the wider landscape value of the Special Landscape Area. In this respect, it is considered that the proposal fails to satisfy the criteria of Policies ENV4 and ENV8 of the UDP and the Supplementary Planning Guidance on the Conversion of Rural Buildings.

There are no extensions proposed to the barn, however an additional window opening is proposed in the front elevation. Whilst it appears that an original doorway opening has at some time been blocked up, the new window opening is considered to be of a domestic appearance that would appear as an unsympathetic residential feature, out of character with an agricultural building of this nature.

The submitted ecology survey identified bats within the building and the surveyor has suggested that appropriate mitigation measures could be incorporated into the scheme to ensure their protection. However, given the above concerns with the proposal, further specific details of a mitigation scheme have not been sought.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings, it is concluded that the alterations and associated residential curtilage would cause demonstrable harm rural character of the Special Landscape Area and the barn itself.

RECOMMENDATION (W.R.)

REFUSE

1. By virtue of the rural and open nature of the site, the associated curtilage and parking area and the new window opening, it is considered that the proposal would serve to overly domesticate the barn and surrounding land, intruding into the rural landscape to an unacceptable degree and failing to preserve the unspoilt rural landscape of this part of the Special Landscape Area. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings.

2006/01541/RG3 Received on 31 October 2006

Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT
Chris Fray, Head of Econ. Dev. & Leisure, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Land adjacent to Cogan Hall Farm, Penarth

Layout and landscaping of public open space

SITE DESCRIPTION

Council owned agricultural land to the west of the David Wilson Homes and Wimpey Homes residential developments at Cogan Hall and to the east of Old Cogan Hall Farm. The site is approximately 7.5 Ha. Part of the site is designated as a Scheduled Ancient Monument relating to farming and settlement activity in the medieval period.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to landscape and layout the site to form part of the Public Open Space provision for the housing development at Cogan Hall. The land was secured as part of the original Section 106 Legal Agreement that included commuted sums to layout and maintain the land to provide strategic footpath links to Cosmeston Lakes Country Park as well as to provide accessible open space for the new residential development adjacent to the site.

The proposed works include improved links between the residential estate and the open space through the use of kissing gates, timber stiles and footbridges etc., the re-directing of a public footpath to take it further away from existing residential properties. The proposal also includes the construction of tar spray and chip footpaths, additional “buffer” planting to screen and separate the public areas and the private residential areas to the west of the site, new fencing, an informal kick-about area with timber “goalposts” and strategically positioned benches and an interpretation/information board.

The majority of the site is to be left as grassland (to be mown once every fortnight) with wildflower areas on the periphery of the site and native planting (Hawthorne, Blackthorn, Holly, Ash, Field Maple and Hazel) in the “buffer” planting areas.

PLANNING HISTORY

02/00062/FUL – Land to the west and south of the site – use of land for the extension to Cosmeston Lakes Country Park was approved but a legal undertaking was provided not to undertake the scheme due to alleged factual inaccuracies in the report.

02/00061/FUL – Use of land as Public Open Space – as above.

00/00665/OUT – Application for the renewal of the previous outline consent (Ref. 93/01129/OUT) was granted on 23 February 2001, subject to a Section 106 Legal Agreement.

93/01129/OUT – First outline planning consent granted for the entire Cogan Hall Farm development, and this was approved on 14 November 1997 subject to conditions and subject to a Section 106 Legal Agreement.

CONSULTATIONS

Penarth Town Council were consulted on 15 November 2006 and re-consulted on the amended site location plan on 2 March 2007. No comments have been received to date. In respect of the amended plans the Town Council advised on 2 July 2007 that the application should be approved on the basis of the amended plans.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 15 November 2006. "This department has no comment to make regarding the application."

The Head of Visible Services (Highways and Engineering Design) was consulted on 15 November 2006. "Further to the site inspection undertaken in relation to the above application, I would comment that the Highway Authority have no objection to the above proposals.

However, it should be noted that if car parking charging is introduced at Cosmeston Park, it is likely that displaced parking will take place within the residential area adjacent to the above site."

Environment Agency Wales was consulted 15 and 21 November 2006. Their comments are included as Appendix A to this report.

