

## 11<sup>th</sup> January, 2006 Planning Committee Meeting

05/00646/FUL

Received on 8th August, 2005

Mr. P. Pook, Quorn, Craig Yr Eos Road, Ogmores By Sea, Vale of Glam.  
(Mr. P. Pook, Quorn, Craig Yr Eos Road, Ogmores By Sea, Vale of Glam. )

### **QUORN, CRAIG YR EOS ROAD, OGMORES BY SEA**

Single storey and garage extension, loft conversion, demolish existing garage and conservatory

#### SITE DESCRIPTION

Quorn, Craig yr Eos Road is a semi-detached bungalow within a residential area of Ogmores-by-Sea. It is also located within the Glamorgan Heritage Coast. It has a render and tiled roof finish and some of the neighbouring properties are of similar design and exterior finish. The property is located within a well-screened garden, of high hedgerows and trees. There is an existing garage and driveway at the rear of the site.

#### DESCRIPTION OF DEVELOPMENT

The application seeks consent to construct a single storey kitchen and bathroom extension, a replacement garage and loft conversion following the demolition of the existing garage and conservatory.

The loft conversion will comprise of a dormer window on the front north elevation of the property. The external materials will match the existing. It will measure 2 metres in width with a height of 2.3 metres and a total depth of 2.7 metres.

Three different sets of plans have been submitted for this scheme. The most recent amended plans, submitted in early December, illustrate the garage being set back from the highway by approximately 6 metres. This will enable a parking space to be made available directly in front of the garage. The existing access will be widened to 4 metres which will give more manoeuvrability into two further proposed parking spaces at the side of the dwelling. The garage will be set just off the boundary with the adjacent property and will have a pitched hipped roof with the 'hip' projecting away from the side boundary. The dormer proposal remains unchanged from the original plans.

All external materials will match the existing.

#### PLANNING HISTORY

There have been no previous planning applications on this site.

#### CONSULTATIONS

St. Brides Major Community Council – Was originally consulted on 6<sup>th</sup> May, 2005. Representation was received on 14<sup>th</sup> June, 2005, indicating that the application should be refused, on the grounds of insufficient information and no details regarding the proposed access that is required with the new location of the garage and concerns regarding the horse-chestnut tree. The comments of the Community Council on the amended plans are attached at Appendix A.

The Head of Visible Services (Highway Development) – Has indicated that he raises no objection to the most recent, amended plans.

## REPRESENTATIONS

St. Keverne, Windrush, The Darren, Sunray, Brynsirial, Lyncroft and Rockleigh were consulted on 6<sup>th</sup> June, 2005. Representation was received from Rockleigh, highlighting an objection to the application on the grounds of insufficient information, concerns regarding the horse-chestnut tree and the effect of the dormer on the character of the area.

St. Keverne, Windrush, The Darren, Sunray, Brynsirial, Lyncroft and Rockleigh were re-consulted on 1<sup>st</sup> September, 2005. A letter from the occupiers of Rockleigh objecting to the first amended plans is attached at Appendix B. A letter from the occupiers of the adjoining property, No. 45 Craig-yr-Eos Road is attached at Appendix C in relation to the most recent plans.

## REPORT

The dormer window will be located on the front, north facing elevation of the bungalow. It will be visible within the street scene, however due to its size and the use of matching external materials it is not considered to adversely affect the character of the street and wider Heritage Coast area. Due to the distance of over 20 metres from the property to the front garden boundary of the opposite property, it is not considered to affect the amenity of neighbouring and adjoining properties.

The new ground floor extension and garage will replace an existing garage and conservatory at the rear south facing side of the property. Due to its location within a well-screened garden, and the use of matching external materials it is not considered to adversely affect the character of the street and wider Heritage Coast area. The extension will be visible from the neighbouring property no. 45 Craig-yr-Eos Road and will be close to that boundary. There is an existing kitchen window on the side elevation of that property which may lose some light as a result of the garage extension, but it is not considered that this would warrant a refusal of the amended application.

It will be noted that the Highway Engineer, whilst objecting to the previous plans, has now raised no objections to the revised plans given that a minimum of three car parking spaces can now be provided off an existing access which is to be widened.

The applicant has confirmed that the horse-chestnut tree will be not felled as a result of this development.

Consideration of this application has been twice deferred by Committee. On the first occasion, Committee Members requested a site inspection and this took place on 18<sup>th</sup> October, 2005. At the subsequent Committee meeting, the Committee again deferred the application to request the applicant to amend his plans, particularly in relation to the location of the garage. It was suggested, following the site inspection, that the access be moved to the front of the property, but the applicant has decided that he does not want to affect the attractive front garden of the property and wishes to utilise the existing access whilst also improving it to create more available parking space.

On the basis of the above, it is considered that the latest amended plans are acceptable, and an approval is therefore recommended.

03991

### RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The external finishes of the development hereby approved shall match those of the existing building.
3. The permission hereby granted shall relate to the amended plans received by the Local Planning Authority on 16th November and 2nd December, 2005.

#### Reason(s):

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

### NOTE:

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

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

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

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

**05/01268/FUL**

Received on 9th August, 2005

V. J. Thomas & Son, Pancross Farm, Llancarfan, Vale of Glamorgan. CF62 3AJ  
(Morgans of Usk Limited, Woodside Works, Usk, Monmouthshire. NP15 1SS )

## **PANCROSS FARM, LLANCARFAN**

Retention of siting of static caravan for employee living accommodation

### SITE DESCRIPTION

An extensive range of farm buildings located on high ground to the south-west of Llancarfan village and its southern approaches. The caravan/mobile home unit is located within the yard area and near the recently constructed and extensive milking parlour complex.

### DESCRIPTION OF DEVELOPMENT

This application seeks the retention of a large static caravan/mobile home type unit, described as being currently used to house 3 immigrant, east European workers, to assist in the large milking parlour complex at the site. It appears the caravan is required on a permanent basis.

### PLANNING HISTORY

05/01267/FUL - Retention of slurry lagoon and separator tank. Undetermined.

04/01822/FUL - Retention of 2 silos, track, separator and slurry tank. Undetermined.

02/00749/FUL - Proposed cattle sheds and milking parlour. Approved 6<sup>th</sup> July, 2002.

01/00863/PNA - Extension to milking parlour. Advised planning permission required.

96/00080/FUL - Agricultural building. Approved 15<sup>th</sup> March, 1996.

94/00487/FUL - Grain silo. Approved 12<sup>th</sup> August, 1994.

81/00255/FUL - Cattle shed. Approved 19<sup>th</sup> May, 1981.

### CONSULTATIONS

Llancarfan Community Council - Have confirmed no objection.

Environment Agency Wales - Has replied with a standard informative.

Welsh Assembly Regional Planning Advisor - Has no comments to make.

## REPRESENTATIONS

A site notice has been posted but no representations have been received to date.

## REPORT

This application seeks permission to retain a static caravan/mobile home type unit believed to have been placed on the land in July this year, to be used for residential purposes to house stockmen. The supporting documentation states that due to the recent loss of an employee who had their own accommodation nearby, it has been found necessary to overcome a staff shortage by siting the caravan to house 3 additional workers/stockmen. It does appear that the caravan unit is required on a permanent basis, although this has not been made very clear. It is further claimed that the large scale milking parlour operation, wherein cows are milked up to three times a day and at unsociable hours (listed as 3.30 a.m., 12.00 p.m. and 7.30 p.m.), requires four staff to operate who should all be in close attendance, including cover for calving and other emergencies.

From the available information, the Pancross Farm holding extends to some 3,000 acres, split between seven identifiable sites, with other additional land. It is believed that at least some of these sites are self contained in that they have their own supporting farm buildings, including farmhouses. It is also understood that the primary agricultural operation is dairy farming, although there is an extensive sheep quota as well. It is therefore accepted that the holding, in total, is extensive and as a consequence, requires a number of staff to operate. Having sought further information on this, the applicant's agent has supplied a list of 20 employees who variously work the whole holding, which is read as being not just at Pancross Farm. This includes the three occupiers of the subject caravan but does not include the landlord himself or his son. It also appears that some of these employees live close by and in property which is under the control of the applicant.

Clearly the primary issue to be considered is whether this additional residential unit is reasonably necessary for the purposes of agriculture on the holding. The Council's Agricultural Consultant in his initial appraisal of the proposal, which has included direct consultation with the applicant/agent, has concluded that given there are already two properties directly serving the holding (the applicant's and his son's properties), in acknowledging the extensive size of the holding and the need for a worker to be readily available at all times, he is nevertheless of the opinion that there is no proven functional or financial support for another additional dwelling.

However, as stated above, having sought further information from the applicants agent regarding the sites operations, size and employees, and also based on the submitted plans which appear to show other properties in the applicants ownership nearby, it transpires that at least two other properties are in the applicants control and occupied by his employees. In addition, other employees are also living in the immediate vicinity. The Council's Agricultural Consultant has also now independently confirmed that at least four properties immediately surround the site and therefore he re-confirms that there is no agricultural justification for the residential caravan on any full time basis.

Given the above, therefore, the retention of the residential caravan must be viewed as being contrary to the restrictive planning policies which seek to protect the open countryside from unrelated developments and in particular, Policies ENV1, HOUS3 and HOUS5 of the adopted Vale of Glamorgan Unitary Development Plan 2005. It is therefore recommended that both planning permission be refused and enforcement action pursued.

04168

### RECOMMENDATION (W.R.)

In the event of Committee agreeing to the following recommendation to refuse planning permission, the Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure the cessation of the residential use and the removal of the caravan unit from the site.

### REFUSE

#### Reason(s):

1. In the opinion of the Local Planning Authority, given that Pancross Farm is already directly served by at least two residential properties, which are both located within the immediate area of the farm buildings complex, it is considered that no functional or financial agricultural justification or need can be demonstrated for an additional residential unit/caravan on the holding. The development is therefore considered contrary to Policies ENV1, HOUS3 and HOUS5 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mr. G. Crandon, The Barn, Llysworney, Cowbridge, Vale of Glamorgan. CF71 7NQ  
(Buckle Chamberlain Part. Ltd., Mill House, Llancayo Court, Llancayo, Monmouthshire. NP15 1HY )

**LLANGAN PRIMARY SCHOOL, LLANGAN**

Construction of new access driveway and car parking area

**SITE DESCRIPTION**

The application site relates to land between Llangan Primary School and an existing detached stone barn located in a prominent position adjacent to the main Pentre Meyrick to Pencoed road. The land forms part of a large agricultural field and is enclosed along the main road frontage by a stone wall.

**DESCRIPTION OF DEVELOPMENT**

This is a full planning application for the construction of a proposed new car park and access driveway to serve Llangan Primary School.

The proposed new access will be located some 25 metres from the main junction on the secondary road leading to Llangan and will necessitate the removal of the existing hedgerow, the widening of the lane, the creation of a grass verge and set back visibility splay. A splayed hedgerow is shown to be replanted behind the line of visibility splay, which is set back 4.5 metres from the edge of the highway. The proposed access from the highway will lead to set in inward opening timber gates with stone pillars and beyond that a 4.8 metres wide by 26 metre long tarmac driveway leading to the new car park. The proposals also allow for a secondary separate access to a proposed turning area/parking area adjacent to an existing barn.

The proposed parking area is shown to accommodate 20 vehicle spaces comprising of two parallel rows of 10 spaces. The parking area is shown to be laid in tarmac with a footway parallel to the road frontage providing direct pedestrian access into the school. The western boundary of the car parking area is shown to be defined by a 1.2 metre high post and wire fence from the agricultural land lying beyond. The proposed new access drive is shown to be supplemented by perimeter planting.

The application is supported by a justification statement.

**PLANNING HISTORY**

05/01041/FUL – Conversion of stables to office and construction of new access driveway. Refused 20<sup>th</sup> October, 2005 for the following reasons:

- “1. The proposed conversion of the barn to office use would by virtue of the provision of a new access, gates, driveway and car parking/turning area, being located in a prominent location visible from the public highway, would cause demonstrable harm to the setting of this rural building and result in an unacceptable and unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal is therefore considered contrary to Policy ENV7 (Small Scale Rural Conversions) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the guidance contained in Planning Policy Wales (March 2002).
2. The provision of a new access would require the removal of a well established, dense and continuous hedgerow and associated high hedge bank would result in the loss of an important landscape feature contrary to the aims and objectives of Policy ENV10 (Protection of Landscape Features) of the adopted Vale of Glamorgan Unitary Development Plan 2005.”

## CONSULTATIONS

Llangan Community Council – Were consulted and whilst a holding letter has been submitted no formal comments have been received.

The Head of Visible Services (Highways Department) – Was consulted and raised an objection on the grounds of highway safety for the following reasons:

- (i) The distance between the existing and proposed junctions along the adjacent highway is below the absolute minimum of 50.0m as set out in TD9/93, Table 3. Additionally, the proposed visibility splays are also below the required standard of 4.5m x 70.0m as given in Technical Advice Note 18 (TAN 18).
- (ii) Additionally, although under planning application 05/01041/FUL the access was considered acceptable, the above application would represent an intensification of use of the access.

The Head of Visible Services (Traffic Management) – Has made the following comments:

- (i) Part of the application was the provision of a car park for the use of parents and visitors to the adjoining Llangan School. The Police have requested that the Traffic Group support the provision of a car park and its use by parents, as it would considerably improve road safety outside the school.
- (ii) A site meeting took place with the Police and Mr. Paul Harrison from the Development Group. It was suggested that if the developer was to be granted planning consent and later change his mind, that having obtained a suitable vehicle access to the land it would be difficult to object to further development of the site. However, a possible solution would be for the developer to move the proposed car park to an entry point on the main road, which has a 30 m.p.h. speed limit and better visibility splays and dedicate the car park for the school use by making a written Section 106 Agreement.

- (iii) The Police have liaised with the developer and he has informed them that he had no problem in entering into a Section 106 Agreement on the car park. I ask that should the developer re-submit an amended application that meets all the requirements of the Council, that support for the car park be accepted from the Traffic Group.

The Council's Biodiversity Officer was consulted on the associated application ref. 05/01041/FUL, which proposed the same access and made the following comments.

The application proposes to create a new access which would require removal of a section of hedgerow. The hedgerow at this location is well established, dense, continuous, with no gaps. There is an associated high hedge bank indicative of an ancient origin and a parallel hedgerow exists on the other side of the lane. The hedgerow is ecologically species-rich and the dominant woody species is Hazel. The hedgerow may qualify as "important" under the Hedgerow Regulations 1997 and could potentially provide suitable habitat for dormouse (European protected species).

Should there be a Highways requirement for removal of a large section of hedgerow for the purposes of visibility splay there would be ecological concerns. The Council's Ecologist would therefore like to be consulted on this application again once the details of any proposed hedgerow removal are known.

### REPRESENTATIONS

Adjacent occupiers were notified on 21<sup>st</sup> September, 2005 and a site notice was also posted. To date a total of 10 letters of support have been received including a letter from Llangan Primary School which is attached as Appendix A. In summary the letters of support relate to the following.

- (i) Insufficient parking in the existing lay-by to the front of the school.
- (ii) The existing parking area is dangerous and insufficient, being hazardous when children are getting out of vehicles.
- (iii) The excessive speed and volume of traffic using this road which include heavy goods vehicles.

### REPORT

Members will recall that planning permission reference 05/01041/FUL for the conversion of stables to office and construction of new access driveway was refused at Planning Committee on 19<sup>th</sup> October, 2005. Part of that application including the provision a new access, driveway, and turning area is the same as that to be considered as part of this application which will provide access to the proposed new car park.

Whilst the proposal relates to the construction of a car park to serve Llangan Primary School, the application has not been made by the school or the Property/Education Section of the Council, but by the applicant as landowner following discussions directly with the school regarding the provision of a car park. Therefore regard should be given to the fact that if planning permission were to be granted, the land would nevertheless remain within the ownership of the applicant and as such an appropriate Section 106 Agreement would have to be entered into, or the land leased to the Council to ensure that the use of the car park was limited to school use.

The application site lies outside the village of Llangan and is classified as countryside. Therefore in terms of policy the most relevant is Policy ENV1 contained in the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy relates to development within the countryside and states that within the delineated countryside permission will only be granted for:

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

There are no specific policies which relate to the provision of additional facilities to support additional ancillary educational uses within the adopted plan.

The existing school has no provision for off-street parking and therefore the dropping off and picking up of children takes place on the highway by way of a lay-by adjacent to the school in addition to an informal "pull-in" area on the opposite side of the road.

Whilst the provision of dedicated parking area for the school would provide improved safety benefits, consideration must be given to whether the provision of the proposed new car park and access is considered acceptable by the Head of Visible Services (Highways Department) and whether it accords with the relevant policies in the plan.

The proposed new access will be provided off the secondary road to Llangan and will require the removal of some 50 metres of hedgerow in order to provide the necessary widening of the carriageway with a set back visibility shown as being set back 4.5 metres from the edge of the carriageway. However notwithstanding the provision of such a splay, the Head of Visible Services (Highways Department) requires that the distance between the existing and proposed junctions along the adjacent highway should be a minimum of 50.0m and that the proposed splay is below that of the required standard which is 4.5 x 70.0m.

Whilst the highway engineer would not object to the scheme if it were to accord with the appropriate standards, such a revised access would require a much larger length of hedgerow to be removed and the re-siting of the access some 50 metres from the junction would require a much longer driveway to access the parking area.

Notwithstanding the above, even if the car park were to be provided there would be no means to enforce its use, and if it were to be used it is likely to become highly congested during drop off and pick up times particularly as the car park is accessed by a single width driveway causing conflict with vehicles entering and exiting the car park. It is therefore considered that such likely congestion and conflicts resulting in the use of the car park would result in the continued use of the lay-by as a drop-off/pick-up point and therefore the provision of the car park would not resolve the safety concerns raised over the existing situation.

In terms of visual impact the proposed alterations made to the lane as a whole would be detrimental to the rural character of the area and would not be in keeping with the simple agricultural field accesses found in the locality. Furthermore, the provision of a set of timber gates with stone pillars would further introduce a domestic/suburban feature into the rural landscape, which would appear as a suburban access associated more with the proposed use of the barn. The provision of the 26 metre long tarmac drive would result in an unjustified intrusion into the adjacent agricultural field, detrimental to the rural character of the area as a whole. The creation of the tarmac drive will also enclose the corner part of the field which is shown on the plan to be used as a grassed area with perimeter landscaping, as such this "land locked" piece of land would no longer have a viable agricultural use.

The proposed car park would be sited adjacent to the main road and would be some 28 metres in length, and would be distinctly urban in character which, together with the proposed access drive of some 60 metres with ornamental planting and the creation of an enclosed grassed area, would materially alter the character of some 90 metres of the agricultural field which is prominent from the highway.

Furthermore, the Council's Ecologist has stated that the proposed hedgerow to be removed is well established, dense, continuous, with no gaps and that the high hedge bank is indicative of an ancient origin where a parallel hedgerow exists on the other side of the lane. The hedgerow is ecologically species-rich and the dominant woody species is Hazel. The hedgerow may qualify as "important" under the Hedgerow Regulations 1997 and could potentially provide suitable habitat for dormouse (European protected species).