Cadw (Welsh Historic Monuments) was consulted on 15 November 2006. Their comments are attached as Appendix B.

Glamorgan Gwent Archaeological Trust was consulted on 27 November 2006. They confirm that they support the application but they have requested a condition be attached to any consent requiring the applicant to submit a detailed programme of investigation for the archaeological resource of the deserted Medieval village.

The Council's Biodiversity Officer/Ecologist - No comments relating to the wildlife survey have been received to date. Formal comments will be reported to Committee.

The Head of Visible Services (Operational Manager Engineering Design) "The submitted details indicate proposals to construct a footbridge over a stream that passes through the development. As this may require the prior consent of the Environment Agency it is recommended that you seek their comments."

The Council's Public Rights of Way Officer was consulted on 15 November 2006.

"The property is crossed by two Public Rights of Way shown on the Definitive Map; namely Restricted Byway No.14 Penarth (Mile Lane) to the south and Public Footpath No.12 Penarth to the north.

The proposals have no significant impact on RB 14, other than to create junctions with new footpaths in a couple of locations. Public Footpath No.12 however is significantly affected by the proposal, effectively diverting its route approximately 80 metres to the north by reconstructing the footbridge in a different location. If consent is granted for this application, a formal Diversion Order under the Town and Country Planning Act will be required to enable it to proceed. I would be grateful if this requirement could be made a condition of any consent.

The path linking RB 14 with FP 12 to the immediate east of the farm buildings is not a formally registered Public Right of Way, that part of Cart Road No.14 Penarth having been legally stopped up by an Order made in 1980 under S.108 of the Highways Act 1959. Consequently the present proposal to close it again does not legally require a further Order. However it should be noted that the 1980 closure was never physically implemented and the public continued to use the path up to the present day. This could easily give rise to the potential for a new path to be claimed in this location under S.53 of the Wildlife and Countryside 1981, should any member of the public wish to do so. I am satisfied that an acceptable alternative route is included in the proposal, which should satisfy any aggrieved user, but the potential for such action should nevertheless be brought to the attention of the applicant.”

Councillors Janice Birch and Mark Wilson were consulted on 5 December 2006 and re-consulted on the amended site location plan on 2 March 2007. No comments have been received to date.

REPRESENTATIONS

Neighbouring occupiers were notified on 15 and 27 November, 2006 and re-notified on 2 March 2007. The application was advertised on site and in the press on 28 November, 2006. The occupiers of Old Cogan Hall Farm, Old Cogan Hall Nos. 2 and 3 Cogan Hall Cottages and the Sub Warden of St. Peters Church have objected to the proposal on the following grounds:

- The loss of agricultural/grazing land.
- The increase in the number of visitors and vehicles to the site leading to the blocking up of the access lane to Cogan Hall Cottages and the access to the Farm.
- The public open space will surround the existing residential properties.
- The financial cost of creating the public open space.
- The scheme will be detrimental to the local farming and residential community.
- The scheme should be the subject of a change of use application from agricultural land.
- The lack of any provision for parking.

- The use of the access lane by maintenance vehicles and the subsequent damage to the un-metalled lane.
- The lack of a suitable access for emergency vehicles.
- The loss of a slurry pit for the farm.
- The possibility of the landscaping damaging archaeological remains, and,
- The loss of privacy.

An estate agent acting on behalf of the occupier of Cogan Hall Farm has stated that the site includes a parcel of ground and the slurry pit that are presently tenanted to him under the Agricultural Holdings Act 1986 and that he has not been formally notified of the application as having a legal interest in the land. The Director of Legal and Regulatory Services has confirmed that the Grazing Licence was terminated on 18 March, 2006 and that the slurry pit was surrendered to the Land Authority of Wales (the Council's predecessor in title) in 1992.

Copies of four letters of objection (including the letter relating to ownership/tenancy of the site) are included as Appendix C to this report.

REPORT

Planning Policies

The application can be assessed against Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV24 – Conservation and Enhancement of Open Space and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales, the approved Supplementary Planning Guidance Note on 'Design in the Landscape' (2006) and the Cogan Hall Development Brief and the Landscapes Working for the Vale of Glamorgan document and the Cogan Hall Farm Master Development Brief.

Issues

The Council were allocated the application site as part of the Section 106 Legal Agreement relating to the Cogan Hall Farm housing development. The site was formerly used as grazing land and the land is not considered to be the best and most versatile agricultural land and therefore, the proposal accords with Policy ENV2 of the Unitary Development Plan (UDP). The application also accords with Policies ENV1, ENV10, ENV11, ENV15 and ENV16 as it is compatible to the rural nature of the site, there are no buildings proposed for the site and the otter and water vole survey has confirmed that there is no evidence of either species on the site.

Paragraph 7 of the Schedule to the Section 106 Legal Agreement attached to the outline consent for a residential development at Cogan Hall Farm stated:

“The Developers hereby covenant with the Council: To pay to the Council upon the commencement of development the sum of £243,057.22, the sum of £117,094.22 of which shall be used for the laying out and landscaping of that area of land marked green on the plan and £125,963 of which sum shall be put to the maintenance of the land subsequent to the laying out and landscaping thereof.”

Paragraph 2.4.1 of the Cogan Hall Farm Master Development Brief states:

“The open space requirements of the development will be met in part through an agreed extension to Cosmeston Lakes Country Park. This extends along the western boundary of the southern development area, retaining an area as open landscape and providing a rural backdrop to Cogan Hall Farm.”

The Council has carried out a consultation programme with various consultees including an application for Scheduled Monument Consent to CADW, discussions with the Environment Agency relating to Sully Brook and on-site sewers and the Councils Ecologist relating to wildlife in and around the site. The contract to layout the land will incorporate a three year maintenance period before being handed over to the Parks and Ground Maintenance Department.

Local residents have been consulted on the proposals and the scheme has been revised to take into account their comments. The footpath to the northern end of the site will be diverted to take it further away from the private residential properties (this will require a formal diversion order under the Town and Country Planning Act 1990). The access and maintenance gates have been relocated away from the cottages and extra “buffer” planting is proposed on the boundary with the residential properties along the western boundary of the site and the site of the former slurry pit to the east of the farm buildings has been planted up to give further screening and protection to the farm environment. In addition to this a leaflet will be produced for circulation locally explaining the nature of the open space works and the aims of the management practice. This will highlight the conservation value of the site and will encourage interest in local flora and fauna. An interpretation board will be located to explain the archaeological significance of the site as well as its wildlife and a number of benches and an informal kick about area are proposed for locals and visitors.

Whilst there is no evidence of either water voles or otters on the site, the Licensed Ecological Surveyor has made recommendations in his report relating to the management of the streamside vegetation and hedgerows and these will be incorporated into the project.

With regard to the land ownership issues in and around the site, the Director of Legal and Regulatory Services has confirmed that the Grazing Licence for part of the site was terminated on 18 March, 2006 and that the slurry pit area of land was surrendered to the Land Authority of Wales (the Council’s predecessor in title) in 1992. Therefore, the application site is wholly controlled by the Council and it was not necessary to serve notice on the occupier of Cogan Hall Farm. This fact has been rechecked and further clarification has been obtained that none of the land within the application site is currently tenanted or licensed for agricultural purposes.

It is considered that this area of open space is a natural extension of the Cosmeston Lakes Country Park and will provide a useful informal area of land for existing and future residents in the surrounding area. Links are to be provided between the adjoining residential estate and the open space in order to improve accessibility to this area. As there are no formal activities or buildings proposed for the site and there is no charge to park at Cosmeston Park, it is considered that the site will only be used by residents within walking distance of the site and should not attract significantly more visitors and vehicles to the area. In addition to this, the Highway Officer notes that any vehicle blocking the highway adjacent to Cogan Hall Cottages would in fact be causing an obstruction which would be an issue of traffic enforcement to be dealt with by the police.

The site location plan and the red line boundary has now been revised to include an area of land to the north and east of Cogan Hall Farm to include a buffer area shown on the working drawing for the scheme and to include an area of land that does not form part of the tenancy agreement with the adjoining farm. This zone is regarded as a buffer between the Public Open Space and the holding and the native thicket will provide screening and protection of residential amenity. Again none of this land is leased or tenanted to a third party.

CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV24 – Conservation and Enhancement of Open Space and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales, the approved Supplementary Planning Guidance Note on ‘Design in the Landscape’ (2006), the Cogan Hall Development Brief, Landscapes Working for the Vale of Glamorgan document and the Cogan Hall Farm Master Development Brief, the proposal is considered acceptable in respect of its impact on the privacy and amenity of existing dwellings, the ecology of the site, the visual amenities of the area in general and ancient scheduled monument areas and the wider character of the rural area.

RECOMMENDATION

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

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

Reason:

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

2. This consent shall relate to the plans registered on 31 October, 2006 other than where amended by plans reference 20084/31H, 34,35 (Red and Blue line plan), received 22 May 2007 .

Reason:

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

3. The works shall be carried out in accordance with the licensed ecologists survey and recommendations.

Reason:

To safeguard issues of ecological importance, in accordance with Policy ENV16 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

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

Reason:

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

5. No works affecting the trees and scrub within the site shall be carried out during the nesting season between March and June unless a survey is first conducted and submitted to the Local Planning Authority which ascertains the absence of breeding birds.

Reason:

To comply with the Wildlife and Countryside Act 1981.

6. Notwithstanding the submitted details additional planting shall be provided on the western boundary with Cogan Hall Farm and details of the planting shall be submitted to and approved in writing by the Local Planning Authority prior to the planting being undertaken in accordance with Condition No. 7 below.

Reason:

In the interests of the amenities of adjoining occupiers.

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

Reason:

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

NOTE:

1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

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

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

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

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

2007/00843/RG3 Received on 8 August 2007

Vale of Glamorgan Council Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU
Property Section Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF63 4RU

Cowbridge Leisure Centre, off Eagle Lane, Cowbridge

The location of a single storey prefabricated nursery unit together with all necessary site works

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

The application was advertised on 3 July 2007.

SITE DESCRIPTION

The site relates to an area of land to the rear of the Cowbridge Leisure Centre. The site lies within the Cowbridge with Llanblethian Conservation Area and is presently laid to grass with some planting.

DESCRIPTION OF DEVELOPMENT

To place a prefabricated unit on the land to be used as a nursery unit. Two staff would be employed on the site and the building would measure approximately 12m by 8.5m.

The external finishes will be profile colour coated finish (colour to be agreed).

PLANNING HISTORY

The site immediately adjoining the application site has been granted planning permission, subject to the signing of a prior Legal Agreement, for the erection of a Medical Health Centre at the Bear Field ref: 06/01419/FUL.

CONSULTATIONS

Cowbridge with Llanblethian Town Council has no objections. However there is no indication as to the number of children likely to be enrolled within the unit, and Committee is concerned regarding access and extra traffic likely to be generated on top of users of the leisure facilities and proposed new health centre particularly first thing in the morning.

The Head of Visible Services (Highway Development). There are no highway objections in principle to this proposal subject to the following highway requirements being fully satisfied:

1. Drop off and pick-up point for the nursery to be located in the main leisure centre car park and access to the nursery to be via the footpathlink at the rear of the leisure centre.
2. No drop off or pick up within the turning head of the new access road.
3. Secured fire escape to be used only in emergency situations and not as a secondary access.
4. Hooped top safety fence to be a minimum of 1.2m high (as per Drawing No. AL(90) not as Drawing No. AL(90)04.

The Director of Community Services. No comments have been received.

Environment Agency Wales have no objection to the application.

Glamorgan Gwent Archaeological Trust. See Appendix A.

Ecology. See Appendix B.

Outdoor Manager, Parks and Ground Maintenance comments:

"I wish to bring to your attention that there is an identified deficit of public open space within the Vale of Glamorgan.

The construction of this nursery would only further exacerbate the lack of open space."

REPRESENTATIONS

Brackley Investments Ltd. No commentrs have been received.

The application was advertised on site and in the press on 3 July 2007 and no comments have been received.

REPORT

Planning Policies

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV24 - CONSERVATION AND ENHANCEMENT OF OPEN SPACES

ENV28 - ACCESS FOR DISABLED PEOPLE

TRAN10 - PARKING

Issues

The site lies within the northern part of the Conservation Area and is an area of land behind the relatively modern, leisure centre development in this part of the Conservation Area.