To conclude it is not considered that the car park and access proposed would resolve safety issues raised by both the letters of representation and by the Council's own Traffic Management Section. It is considered that a long term parking and traffic management strategy needs to be fully considered for the school and in the light of any future development proposals. Therefore, the benefits of the proposed parking facility are not considered to outweigh the harm likely to be caused to the rural character of the area due to the prominence of the proposed car park and access.

Finally, it is not considered that there are any conditions or limitations which could be imposed on the grant of any planning permission to override the significant harm likely to be caused by this proposal. Accordingly, the following recommendation is therefore made.

Consideration of this application was deferred at the previous Committee meeting to enable Committee Members to inspect the site. It is currently anticipated that the inspection will take place on 11<sup>th</sup> January, 2006.

04158

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed construction of a car park and the provision of a new access, gates and driveway being located in a prominent location visible from the public highway, would result in an unacceptable and unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal is therefore considered contrary to Policy ENV1 (Development within the Countryside) of the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. The provision of a new access would require the removal of a well established, dense and continuous hedgerow and associated high hedge bank and would result in the loss of an important landscape feature contrary to the aims and objectives of Policy ENV10 (Protection of Landscape Features) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

RWE npower Plc., Windmill Hill Business Park, Whitehill Way, Swindon. SN5 6PB  
(Miss A. Bendall, RWE npower Plc., Windmill Hill Business Park, Whitehill Way,  
Swindon. SN5 6PB )

**ABERTHAW POWER STATION, ABERTHAW**

Establishment of new plant to treat pulverised fuel ash (PFA) from Aberthaw  
Power Station

**SITE DESCRIPTION**

The application relates to a site within the Aberthaw Power Station complex,  
situated to the east of the canalised channel of the River Thaw and on the south-  
western side of the ash storage mound.

**DESCRIPTION OF DEVELOPMENT**

A full application for the construction of a plant for the processing of pulverised  
fuel ash (pfa) arising from the power station.

**PLANNING HISTORY**

The power station site has a complex planning history but of particular relevance  
to this application are:

00/01395/OUT - New plant to treat pulverised fuel ash. Approved 25<sup>th</sup> July, 2001.  
Not implemented.

01/00078/FUL - Recovery of pfa from the existing mound. Approved 25<sup>th</sup> July,  
2001. Implemented only insofar as access improvements to the B4265 have  
been carried out.

02/01351/RES - Details in discharge of 00/01395/OUT. Approved 16<sup>th</sup> January,  
2003. Not implemented.

05/01811/FUL - Disposal of pfa in Aberthaw Quarry and restoration to agriculture.  
Not yet determined.

**CONSULTATIONS**

There is no Community Council for this area.

Environment Agency – Were consulted 18<sup>th</sup> October, 2005. No comments  
received at the time of preparing this report.

Countryside Council for Wales – Were consulted 18<sup>th</sup> October, 2005. No  
comments received at the time of preparing this report.

Civil Aviation Authority - No objection.

The Director of Legal and Regulatory Services (Pollution Control) - No objection.

Glamorgan Gwent Archaeological Trust - Advise that there are a number of archaeological sites within and around the application area, although they are partly covered by the ash mound. Archaeological investigations have been undertaken previously in this area and they consider that construction of this building will have an impact on the buried archaeological resource. Whilst GGAT consider that it is unlikely that any structures of sufficient importance exist in the area of the application that would justify refusal, they recommend that a condition should be attached to any permission requiring a programme of archaeological investigation to be carried out before development takes place. Their letter is attached at Appendix A.

## REPRESENTATIONS

The occupiers of four of the closest dwellings in Gileston and East Aberthaw were notified on 18<sup>th</sup> October, 2005 and the proposal was advertised by site notices at four locations in the vicinity on the same date. No comments have been received.

## REPORT

Planning permission was granted in July 2001 for the recovery of pulverised fuel ash (pfa) from the existing ash mound and the processing of ash in a new plant on essentially the same site as the present application, but these projects have not been progressed for a variety of technical reasons. The current application is for a revised ash processing plant designed to process 'fresh ash' arising from the power station. Removal of the ash mound does not form part of this application.

The processing plant is to be constructed inside a building with overall dimensions of 66 x 53 metres and a maximum height of 21 metres, to be located in an area on the south-western flank of the ash storage mound and approximately 100 metres east of the river-mouth bridge over the River Thaw. The building is to be finished in coated steel cladding coloured goosewing grey. The site adjoins the existing dust silo, a large cubic concrete building, from which the new plant will be fed by pneumatic conveyors.

The new plant is designed to treat up to 200,000 tonnes of ash annually. This compares to the annual ash arisings of approximately 400,000 tonnes, and whilst the plant will substantially reduce the need for ash disposal on the mound or elsewhere it will not eliminate a continuing disposal requirement. A separate application (ref: 05/01811/FUL) has been submitted for the disposal of ash in the nearby Aberthaw Quarry: that application is currently at the consultation stage and will be the subject of a report to a subsequent meeting of this Committee.

The proposed plant will separate 'high carbon' from 'low carbon' ash, with the smaller high carbon portion (30% of the total) being recycled into the power station fuel system for re-use as fuel, whilst the larger low-carbon portion will be fed via an ammonia removal plant to a 6,000 tonne storage facility prior to loading into road tankers for despatch. The main market for the low carbon ash is in the cement industry as a replacement for primary aggregates.

All the above activities will be carried out inside the totally enclosed building, with vapour being discharged from the main power station stack. The plant is intended to operate 24 hours per day, with 8 staff being employed. A car park is to be provided at the south end of the building. All access will be through the main power station entrance off the B4265 coast road and over the existing internal road bridge at the mouth of the River Thaw, with no separate public road access. Typical vehicle movements would be 20 dust tankers per day, with 75% being in the hours of daylight. With all activity being within the building, no discernible increase in background noise is anticipated.

### Visual Impact

The building will form part of the power station complex and will be visible only from the coastal footpath along the sea wall at a distance of approximately 100 metres, from where it will be viewed as part of the industrial complex and against the background of the 53 metre high ash mound. The design and colouring of the building are satisfactory, and it is considered that the building will not be an unduly prominent or intrusive feature. No landscaping is proposed, but in this exposed coastal location with the building being viewed against the dominant background of the ash mound it is considered that any planting scheme would not effectively screen the building.

### Environmental Impact

The plant is to be located some 760 metres from the closest dwelling in East Aberthaw (Mon Repose) and over 1100 metres from the closest dwelling in Gileston (Limpert House). From these locations the plant will be totally screened by the ash mound and the main power station buildings respectively. As the plant is to be entirely enclosed within the building it appears highly unlikely that there will be any adverse impact on any nearby residents from dust or noise at these distances.

The Environment Agency and Countryside Council for Wales have made no comment at the time of preparing this report. Any comments that are received will be reported at Committee. In the absence of comments, conditions are proposed similar to those imposed on the 2001 reprocessing permission.

### Sustainability

The plant will reduce the amount of ash to be disposed of to landfill, will produce a useful secondary aggregate which will reduce the need for quarrying of limestone and will recycle the high-carbon ash as fuel for the station, reducing both the amount of ash requiring disposal and (to a small extent) the demand for coal. The proposal will therefore meet the objectives of Policies MIN 8 (Environmental Controls (Secondary Materials), WAST XXX (Provision of Waste Management Facilities) and WAST 1 (Criteria for assessing waste management facilities) of the adopted Vale of Glamorgan Unitary Development Plan 2005, which collectively encourage the use of secondary materials where environmental impact can be demonstrated to be minimised.

04184

### RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. All vehicles leaving the site carrying processed ash shall be enclosed or sheeted.
3. Prior to the plant hereby approved being brought into beneficial operation, a scheme for the restoration of the site of the plant in the event of it being removed from the site shall be submitted in writing to and approved by the Local Planning Authority.
4. Within 12 months of the conclusion of any period of 24 consecutive months during which the plant has not been operated, the plant shall be removed from the site and the site shall be restored in accordance with the scheme to be approved under Condition No. 3 above.
5. Notwithstanding the submitted plans and prior to the commencement of development, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted in writing to and approved by the Local Planning Authority. No part of the development hereby approved shall be brought into beneficial use until the drainage works have been completed in full accordance with the approved details.
6. All external lighting shall be of a flat glass full cut off design with horizontal mountings constructed so that there is no light spill above the horizontal.
7. All steel-clad parts of the main ash processing building hereby approved shall be coloured light grey and shall be so retained at all times.
8. Prior to its installation on site, full elevational details of the proposed portacabin office adjoining the entrance to the plant shall be submitted to and approved by the Local Planning Authority, and the office shall thereafter be constructed in full accordance with the approved details.
9. The wheel washing plant existing at the entrance to the plant at the date of this decision and shown on plan Ref. C05008-009 Rev. P3 submitted with the application shall be retained in operation throughout all periods that the plant hereby approved is in operation.
10. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation to be first submitted in writing to and approved in writing by the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of highway safety.
3. To ensure the satisfactory restoration of the site.

4. To ensure the satisfactory restoration of the site.
5. To ensure satisfactory drainage of the site.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. In the interests of highway safety.
10. To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

**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.**

Cardiff International Airport, Rhoose, Vale of Glamorgan. CF62 3BD  
(McAlister Armstrong & Partners Limited, Carroll House, 463, Ormeau Road,  
Belfast. BT7 3GR )

## **CARDIFF INTERNATIONAL AIRPORT, RHOOSE**

Proposed overflow car park for 736 spaces (temporary permission for 5 years)

### **SITE DESCRIPTION**

The site relates to a grassed and rough surfaced area within the perimeter of the airport. The site is situated between the airport terminal and the BAMC building to the west. The site extends to approximately 2 hectares and in part runs parallel with the highway from the Penmark roundabout to the airport terminal.