The impact of the scheme, which is of functional design, has been assessed in terms of its visual impact on the character and setting of the area. It is considered that the development will not be so visually intrusive due to its relatively modest scale.

Whilst the site is an area of open space behind the leisure centre, its loss is such that the provision of space would not be compromised to an extent where a refusal could be justified. The building is relatively small and the area surrounding it would remain as a fenced area for a playground.

Issues of ecology and flooding having been fully examined given the proximity to a watercourse and habitat likely to be attractive to species. There are no concerns regarding flooding and the general advice notes regarding protected species will be made known to the agents/applicants. There is no known adverse impact on the ecology of the area.

The nursery is likely to accommodate between 18 and 22 children at any one time. Thus the impacts of the traffic likely to be generated by the scheme have been fully assessed. There are no objections from the Highway Development Team in relations to safety, subject to fencing and defining access, and thus no objection on highway grounds is made. A limited provision for bicycle parking should be required on site and if approved a condition to this effect should be imposed.

As the building is of a prefabricated nature consideration should be given to the need for a limitation on the length of time which such a building remains on the site in the Conservation Area. If appropriate it is considered that a 7 year consent to establish how the building weathers and its impact as a consequence could be imposed.

CONCLUSION

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

Having regard to Policies ENV17 - Protection of the Built and Historic Environment, ENV20 - Development in Conservation Areas, ENV27 - Design of New Developments, ENV24 - Conservation and Enhancement of Open Spaces, ENV28 - Access for Disabled People and TRAN10 – Parking, it is considered that the development will not adversely affect the setting or character of the area nor the amenities of adjoining users. Safe and adequate access and parking could be provided and protected species and their habitats are not adversely affected and thus the development is acceptable.

RECOMMENDATION

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

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

Reason:

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

2. The development hereby approved shall be enclosed in accordance with the details as indicated on drawing reference AL(90) 02 in terms of the location, height and extent of enclosure prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained unless the Local Planning Authority gives prior written agreement to any alteration.

Reason:

To ensure a satisfactory enclosure to define the site and in the interests of highway safety to meet the requirements of Policies ENV27 and TRAN10 of the Unitary Development Plan.

3. Prior to the development hereby approved being brought into beneficial use details of the proposed parking to serve the development and of the layout and any direction signage for the parking shall be submitted to and approved in writing by the Local Planning Authority and the approved parking and direction signage shall be fully implemented on site prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained at all times unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of pedestrian and road safety and to meet the requirements of Policies ENV27 and TRAN10 of the Unitary Development Plan.

4. This consent shall be for a temporary period only and the nursery building shall be removed from the site on or before October 2014.

Reason:

To enable the Local Planning Authority to properly consider the impact of the building on the Conservation Area.

5. Within six months of the cessation of the use of the site, the site shall be restored to its former condition, details of such restoration shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby approved.

Reason:

In the interests of the visual amenities of the area, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Your attention is drawn to the fact that it is an offence to destroy or disturb the habitat of protected species or the species themselves. Protected species include otter, great crested newts and nesting birds. Any site clearance should therefore be done outside the nesting season generally recognised as between March and August.**

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.

2007/00936/RG3 Received on 28 June 2007

Director of Learning & Development, Vale of Glamorgan Council, Provincial House, Kendrick Road, Barry, Vale of Glamorgan, CF62 8UF
Property Division, (J. Sen), Vale of Glamorgan Council, Civic Offices, Holton Road, Barry., CF63 4RU

Llangan Primary School, Llangan

Installation of a wind turbine in the northern corner of the school premises for the purpose of generating electricity for the school, in line with the Council's and the W.A.G.'s Green Initiative

SITE DESCRIPTION

The application site relates to land to the rear of Llangan Primary School, located in a prominent position adjacent to the main Pentre Meyrick to Pencoed road. The site is classified as falling within the countryside.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application for the erection of a stand alone 15-20kw wind turbine which is shown to be sited to the rear of the school adjacent to the boundary at the western edge of the site. The turbine is shown to be sited some 40 metres from the school and will be sited on a circular concrete base 3.6 metres in diameter.

The turbine will comprise of a 18 metre tall tower with a 10 metre diameter rotor and will have a maximum height of 23 metres from base level. The turbine will be finished in white with a galvanised tower.