### **DESCRIPTION OF DEVELOPMENT**

To construct a car parking area and associated access for "temporary" car parking for up to 736 No. cars. Access to the site will be off the adjacent highway via a barrier controlled entrance.

The surface of the car park will be blinded hardcore.

### **PLANNING HISTORY**

The airport has been the subject of numerous applications for extensions including application ref: 00/01270/FUL for change of use to a secure car park for 1,000 No. cars, subject to conditions including details of highway and CCTV columns and surface water linked to Greenfield run-off.

### **CONSULTATIONS**

The Head of Visible Services (Engineering Design) – See Appendix A.

Ecology – See Appendix B.

Environment Agency – See Appendix C.

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

The Head of Economic Development and Leisure – No objections.

Dwr Cymru/Welsh Water – See Appendix E.

Civil Aviation Authority – No safeguarding objections.

### **REPRESENTATIONS**

The application was advertised on site and in the press on 15<sup>th</sup> November, 2005. No comments have been received to date.

## REPORT

The site falls within part of that area designated in the adopted Vale of Glamorgan Unitary Development Plan 2005 under Policy EMP5 "Protection of Land for Employment Uses", whereby non B1, B2 and B8 Uses of the Town and Country Planning (Use Classes) Order 1987 (as amended) Uses will not be permitted.

It is noted that the creation of a car park on this land would not fall within the EMP5 defined policy. However, it is noted that this development is only indicated as being for a temporary period, indicated as being 5 years, until the "masterplan development is progressed". The car park would be used predominantly in the peak summer periods for periods indicated as 4-5 or 8 weeks in correspondence from the applicants. It is considered that a temporary consent in this instance could be justified, however 5 years would appear to be a significant temporary period.

Regard has to be paid to the covering letter of 11<sup>th</sup> October, 2005 in support of this application and also to the letter of 13<sup>th</sup> October, 2005 in support of application ref: 05/01621/FUL but which makes reference to this application's details as well.

It is considered that modal change should be considered to encourage non car travelling passengers. The comments of the applicant regarding the capacity and frequency of existing alternative modes of transport is noted.

It is considered that a 3-4 year time period for this temporary car park would be more appropriate to bring forward consideration of investment in the "structural parking" referred to in the letter of 13<sup>th</sup> October, 2005 and other modes of transport. Also, to ensure that the land in question is not sterilised for consideration under Policy EMP5 requirements, a temporary consent would be appropriate.

Two letters have been received in support of the scheme, namely one from the agents (Appendix F) and one from the applicants (Appendix G), which are attached to this report for consideration.

## Conclusion

Having regard to the allocation of the site within the Unitary Development Plan and representations received, it is considered that a temporary consent would be acceptable in this instance as it is not considered to prejudice the implementation of the relevant Unitary Development Plan Policies nor adversely impact on the quality of the environment generally.

04195

## RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent shall be for a temporary period only and the use shall cease and all associated barriers, lighting, CCTV columns shall be removed from the site on or before 31st December, 2008.

2. Prior to their installation on site, details of any lighting or CCTV columns shall be submitted to and approved in writing by the Local Planning Authority. The lighting and CCTV columns shall thereafter be implemented in accordance with the approved details.
3. Prior to being discharged to any watercourse surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason(s):

1. The site lies within that area defined in Policy EMP5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 as uses for B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) development only.
2. In the interests of aircraft safety.
3. To prevent the pollution of the water environment.

**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.**

J. Pidgeon & Son Limited, C/o Agent.  
(Stephen Hobday Architects, 19, Pitman Street, Pontcanna, Cardiff. CF11 9DJ )

**181, COURT ROAD, BARRY**

Detached single storey cold store room to rear

**SITE DESCRIPTION**

The application relates to a Funeral Directors located within a residential terrace in Court Road in Barry. The Funeral Directors relates to the ground floor of the property, with the upper floor being in residential use.

**DESCRIPTION OF DEVELOPMENT**

This is a full planning application to demolish an existing two-storey coach house building located at the rear of the property and construct a detached single storey cold store room (or morgue) in its place. The new building would comprise a lean-to structure with a maximum height of 4.7 metres. It is also proposed to demolish an existing outbuilding that adjoins the coach house building.

**PLANNING HISTORY**

None.

**CONSULTATIONS**

Barry Town Council has been consulted – No comments have been received to date.

Environment Agency – Has no objection.

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

The Head of Visible Services (Highways) – Has no objection to what would be an ancillary use to the main building.

The Director of Legal and Regulatory Services (Environmental Health) – Has no objection subject to there being no externally mounted refrigeration plant or air conditioning units, to ensure that there is no noise nuisance to neighbouring residents.

**REPRESENTATIONS**

Neighbouring occupiers have been consulted. The occupiers of Nos. 169, 170, 179, 183, 185 Court Road and 9, 11, 13, and 20 Illminster Close, have objected to the application on the following main grounds:

- Concern about the appropriateness of such a use in a residential area and resulting impact upon the amenities of neighbours.

- Increase in traffic and possible conflict due to the Alleygates Scheme restricting access to the rear lane.
- The need for the building is questioned.
- Devaluation of neighbouring properties.
- Noise from the refrigeration plant and possible odours.
- Disruption during building work.
- Health and safety issues, including the commercial use of domestic drains.

Copies of letters received from the adjoining residents at Nos. 179 and 183 Court Road are attached as Appendix 'A'.

A petition containing 50 signatures of local residents' objection to the application has also been received and is available on file for the inspection of Members.

John Smith M.P. has objected to the application, stating that it would not be a neighbourly development in the area.

## REPORT

The development plan comprises the Vale of Glamorgan Unitary Development Plan 2005. The application has been assessed with regard to Policy ENV25 of the Unitary Development Plan, which relates to the design of new developments.

There have been no previous planning applications relating to the property, but the site has been used as a Funeral Directors for many years.

The existing coach house currently provides a garage/store to the ground floor, with shelving to store coffins. The upper floor was historically used as a workshop to produce coffins. However, in recent years, as coffins are now generally factory produced, the workshop has been used simply to line coffins and fit handles and so forth.

At present, the main property provides a reception area and office, with three separate 'rest rooms' for customers and a room to store the coffin and cadaver. The coffin is prepared at the main office in Cardiff and brought to the application property a few days prior to the funeral service. The coffin is brought through the garage from the rear lane, through the rear yard to the main building of the property.

The proposed cold store would extend and upgrade the storage facility at the property. In this respect, the proposed building would directly relate to the existing business as a Funeral Directors, and so it is not considered that the proposed building would constitute a change of use of the property. The comments from neighbours regarding the distressing nature of the use of the proposed building are acknowledged. However, as the proposal would comprise a storage facility ancillary to an existing and established use, these concerns do not warrant a refusal of the application.

The proposed building would occupy a similar footprint as the existing coach house and would comprise a single storey structure as opposed to the two storey building currently on site. The building would not therefore have an adverse impact upon the amenities of neighbours. The building at this rear lane location would be acceptable in terms of its design and visual appearance.

The Council's Environmental Health Officers have no objection subject to details of the chilling mechanism, to ensure that this does not adversely affect the amenities of neighbours by virtue of noise. These details are requested by condition (see below).

The proposal would result in the loss of a parking space (i.e. the garage). There would be no on-site parking facilities retained at the property to cater for the occupiers of the property or customers. The proposal does also allow for additional space to store coffins and cadavers. However, there is on road parking space available outside the property and it is not considered that the proposal would increase traffic levels to the site to an extent that would warrant refusing the application. The Council's Highway Engineers have raised no objection to the application.

As part of the scheme, it is proposed to demolish an existing outbuilding that adjoins the coach house. As this building forms part of the boundary with a neighbour, details are requested by condition regarding replacement boundary treatment.

04182

## RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to its installation, details of the proposed chilling mechanism including its acoustic properties shall be submitted to and agreed in writing with the Local Planning Authority. The chilling mechanism shall be installed in full accordance with the approved details.
3. Prior to the beneficial use of the building hereby approved, a means of enclosure shall be constructed along the boundary with No. 179 Court Road and thereafter maintained in accordance with details which shall have first been submitted to and agreed in writing with the Local Planning Authority.



Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To protect the amenities of neighbouring residents from noise.
3. To protect the amenities of neighbouring residents.

**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.**

Mr. S. J. Richardson, Amberley House, Llantwit Road, Wick, Vale of Glamorgan.  
CF71 7QD  
(Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend. CF32 0LB  
)

**LAND ADJACENT TO LYNDHURST AND AMBERLEY HOUSES, LLANTWIT ROAD, WICK**

New house and garage within the residential curtilage in accordance with the permission for development dated 7th November, 1985 reference 85/0975 (Ogwr)

**SITE DESCRIPTION**

The site relates to a parcel of land situated adjacent to a recently constructed dwelling. The site adjoins fields and a public footpath crosses from the highway across the field to the south of this site.

There are several pieces of machinery on the land. The site measures approximately 45 metres in length x 15 to 20 metres in depth.

**DESCRIPTION OF DEVELOPMENT**

The application seeks full planning consent for the erection of a dwelling and detached garage. The proposed dwelling is of two storey construction with 4 No. reception rooms and 4 No. bedrooms. The floor area footprint is approximately 10 metres x 9 metres with parking bays and single storey extension of 4 metres x 6.6 metres approximately.

The materials of construction will be white render walls with natural stonework to bay and part lower, front elevation and a roof of grey slate.

Access to the site will be obtained through the existing hedge with vision splays of 2.4 metres x 90 metres with entrance set back approximately 5.5 metres from the carriageway and proposed boundary walls in lieu of the hedge.

Drainage is indicated to sewage treatment plant.

**PLANNING HISTORY**

85/00975/OGWR – Extension to existing dwelling, inclusion of land within residential curtilage and improvement of access to Lyndhurst. Approved 7<sup>th</sup> November, 1985 subject to conditions including access requirements, retention of hedgerow and removal of permitted development rights for new buildings or enclosures within the ‘new garden area’.