PLANNING HISTORY

2006/00015/REG3 - 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. Approved 10 March 2006.

2007/00263/REG3 – Retention of existing demountable (nursery) unit to accommodate the play group. Approved 26 April 2007.

CONSULTATIONS

Llangan Community Council. No comments have been received to date.

Civil Aviation Authority. Holding letter submitted.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted and made the following comments:

“Further to our previous memo and discussions we have carried out noise measurements at the school site as well as further research.

Although we have no objection to the erection of a wind turbine in principle we still have concerns, including possible health effects, regarding the proposal and believe that the following must be taken into consideration:

- The background noise level at the school site is such that we believe that the turbine will cause sleep disturbance to local residents during the night as the background level at the nearest residence will be even lower than it is at the school due to its location. We also believe that the turbine may cause nuisance to both residents and the school users during the day.
- Research, quoting WHO guidelines, also indicates that background levels need to be lower than 35 dB for *‘children in the process of reading and language acquisition’*. If such levels are not achieved *‘noise interferes with speech comprehension, problems with concentration...stress.....’* as well as other problems. With the proposed turbine within less than 50 metres of school buildings this is possible.
- It is also not the noise levels per se that concern us but the effect of low-frequency sound that is generated by turbines.
- Also visual disturbance that may occur due to blade sweep.
- The health and safety implications of placing this structure near the school play area.
- And finally children’s possible reduced ability to *‘cope with the impacts of noise exposure....and at greater risk for harmful effects’*.

REPRESENTATIONS

Nearby residential occupiers were notified and a site notice was also posted. To date one letter of representation has been received from the occupiers of ‘Cherry Acre’, Llangan who have raised strong concerns with the application in respect of its impact on the view of the countryside and noise. The letter is attached as Appendix A.

REPORT

By way of background Llangan Primary School has recently had a major extension in order to consolidate and improve upon existing teaching and administration facilities at the school. In line with the Council’s as well as the Welsh Assembly Governments policy for enhancement of sustainability and use of renewable resources the Director of Learning and Development has submitted a Regulation 3 application to install a wind turbine to meet the school’s energy requirement and also to contribute to the National Grid during off-peak periods.

Planning Policies

The relevant policies and guidance in assessing this application are those contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

The relevant Part 1 Strategic Policies are as follows:

Policy 1

Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife, the best and most versatile agricultural land and important features of the built heritage. Proposals which enhance these areas will be favoured.

Policy 2

Proposals which encourage sustainable practices will be favoured, including:

- (i) proposals which contribute to energy conservation or efficiency, waste reduction or recycling; pollution control; biodiversity and the conservation of natural resources;
- (ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport;
- (iii) the reclamation of derelict or degraded land for appropriate beneficial use; and
- (iv) proposals which improve the quality of the environment through the utilisation of high standards of design.

Policy 14

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.

As the application site falls within the countryside, the relevant Part 2 policies are as follows:

Policy ENV1 - Development in the Countryside.

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; and
- (iv) development which is approved under other policies of the plan.

Policy ENV27 - Design of New Developments

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, amongst others things it:

- (iv) minimises any detrimental impact on adjacent areas; and
- (viii) has regard to energy efficiency in design, layout, materials and technology.

Policy COMM7 - Wind Generators and Wind Farms

Proposals for individual wind generators and wind farms will be permitted if:

- (i) the proposal has no unacceptable effect upon the landscape, particularly when viewed from public roads, public rights of way and other land used by the general public. Proposals which fall within the Glamorgan Heritage Coast and areas of high landscape importance, or lie outside such areas but have an unacceptable adverse visual effect upon them will not be permitted;
- (ii) the proposal has no unacceptable effect upon sites of conservation, archaeological, historical, ecological and wildlife importance;
- (iii) all possible steps are taken by the developers to minimise noise disturbance and shadow flicker from the turbines for local residents. Developers will be required to ameliorate problems by the use of appropriate legal agreements and / or conditions attached to the granting of planning consent;
- (iv) all power lines connecting the turbines to the national grid should result in no unacceptable visual effect upon the landscape of the Vale of Glamorgan;
- (v) the numbers of ancillary buildings are limited and are designed and sited to minimise their impact on the landscape;
- (vi) the cumulative effects of development do not have an unacceptable impact upon the landscape;
- (vii) access for construction traffic can be provided without danger to highway safety and should be constructed in locally sympathetic materials (i.e. road based materials top dressed with local soil to regeneration of vegetation);