91/00723/OGWR – Conversion of existing house into two dwellings. Approved 25<sup>th</sup> July, 1991.

88/00361/OGWR - Residential development for 10 units and including land to the rear of the site. Refused 5<sup>th</sup> May, 1988 as linear development, intrusion into the countryside and highway safety.

86/00950/OGWR – Agricultural field access. Approved 6<sup>th</sup> November, 1986 subject to conditions.

90/01413/OGWR – Residential dwellings of 7 No. units and including land to the rear of the site. Refused 10<sup>th</sup> January, 1991 for reasons of intrusion into the countryside and undesirable extension of the village.

03/00950/FUL – Land adjoining the current application site. Approved for one dwelling 19<sup>th</sup> September, 2003.

## CONSULTATIONS

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

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

Wick Community Council – Comments awaited.

Environment Agency – See Appendix B. The applicant has advised that a septic tank is to be used following the comments of the Environment Agency and the Agency’s further comments are awaited in respect of these amended details.

## REPRESENTATIONS

The application was advertised on site and in the press as a departure from the Development Plan.

## REPORT

The site lies outside the identified settlement boundary for Wick as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005.

The relevant policy framework is therefore provided by Policies ENV1 and HOUS3 of the adopted Unitary Development Plan 2005. Policy ENV1 states that within the delineated countryside permission will only be granted for development essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential. Other criteria would include re-use or adaptation of existing buildings. The development now proposed does not meet the criteria specified in the policy and there is no justification for the development. This policy seeks to protect the quality of the rural landscape and it is considered that the extension of built development outside the existing extent of Wick will diminish the quality of the rural landscape by development which is prominently located and will blur the boundaries between the countryside and the settlement. The development will create a ribbon form of development on the approaches to the village and will create a visual intrusion into the rural approach to Wick.

At the time of the Inquiry into the now adopted Unitary Development Plan 2005 the Inspector, in considering the inclusion of an area of land, which incorporated the current application site, within the settlement boundary for Wick held that “the open environs of the area allies the area more to the definition of countryside rather than of settlement”. (Page 4.133, para. C36.1.2).

In conclusion the Inquiry Inspector held that:

“... development of the objection site would not constitute acceptable “small scale rounding off” of the settlement boundary. Moreover it would lead to the unacceptable creation and consolidation of a ribbon development along Llantwit Road between the defined settlement boundary and the barn conversion development at Brooklands Farm”. (Page 4.133, para. C36.1.4).

Policy HOUS3 indicates that the erection of new dwellings outside settlement boundaries identified under Policy HOUS2 will be restricted to those that can be justified in the interests of agriculture and forestry.

Policy HOUS2 of the adopted Vale of Glamorgan Unitary Development Plan 2005 indicates that additional residential development will be permitted in settlement boundaries and Wick has a defined settlement boundary outside which this site lies. The policy further continues that “favourable consideration will be given, other than within areas identified as Green Wedges, to small scale development which constitutes the “rounding off” of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS9 and particularly criterion (i)”.

In examining the site it is considered that the development does not constitute “rounding off” and “the scale, form and character of the development” is not considered “sympathetic to the environs of the site” (criterion (i) of Policy HOUS9).

The development should also be considered in the light of the advice in Planning Policy Wales (2002). Here it is indicated that:

“New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. “(P.103, para. 9.3.1).

The dwelling would not be unobtrusive and the development of the dwelling, garage and associated access works would be clearly visible from the highway and adjoining public footpath. The development would significantly alter the character of this rural area on the approach to Wick including removal of hedgerow and creation of an uncharacteristic residential entrance.

The development is therefore considered to be contrary to Policies contained in the adopted Vale of Glamorgan Unitary Development Plan 2005 as it would cause demonstrable harm to the countryside.

04178

RECOMMENDATION (W.R.)

REFUSE



Reason(s):

1. The proposal represents an unacceptable form of ribbon development into the rural area adjoining Wick and as a consequence would cause harm to the character and visual amenities of the area. It would therefore also fail to amount to an appropriate "rounding off" of the settlement. The proposal is therefore contrary to Policies ENV1, HOUS2 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and advice contained in Planning Policy Wales 2002.

Mr and Mrs A. Evans, Marcross Farm, Marcross, Vale of Glamorgan. CF61 12G  
(Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen,  
Cardiff. CF14 5GG )

**LAND OPPOSITE LLANDOW CARAVAN SITE, LLANDOW**

Proposed caravans storage compound, new CCTV Pole and access alterations

**SITE DESCRIPTION**

The site relates to land situated to the north-west of an existing caravan park and storage of caravans.

The site is generally flat and partially screened from the highway by a hedgerow.

**DESCRIPTION OF DEVELOPMENT**

The application seeks consent to change the use of an area of land measuring approximately 179m x 30m in depth into a caravan storage area. An access gate is proposed from the site to the highway.

**PLANNING HISTORY**

05/00799/FUL – Caravan storage which was withdrawn.

**CONSULTATIONS**

Llandow Community Council – Comments are awaited.

The Head of Visible Services (Highway Development) – “Further to the recent site inspection in relation to the above, I would comment as follows:

Speed surveys are to be undertaken to establish the required visibility splays to be provided from the proposed points of access/egress to the storage area and the existing caravan centre. From the speed surveys, visibility splays are required to be provided in accordance with Policy TAN18 (Wales) and submitted on an amended drawing to a suitable scale for consideration by the Highway Authority.

An area is required to be set aside for servicing vehicles delivering caravans to the storage area to enable vehicles to exit the site in forward gear.

The twenty car parking spaces proposed are required to be shown on a site layout plan to a suitable scale.”

**REPRESENTATIONS**

A site and press notice have been posted on 6<sup>th</sup> December, 2005. No representations have been received to date.

## REPORT

The site is located within the countryside. There is no designation or allocation ascribed to the site in the Vale of Glamorgan Unitary Development Plan 2005 and the site also lies well outside any relevant settlement boundary.

### 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.
- (iv) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

The proposal clearly does not conform to the requirements of the above policy. Whilst the existing caravan park opposite this site can be described as a clear recreational use, this proposal only involves the storage of caravans which is not directly recreational in nature.

The proposed site lies close to, but outside, the designated employment site allocation at Llandow Trading Estate. The proposal therefore constitutes a commercial storage use on a relatively large site (approximately 0.45 hectare) in the countryside. As such, the following policy of the adopted Unitary Development Plan is also considered to be relevant:

### POLICY EMP3 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.

PROPOSALS FOR NEW BUSINESS AND INDUSTRIAL DEVELOPMENT INCLUDING AGRICULTURAL SERVICE INDUSTRIES AND THE EXTENSION, CONVERSION AND REPLACEMENT OF EXISTING PREMISES FOR SUCH PURPOSES, WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE PROPOSAL DOES NOT LIE WITHIN THE COUNTRYSIDE EXCEPT FOR THOSE PROPOSALS ACCEPTABLE UNDER THE TERMS OF POLICY ENV7 (RURAL BUILDINGS) OR POLICY COMM2 (REDUNDANT HOSPITALS).
- (ii) THE PROPOSAL MINIMISES THE LOSS OF GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A) AND DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ATTRACTIVE LANDSCAPE AND HIGH QUALITY TOWNSCAPE OR AN AREA OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.
- (iii) THE SIZE AND RELATIONSHIP OF ANY NEW BUILDING AND/OR ALTERATION OR EXTENSION IS NOT DISPROPORTIONATE TO ITS SIZE AND SETTING.
- (iv) ACCESS AND PARKING ARRANGEMENTS ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS.
- (v) ADEQUATE LANDSCAPING IS PROVIDED.
- (vi) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITY BY VIRTUE OF TRAFFIC CONGESTION, NOISE, SMELL, SAFETY, HEALTH IMPACTS AND EMISSIONS.

- (vii) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST OR ARE REASONABLY ACCESSIBLE OR CAPABLE OF BEING READILY AND ECONOMICALLY PROVIDED.
- (viii) DOES NOT PRESENT ADDITIONAL RISK TO THE HEALTH OR SAFETY OF USERS OF THE SITE AND DOES NOT UNACCEPTABLY POLLUTE AIR, WATER, OR LAND; AND
- (ix) DOES NOT UNACCEPTABLY AFFECT THE USE OF THE ADJOINING LAND BY VIRTUE OF THE RISK AND IMPACT OF POTENTIAL POLLUTION.

As the site of this proposal clearly lies within the countryside as designated by the Unitary Development Plan, the proposed development is clearly contrary to criterion (ii) of the above policy. It can also be argued that because the site is significant in content (approximately 99 caravan storage spaces are indicated on the submitted layout), the proposal would fail to take account of the context of the local natural environment. Similarly, it is considered that Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 is also significant in this analysis. This policy states:

#### POLICY ENV25 – DESIGN OF NEW DEVELOPMENT

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

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

As the total length of the site is nearly 180 metres in extent, it is considered that the impact of a development of this size would not conform to the requirements of either criterion (ii) or criterion (iv) of the above policy. Whilst the application details do indicate that the wide boundary of the site will be landscaped and fenced (with 2m and 2.4m high chain link fencing) it is nevertheless considered that the visual impact of such a large area of caravan storage will detract from the open rural aspect of this area. Whilst it is conceded that the surface of the intended site is existing tarmac (being the site of a former runway), it is nevertheless considered that a development of this size and extent will have an unwarranted visual impact on the rural character of this area and will also run contrary to the policies outlined above. Accordingly, a recommendation of refusal is made.