- (viii) the proposal does not create significant or irremediable radio interference;
- (ix) the proposal does not unacceptably effect operations under the control of the civil aviation authority or the ministry of defence; and
- (x) within 24 months of part or the whole of the site becoming permanently inoperative the structures shall be removed, and the site restored to its former use.

(Permanently inoperative is considered to be when a turbine has not been in operation for the purpose of electricity production for a period exceeding 6 months).

Relevant National Planning Guidance is also contained within Planning Policy Wales (March 2002), Technical Advice Note 8 : Planning for Renewable Energy and Ministerial Interim Planning Policy Statement 01/2005 : Planning for Renewable Energy.

Issues

The principal assessment in relation to the above referenced policies is that the proposal will not have an unacceptable effect upon the rural landscape and that the operations of the turbine will not adversely impact on the amenities of nearby residential occupiers.

The agent has stated that due to the Council's financial regulations, if deemed consent is granted, competitive tenders will be invited from several manufactures/ suppliers of wind turbines and therefore the details submitted under this application are indicative. However the turbine to be chosen will have the same siting, size and general appearance as the details submitted, although there may be some variation in design and technical operation.

The application site, whilst falling within the countryside falls outside of any special landscape area. The nearest dwellings to the application site are Westwinds located 130 metres to the west and Cherryacre some 140 metres to the north.

The Environmental Health Section have no objection to the erection of a wind turbine in principle, although they do raise concerns with regard to possible health effects, in relation to background noise levels and disturbance to local residents during the night and nuisance to both residents and the school users during the day. In addition they have also raised concerns in relation to health and safety implications of placing this structure near the school play area

Whilst the impact on nearby residential occupiers is a matter for consideration, as the details submitted are indicative there is no specific manufacturer's data available which would provide details of noise levels, shadow flicker and electro magnetic production and interference, all of which would impact on the school and nearby residential occupier. However such information cannot be submitted by the agent due to the nature of the application. Notwithstanding this, if this application is considered acceptable, it would be subject to conditions to ensure that when a manufacturer/supplier is chosen full technical details are submitted for consideration and consultation with the Council's Environmental Health Section and other relevant bodies to ensure that the chosen turbine can operate within the appropriate guidelines so as not to adversely impact on the amenities of nearby residential occupiers.

In respect of alternative siting, this is restricted due to the limited size of the playing field to the rear of the school and the site chosen is as far away as possible to the school and as such if the principle of a wind turbine is acceptable the siting indicated is considered to be the most appropriate, given the limited opportunities within the site.

The proposed mast would be the tallest of the larger stand alone turbines approved within the Vale of Glamorgan and would be sited near the classified Pentre Meyrick to Pencoed Road. Whilst the character of the area is rural, there is sporadic development along this part of the road and the site falls outside of any designated special landscape area.

Given the height of the mast will be 18 metres with a 10 metre diameter rotor, it is accepted that the mast will be visible from the immediate surrounding area. Furthermore unlike other tall static structures of similar heights, such as telecommunication masts, the movement of the turbine blades and shadow flicker would further increase the prominence of the structure. However the principal views of the turbine will be to from the east along the main road whereby the school will screen the lower part of the mast and its view from the north along the secondary road to Llangan will be partly screened by the existing hedgerows .

However in order to provide the school's energy requirement, a mast of this size is necessary and by their very nature wind turbines require open and exposed locations. Therefore an acceptable balance must be made between visual impact of the proposal and the fact that the school will generate its own energy requirements and the long term environmental benefits of such developments. It should be noted that Paragraph 12.8.6 of Ministerial Interim Planning Policy Statement 01/2005 : Planning for Renewable Energy states "Renewable energy projects should generally be supported by local planning authorities provided environmental impacts are avoided or minimised, and nationally and internationally designated areas are not compromised...." In this regard whilst the turbine will be visible from the general locality, the degree of visual impact, as a whole is considered acceptable having regard to the operational requirements for the turbine to serve the school.