04196

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed caravan storage compound, by reason of its size and extent in this open countryside location, would have an adverse and detrimental impact upon the rural character and amenities of the surrounding area and as such could also be contrary to Policies ENV1, ENV25 and EMP3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mrs. J. Fraser Brown, C/o Agent.  
(F. D. Williamson, Holly Tree Cottage, Heol Gam, Bridgend. CF31 3EU )

**OAKWAY FARM (CURRENTLY MAES SAESON), PETERSTON SUPER ELY**

Placing on site 3 no. caravans as temporary living accommodation for applicant and staff

**SITE DESCRIPTION**

Oakway Farm comprises a newly created agricultural holding located in the open countryside along Groesfaen Road, north of Peterston-super-Ely village. The holding comprises 85 acres, with a further rental of 83 acres on annual grazing licences. This latter area is largely irrelevant in the assessment of this development.

A substantial detached dwelling and farm yard and buildings, known as Gwern-y-Gedrych, (which was previously, up until September or October, owned by the applicant) is situated 400 metres to the north of the current application site.

**DESCRIPTION OF DEVELOPMENT**

This is a full planning application submitted retrospectively to site 3 residential caravans on the land to accommodate the owner and 2 additional workers. The caravans have already been sited on the land and are served by 3 new roadways and have been placed on newly created hard standings.

**PLANNING HISTORY**

05/01784/FUL - New barn to replace barn at Gwern-y-Gedrych. Not yet determined.

05/01756/FUL - Enlarge storage/haylage. Sheep feeding area. Replace existing gates including concrete support. Not yet determined.

05/01744/FUL - Change of use of existing lean-to from sheep handling to accommodate dual purpose for sheep and stud horses and farm office, tea room, whelping room, disabled w.c. etc. Proposed sand pit and horse walker. Not yet determined.

05/00905/PNA - Extend stock shed for sheep and cattle. Approved 4<sup>th</sup> July, 2005.

05/00158/FUL - Full repair to track including drainage to give winter access for stock feeding. Approved 8<sup>th</sup> July, 2005.

05/00158/FUL - Full repair to track including drainage to give winter access for stock feeding. Approved 8<sup>th</sup> July, 2005.

03/00651/PNA - Stock shed for sheep and cattle. Further details approved 6<sup>th</sup> June, 2003.

01/01112/OUT - Erection of a bungalow for agricultural manager. Withdrawn 10<sup>th</sup> October, 2001.

00/00074/PNA - Road/track extension. Further details approved 18<sup>th</sup> February, 2000.

95/00551/FUL - Loose-box building and yard, adjacent to existing 'Atcost' barn. Approved 5<sup>th</sup> September, 1995.

95/00530/FUL - All-Weather surface exercise area, hard standing and feeding area. Approved 5<sup>th</sup> September, 1995.

## CONSULTATIONS

Peterston-super-Ely Community Council - Object to the proposal (see attached Appendix A).

Hyder Consulting – No comments to date.

Environment Agency - No comments to date.

The Council's agricultural consultant has undertaken an appraisal of the application. His comments are set out in the body of this report.

## REPRESENTATIONS

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

## REPORT

The site is situated in the open countryside on previously undeveloped farm land. The site is equidistant between two existing farms known as Gwern-y-Gedrych and Maes Saeson.

## Planning Policies

### **National Guidance:**

National Planning Guidance is contained within **Planning Policy Wales** (March 2002), with paragraphs 9.3.7 to 9.3.10 specifically relating to the determination of applications for agricultural and forestry dwellings.

Paragraph 9.3.7 states that, in determining planning applications for agricultural and forestry dwellings, consideration should be particularly given to:

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

In addition, advice is contained within paragraphs 40 to 58 of **Technical Advice Notes (Wales) 6 'Agricultural and Rural Development'**. Particular reference is made at this stage to the advice at paragraph 43, which states that:

In cases where the local planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

### **Adopted Development Plans**

The Development Plan for the Council's area is the adopted Vale of Glamorgan Unitary Development Plan 2005 and the relevant policies are as follows:

Policy HOUS5 - Agricultural or Forestry Dwellings:

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

- (a) An essential need, based on a functional and where appropriate, financial necessity is clearly demonstrated.
- (b) The scale, siting, design, landscaping and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape; and
- (c) An acceptable access to the dwelling can be provided.

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

Policy HOUS3 - Dwellings in the Countryside:

The erection of dwellings in the countryside will not be permitted unless such new developments can be justified in the interests of agriculture or forestry.

Policy ENV1 - Development in the Countryside:

Development in the countryside will not be permitted unless it is essential for one of the following uses:

- (a) Agriculture, forestry, minerals, waste management, utilities or infrastructure.
- (b) Appropriate recreational use.
- (c) The conversion of existing rural buildings; and

(d) The diversification of farmsteads.

### The Current Enterprise

The applicant runs a traditional Spring lambing enterprise, with some 300 sheep kept on the holding. The applicant has declared eight horses and four foals as being privately owned, but there are stud visits. The horses cannot in any event be considered under qualifying agricultural enterprise.

### Functional Test

The functional test is required to show that there is a proven agricultural need for a farm worker to be present on site most times out of necessity.

In this case, the application is for three temporary caravans for permanent accommodation, so the test must show that there is not only a requirement for one farm worker, but also for a second and then for a third farm worker to be present most times out of necessity.

No man hour statistics or details of the specific needs of the holding have been provided, but we understand that the main duties on the holding are to manage the flock and the land (under the stewardship scheme) and to accompany school trips to visit the site (not agriculture). There are also plans to fill the ponds with fish and to have a Welsh Black beef unit and other enterprises, but these are just ideas at this stage.

Given the evidence provided, there would appear to be no justification for the caravans as proposed and the application fails the functional test.

The applicant has confirmed that the caravans are not proposed as permanent seasonal caravans (for lambing), but are for temporary caravans for permanent occupation, in readiness for an application for a dwelling on the site.

### Personal Circumstances

The applicant was previously the owner of the adjoining Gwern- y-Gedrych farm and this property was sold to raise capital. The current newly created holding retained the majority of the land holding associated with Gwern-y-Gedrych but the original farm buildings and yard were sold with the house.

### The Council's Assessment of the Case

This case has been assessed taking into account the advice provided by the Council's agricultural consultant:

- The functional test is that there is not a proven agricultural need for a farm worker to be on site most times out of necessity.
- The owner has undertaken a number of unauthorised developments on the site including the siting of these caravans prior to any planning application being submitted.

- However, at the time the application was submitted, the applicant had only just sold an existing farm house and buildings, which is situated directly to the north of the site. The applicant has explained that the property was sold due to personal circumstances and the need to raise capital. The applicant has argued that the sale of a property is not automatic evidence of a lack of agricultural need. However, Central government guidance states that the recent history of ownership is relevant. In this regard, Technical Advice Note (Wales 6) entitled 'Agricultural and Rural Development' (June 2000) states at Paragraph 43 as follows:

*“In cases where the local planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.”*

- Therefore, it is considered that whilst Gwern-y-Gedrych is no longer within the ownership of the applicant, it should be taken into account in appraising this application, whatever the reason for the sale. To not do so could mean that every farm worker in the UK could potentially sell their existing dwellings and seek permission for replacements.
- Notwithstanding the above and on the basis of the information submitted, the councils agricultural consultant has concluded that the holding does not currently generate any specific labour requirement and therefore it would appear that there is no justification for a worker to reside at the unit.

The applicant has stated that permanent caravans on the site are not required and that a temporary consent would be sufficient to allow an application to be prepared for a new dwelling. However, it is considered that it would not be appropriate to grant a temporary consent, as the applicant has provided no indication that circumstances at the site are likely to change in the foreseeable future and the proposal would result in immediate demonstrable harm due to visual intrusion into the countryside.

#### Scale, Siting, Design, Landscaping and Appearance

The caravans are sited away from the road and would not be visible from the highway due to the topography of the site, which rises in level from the road. The caravan would, however, be visible from a nearby residential property (Markswood). In any event they represent an unjustified intrusion into the landscape, which is classified for its Special Landscape value.

The caravan would be accessed via an existing access track to a farm building.

#### Conclusion

Taking account of the relevant policies of the adopted Unitary Development Plan, and the advice contained within Planning Policy Wales and TAN6, it is concluded as follows:

- It is considered that insufficient evidence has been provided to show that the holding has sufficient justification for requiring an on-site labour need which would justify the provision of one, let alone 3 caravans on the site.
- The need for worker's accommodation has previously been met by Gwern-y-Gedrych, which is ideally located to the north of the appeal site.
- The sale of the property by the appellant amounts to a calculated action, aimed at abusing the system to secure a new dwelling in the countryside. Reference is made to a decision at The Fruit Garden in Peterston-super-Ely at which time the Inspector dismissed an appeal on similar, if not identical, grounds.
- The property, was readily suitable and available to satisfy the functional requirement for a dwelling to be located near to the appeal site.
- The applicant's sale of the property and subsequent siting of caravans on the land represents a blatant disregard for the aims of planning policy, and for the implications of such a sale for the continued operation of an agricultural business.

The appellant's submissions, including reference to the temporary form of the accommodation, to allow the future of the unit to be subsequently considered, do not represent material considerations of sufficient weight to override the objection to the scheme, or the harm that is caused to the countryside.

For each of the above reasons, the development is considered to amount to three new dwellings in the countryside, which cannot be justified for agriculture or other purposes as required by national and local planning policy. It therefore fails to comply with the aims and objectives of Policies HOUS5, HOUS2 and ENV1 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

04191

## RECOMMENDATION (W.R.)

### REFUSE

#### Reason(s):

1. The caravans represent an intrusion into the rural landscape for which there is insufficient justification on agricultural grounds. As a consequence the proposal is therefore contrary to Policies HOUS2, HOUS5, ENV1 and ENV XXX (Special Landscape Areas) of the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. A residential property Gwern-y-Gedrych located close to the application site and previously within the ownership of the applicant, would have been suitable for the purposes proposed until it was recently sold separately from the holding by the applicant. In the opinion of the Local Planning Authority, this action was contrary to advice contained within paragraph 43 of Technical Advice Note 6 (Wales) - Agricultural and Rural Development in that the disposal of the dwelling can be considered to represent evidence of lack of agricultural need.

Mr. A. Morgan, Ty Canol, Craig Penllyn, Cowbridge, Vale of Glamorgan. CF71 7RT  
(Mr. Russell Young, 6, Caebach Close, Culverhouse Cross, Cardiff. CF5 4TU )

**TY CANOL, CRAIG PENLLYN, COWBRIDGE**

New 4/5 bedroom dwellinghouse

**SITE DESCRIPTION**

The application site comprises part of the garden curtilage to an existing detached dwellinghouse, Ty Canol, which is located within the village of Craig Penllyn.

**DESCRIPTION OF DEVELOPMENT**

This is an outline application, with all matters other than siting and means of access reserved for subsequent approval, for the construction of a 4/5 bedroom dwellinghouse and detached garage. The submitted details of siting indicate the footprint of a dwelling measuring 14 metres x 9 metres and positioned on the higher level rear garden approximately 28 metres from the frontage of the property with the highway. A new vehicular access will be formed in the south-western corner of the plot adjacent to the neighbouring garage with Rose-Dew. A new driveway will extend into the site with a turning facility indicated to the rear of Rose Dew.

A detached garage and 2 No. tandem parking bays are shown on the western side of the proposed dwelling at the head of the proposed driveway.

**PLANNING HISTORY**

05/00781/FUL – Two storey extension to existing dwelling. Approved subject to conditions 8<sup>th</sup> July, 2005.

**CONSULTATIONS**

Penllyn Community Council – Comment as follows:

“Objection. As with PA: 01639/FUL above, Members feel that, because of its elevated position, this development may well impact on the privacy of the adjacent properties, and a new entrance will also introduce a further traffic hazard on this narrow minor lane.”

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

Dwr Cymru/Welsh Water – Comment as follows:

“Further to the above consultation we would provide the following comments:

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

## **Sewerage**

### **Conditions**

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

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

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

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

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

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

### **Advisory Notes**

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

Glamorgan Gwent Archaeological Trust – No objection.

## **REPRESENTATIONS**

The occupiers of neighbouring properties were notified on 9<sup>th</sup> November, 2005. In addition, a site notice was posted on 15<sup>th</sup> November, 2005.

A letter of objection has been submitted by the occupier of "Rosevine Cottage", Penllyn. Whilst a full copy of the letter is reproduced at Appendix A for Committee Members inspection, in summary the main points of concern relate to unsympathetic form of development; detrimental impact on rural landscape; substandard new access; detrimental affect on neighbouring occupiers; and possible loss of trees and/or hedgerows.

## **REPORT**

The application site forms part of the garden curtilage to an existing detached dwellinghouse and is located within the residential settlement boundary for Craig Penllyn as defined in the Vale of Glamorgan Unitary Development Plan 2005. The following Policy background is relevant to the assessment of the application.

Policy HOUS2 of the Unitary Development Plan allows for housing infill, small-scale development and re-development within the settlement boundary of Craig Penllyn, which meets the criteria listed in Policy HOUS9.

Policy HOUS9 states:

SUBJECT TO THE PROVISIONS OF POLICY HOUSE2, DEVELOPMENT WILL BE PERMITTED WHICH IS WITHIN OR CLOSELY RELATED TO THE DEFINED SETTLEMENT BOUNDARIES PROVIDED THAT IT MEETS ALL THE FOLLOWING CRITERIA:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS 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 ENV25 relates to the design of new development and whilst the application is in outline, nevertheless details of siting and access are provided at this stage.

The Policy requires:

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

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

In addition, the Council has Supplementary Planning Guidance on Amenity Standard, which contains Policies not only in relation to the quantity and quality of amenity space but also covers issues such as privacy, overshadowing and visual amenity.

National guidance is contained within Planning Policy Wales March 2002. Paragraph 9.3.3 states:

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

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

The proposal entails the construction of a new detached dwellinghouse within the rear garden of an existing house “Ty Canol” and the creation of a new driveway and access onto the public highway which will run through the site close to the neighbouring property Rose Dew. It is considered that the positioning of the proposed dwelling within the rear garden, and on the higher levels of the site, fails to respect the existing form of development in the immediate locality. The existing houses in the vicinity of the site are located on the lower slope of the valley side, either immediately adjacent to or near the public highway. The proposal will be entirely out of keeping with this established pattern of development by introducing a new dwelling on the higher slope of the hillside to the rear of both the existing house on the site and immediate neighbours. Such a development would be highly prominent and visible from the highway and appear as an intrusive feature within the unspoilt and undeveloped rural landscape. Policy 3 of the Amenity Standards Supplementary Planning Guidance states:

“The construction of new residential development must respect the character of existing residential development, whilst ensuring that the privacy and amenity of surrounding properties are safeguarded”.

On the issue of residential amenity it is noted that the proposal will leave the existing dwelling, Ty Canol, with a significantly reduced and poorer quality of amenity space than is currently available. This would be further curtailed with the implementation of planning consent reference 05/00781/FUL for the construction of a two storey extension. The quality of the remaining garden space would also be affected by the position of the new house and driveway. This would also have a significant adverse impact on the residential amenities of the occupiers at Rose-Dew. Policy 1 of the Amenity Standards “Supplementary Planning Guidance” states:

“Privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings and features such as trees, hedges, public spaces, footpaths and screen walls and fences”.

Whilst it is appreciated that the design and external appearance of the proposed dwelling is reserved for subsequent approval, nevertheless, its siting to the rear of the plot means that it is inevitable that there will be a loss of privacy to the rear gardens of the neighbouring properties. In the case of the neighbouring Rose-Dew there could also be direct overlooking of windows due to the proposed siting close to the boundary. It is also considered that the proposed driveway, parking and turning facilities will have an adverse impact on both the occupiers of Ty Canol and Rose-Dew with the general increase in noise and disturbance from the additional pedestrian and vehicular movements generated by the new household in proximity to the neighbouring houses, particularly the currently private and quiet rear gardens.

In respect of the proposed new vehicular access it is noted that the Council's Highway Engineer requires the provision of 2.4 metres x 33 metres visibility splays. Due to the position of the existing house and the neighbouring garage to Rose-Dew these visibility splays cannot be achieved without partial demolition of either the house or the neighbouring garage which itself is outside of the ownership or control of the applicant. On this basis it is concluded that the proposed access is sub-standard and would therefore detract from highway safety on the adjoining land.

It is noted that the grounds of objection submitted by the occupier of Rosevine Cottage in addition to the above points also refers to the loss of tree cover and hedgerow. Whilst a full tree survey is not submitted with the application nevertheless the application forms indicate that no trees will be felled. The Council would concur with the objector that landscaping of the site is important, however, this is a matter for subsequent detailed approval and is not considered to be justifiable grounds for refusal alone.

Finally it is noted that there are no objections to the proposal from either Dwr Cymru Welsh Water or the Environment Agency.

In conclusion it is considered that the proposal is an unacceptable form of residential development that would not only detract from the character and appearance of the area and adversely affect neighbouring residential amenities but would also be detrimental to highway safety.

In view of the above the following recommendation is made.

04190

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represents an unacceptable form of backland development that does not constitute an appropriate form of additional residential development within the settlement of Craig Penllyn for the following reasons:

- (i) The proposal will appear as an alien and intrusive feature that would detract from the unspoilt, undeveloped rural landscape of the village and surrounding countryside.
- (ii) The proposal represents an insensitive and unneighbourly form of backland development that would fail to preserve and safeguard the privacy and amenities of neighbouring occupiers.
- (iii) The proposed vehicular access is substandard and would represent a hazard to highway safety.

The proposal is therefore considered to be contrary to Policies HOUS2, HOUS9 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards and national guidance contained in Planning Policy Wales March 2002.

Mrs. E.J.John, South Court, St. Marys View, Coychurch. CF35 5HN  
(Davies Evans Partnership, Kingsway House, Bank Buildings, Bridgend Ind. Est.,  
Bridgend, Mid Glamorgan. CF31 3SB )

**29, PLYMOUTH ROAD, PENARTH.**

Conversion & extension of existing semi-detached property consisting of bedsits to 7 no. 1 bed and 1 no. 2 bed flats

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

The application was advertised on 21st December, 2005.

**SITE DESCRIPTION**

The site comprises a three storey semi-detached property currently occupied as three one-bed flats and seven bedsits.

**DESCRIPTION OF DEVELOPMENT**

This is an application for the conversion and extension of the property to provide seven one-bed flats and one two-bed flat. The extensions include:

- (a) Demolition of an existing single storey lean-to outbuilding to the side of the property and replacement with a single storey flat roofed two bedroom and bathroom extension, measuring approximately 3.3m x 7.5m, and finished externally in white painted smooth render.
- (b) A single storey mono-pitched kitchen and living room extension on the rear elevation of the rear annexe, measuring approximately 7.5m x 4m, and projecting 2.8m beyond the side elevation of the existing annexe. It will also include a hipped roof porch measuring approximately 1.3m x 1.3m and be finished externally in smooth render with tiled roof.

**PLANNING HISTORY**

05/00312/OUT – Dwelling within rear garden, refused 14<sup>th</sup> October, 2005 on the grounds of insufficient details and an unacceptable and unneighbourly form of development adversely affecting residential amenities and the character and appearance of the Penarth Conservation Area.