CONCLUSION

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

Having regard to strategic Policies 1, 2 and 14 and Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments and COMM7 - Wind Generators and Wind Farms contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Planning Policy Wales (March 2002), Technical Advice Note 8 : Planning for Renewable Energy and Ministerial Interim Planning Policy Statement 01/2005 : Planning for Renewable Energy, the proposal, subject to the submission of further details by condition, is not considered to have an adverse impact on the rural character of the surrounding area or have an adverse impact on the amenities of nearby residential occupiers.

RECOMMENDATION

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

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

Reason:

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

2. Notwithstanding the submitted plans and details and prior to the commencement of any development on the site, full elevations drawings, specifications and supporting technical information of the wind turbine shall be submitted to the Local Planning Authority for their approval in writing and the wind turbine shall thereafter be erected and operated on site in full accordance with the agreed details and specifications.

Reason :

To ensure that the chosen turbine minimises its impact on the rural character of the area and amenities of nearby residential occupiers and to ensure compliance with the terms of Policies ENV27 and COMM7 contained within the Unitary Development Plan.

3. In the event of the wind turbine becoming redundant the wind turbine, supporting structure and any ancillary plant shall be removed from the site within a period of 60 days of the wind turbine being decommissioned from electricity production.

Reason:

To ensure that the turbine is removed from the site if it is no longer required, to minimise the impact of the proposed development in compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2007/01267/RG3 Received on 10 September 2007

John D. Davies, Waste Management & Cleansing, Vale of Glamorgan Council, The Alps, Wenvoe, Vale of Glamorgan, CF5 6AA
Tony John, Building Services, Vale of Glamorgan Council, The Alps, Wenvoe, Vale of Glamorgan, CF5 6AA

Porthkerry Park Public Toilet block, Barry

Convert existing flat roof to pitched type, similar in appearance to cafe roof adjacent with revision of 2 no. solar panels on south elevation (amendment to app. no. 2007/00794/RG3)

SITE DESCRIPTION

The site comprises an existing flat-roofed toilet block located in Porthkerry Country Park.

DESCRIPTION OF DEVELOPMENT

The application relates to an amendment of a previously approved application to replace the existing flat roof of a toilet block with a new pitched roof.

The scheme approved the replacement of the existing flat roof with a new pitched roof, to a maximum height of 5.5 metres. The roof would be coated with vandal-proof steel roof tiles of similar pattern and colour to match the adjacent café. Four sun-pipes would be set within the roof to provide light to the internal toilets.

This new application seeks to remove the sun-pipes from the approved scheme to be replaced with two solar panels on the South East elevation.

PLANNING HISTORY

2007/00794/RG3 - Convert existing flat roof to pitched type, similar in appearance to cafe roof adjacent. Approved 20 July 2007.

CONSULTATIONS

Barry Town Council were consulted on 19 September 2007. No representations have been received.

Civil Aviation Authority was consulted on 19 September 2007. No representations have been received.

REPRESENTATIONS

No representations have been received.

REPORT

Planning Policies

The relevant policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are as follows:

ENV27 - Design of New Developments.

Also the Council's Adopted Amenity Standards Supplementary Planning Guidance is considered relevant.

Issues

The application to change the roof on the building has already been approved by a previous planning application 07/00794/REG3 and this application should be judged on the change to the permitted scheme. The main issue to consider in this application relates to any effect the proposed solar panels would have on the appearance of the building.

Policy ENV27 of the Unitary Development Plan requires, amongst other things, that new development complements or enhances the local character of buildings and open spaces, and minimises any detrimental impact on adjacent areas.

It is considered that the new roof will significantly improve the appearance of this building, whilst the alteration to solar panels instead of sun-pipes is minor and would not affect the appearance of the building.

Accordingly, the change to proposal is acceptable and in accordance with the objectives of Policy ENV27 of the Unitary Development Plan.

CONCLUSION

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

Having regard to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposed development will represent a visual improvement to the appearance of this building, which will enhance the appearance of Porthkerry Country Park.

RECOMMENDATION

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

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

Reason:

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

NOTE:

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

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

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

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