**CONSULTATIONS**

Penarth Town Council – “That the application should be refused as, notwithstanding the marginal reduction in the number of residential units on the site, the proposal does not make any reasonable provision for off-street parking for vehicles. Plymouth Road is a relatively narrow and heavily parked road, already presenting difficulties to the free flow of traffic. Additional on-street parking is likely to compound the present problems associated with the free flow of traffic and be detrimental to highway safety.”

Community Services (Private Sector Housing) – “I have the following comments to make with regard to the above planning application:

Ground Floor Flat 1 – Front

1. Fully openable fire escape windows should be fitted to the bedrooms as the means of escape from fire is through the living room/kitchen.
2. The flat is suitable for occupation by a maximum of two persons as the bedrooms do not meet the minimum size for a two bed-roomed three persons flat enforced by this Department.

Ground Floor Flat 2 – Middle

3. The flat is suitable for occupation by a maximum of two persons.

Ground Floor Flat 3 – Rear

4. The flat is suitable for occupation by a maximum of one person.

First Floor Flat 4 – Rear

5. The flat is suitable for occupation by a maximum of two persons.

First Floor Flat 5 – Front

6. The flat is suitable for occupation by a maximum of 1 person.

Second Floor Flat 6 – Front

7. The flat is suitable for occupation by a maximum of 1 person.

Second Floor Flat 7 – Rear

8. The flat is suitable for occupation by a maximum of two persons.

Third Floor Flat 8

9. The flat is suitable for occupation by a maximum of 1 person.

General

9. All entrance doors and kitchen doors to the flats must be half hour fire resistance fitted with heat activated seal and cold smoke seals and fitted with a self closing device.
10. All units of accommodation must be of a half hour fire resistance construction.
11. An automatic fire detection system must be installed in accordance with B.S. 5839 : Part 1, Type L2.
12. Emergency lighting system must be installed in accordance with EN 1838 : 1999/BS 5266 : Part 1, 1999.

I should be grateful if you would inform this Department of the outcome of this planning application.”

The Director of Legal and Regulatory Services (Environmental Health – Pollution Section) – “I refer to your memorandum received by this department on 10<sup>th</sup> November, 2005. This Department has no comment to make regarding the above application. We would advise that the conversion is notified to Building Control who will need to ensure the construction is compliant with standards for airborne and impact sound.”

### REPRESENTATIONS

The occupiers of neighbouring properties were notified on 11<sup>th</sup> November, 2005. No representations have been received to date.

### REPORT

The application site is located within the Penarth Conservation Area and is currently occupied as a house in multiple occupation, comprising 3 No. self contained, one bedroom flats and 7 No. one-bed bedsits with communal bathroom facilities. The following policy background is relevant to the assessment of the application which entails extensions to the property and a change of use to 8 No. self contained flats.

Policy HOUS10 of the adopted Vale of Glamorgan Unitary Development Plan 2005 relates to the conversion of large dwellings and states:

“THE CONVERSION OF LARGE DWELLINGS INTO SMALL SELF-CONTAINED DWELLING UNITS WILL BE PERMITTED IF:

- (1) THE SCALE AND FORM OF THE PROPOSED DEVELOPMENT IS IN KEEPING WITH SURROUNDING USES;
- (2) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION; AND
- (3) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL’S APPROVED GUIDELINES.”

Policy ENV18 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 ENV25 relates to the design of new development and states:

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

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

In addition the Council has Supplementary Planning Guidance on Amenity Standards and the Penarth Appraisal.

National Guidance is contained within Planning Policy Wales March 2002. Paragraph 9.3.3 states:

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

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

An investigation of the planning history of the site reveals that no planning permission has been granted for the current use of the property as bedsits and flats although it appears to have existed since around 1993. In addition to being unauthorised, the existing situation would fail to meet the Council's off-street car parking standards as it provides only one space to the front of the building accessed off Plymouth Road, where 12 No. parking spaces would be required.

In assessing the current application, it is noted that the Council's Highway Engineer has raised no objections on the grounds that there would be a reduction in under provision by one space. It is considered however that in planning terms, the proposal will result in an intensification in the use of the site which would serve to exacerbate an already unacceptable situation.

The current unauthorised use of the site is as 3 No. self contained flats with the remainder of the property seemingly occupied as a House in Multiple Occupation, although the degree of communal facilities/living is unknown. No Lawful Certificate exists for such use, however. The proposal will provide for 8 No. self contained flats, thus changing the nature of the use. It will entail significant internal alterations to create this level of accommodation and particularly seeks to facilitate the significant number of self-contained units through the addition of two extensions to the side and rear, given the intensity of use proposed, the need for such extensions is considered to be unacceptable and to reinforce the overall objections to the proposal in terms of an over-development of the property, contrary to Policy HOUS10.

In this respect, any change to the nature of use of the property must acknowledge that it should work within the fabric of this existing, substantial semi-detached property. For example, on the basis of the existing parking and amenity space provision, i.e. one on-site parking space and garden to the rear. The Council's standards would require 11 No. parking spaces plus 240m<sup>2</sup> of amenity space on the basis of the 12 No. persons that could occupy the proposed redevelopment as opposed to the 10 No. persons that could be occupied within the current arrangements. Thus, even if some form of car parking provision could be created to the rear this would be at the expense of the required amenity space.

It is also considered that there is some concern in respect of the impact of the proposal on the character of the Conservation Area. The proposal, in addition to the change of use, includes two separate extensions. It is considered that their design is poor with their form and character being out of keeping with the existing property. The proposed rear extension is greater in width than the existing projecting annexe and includes a mono-pitched roof on one elevation only, with a hipped roof porch and windows out of proportion. The existing lean-to on the side elevation will be replaced with an inappropriate flat roofed extension which, in contrast to the rear extension will be clearly visible within the street scene on Plymouth Road. In addition it is noted that if the proposal were to provide the required parking spaces to serve the level of development, this is likely to result in the hard surfacing of the majority of the rear and front gardens, with the loss of the existing means of enclosure. Such a development would be unacceptable as it would have an adverse affect on the intimacy of the street an important element of this part of the conservation area referred to in the Penarth Appraisal.

In conclusion, it is considered that the manner in which the proposal seeks a significant number of self-contained flats represents an over-development of the site which would exacerbate an already unacceptable situation to the detriment of general residential amenities and the character of the conservation area.

In view of the above the following recommendation is made.

04199

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal represents an over-intensive use of the property, particularly given the proposed extensions and would exacerbate an already unacceptable situation in respect of the provision of amenity space and parking to serve the site. In addition, the proposed side extension and the overall intensity of use would harm the character and appearance of the property and this part of the Penarth Conservation Area, all contrary to Policies HOUS10, ENV18 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards and the Penarth Appraisal; and national guidance contained in Planning Policy Wales March 2002.

Rhose Community Centre, Stewart Road, Rhose, Vale of Glamorgan. CF62 3EZ  
(Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry. CF63 4RU )

**RHOSE COMMUNITY CENTRE, STEWART ROAD, RHOSE**

Extension to existing centre

**SITE DESCRIPTION**

The application site relates to Rhose Community Centre located between Stewart Road and Havant Close off Station Road, some 100 metres to the north of the Rhose Interchange. The existing hall is set back some 20 metres from Station Road between which the main car park serving the hall is located and accessed off Stewart Road. The site is bounded along its north western (rear) elevation by a childrens playground.

**DESCRIPTION OF DEVELOPMENT**

This application is for an extension of the Community Centre to provide youth facilities. The extension will be sited along the south western elevation of the building fronting Havant Close and will form a continuation of the existing single storey building, being 11.9 metres in length by a width of 5.9 metres with eaves and ridge heights forming a continuation of the existing building.

The south-west elevation fronting Havant Close will be served by a single high level window and four ventilated rooflights. The gable end will be served by a fire escape door and two high level windows. The principal windows serving the extension will be located on the internal side elevation fronting the inner courtyard and includes a covered walkway. Access into the extension is via double doors from the paved internal courtyard area and via an interconnecting door into the adjacent hall.

The building will be finished in facing brickwork and roof tiles to match the existing building.

**PLANNING HISTORY**

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

99/00913/FUL – Temporary change of use to surgery. Approved 17<sup>th</sup> September, 1999, subject to conditions.

**CONSULTATIONS**

Environment Agency – Were consulted and responded with a “Standard Guidance” advice note for developers.

The Head of Visible Services (Highways Department) – Was consulted and has made the following comments:

“The proposed extension represents a small increase in the existing facilities at the development site, which will have little effect on traffic generation to and from the site. Additionally, the community centre currently provides on site parking, which has available capacity during the day and evening times for the use of visitors.

As the proposed facilities will serve the local community, which has a significant catchment area within walking and cycling distance of the community centre, the Highway Authority are unable to sustain an objection to the above proposals.”

## REPRESENTATIONS

Adjoining residential occupiers were notified but to date no letters of representation have been received.

## REPORT

This is an application made under Regulation 3 of the Town and Country Planning (General Regulations) 1992, by the Director of Finance, ICT and Property.

The adopted Vale of Glamorgan Unitary Development Plan 2005 supports the retention of community facilities in rural settlements and villages in terms of Policy COMM XXX. For the purposes of this Policy community facilities are defined as services, which seek to primarily meet the needs of the rural communities. Facilities such as Village Shops, Post Offices, Churches, Community Halls and Public Houses provide an important service in rural areas and help engender a sense of community.

Furthermore, the proposal should also be assessed against Policy ENV25, in respect of Design of new developments. This policy states that proposals for new development must have full regard to the context of the local natural and built environment and its special features; complements or enhances the local character of buildings and open spaces; meets the Council's approved standards of amenity and open space, access, car parking and servicing and minimises any detrimental impact on adjacent areas.

The construction of an extension to the Community Centre and provision of dedicated youth facilities will comply with the aims and objectives of Policy COMM XXX. The proposed extension to the hall will consolidate and round off the footprint of the hall and will be contained within the existing grounds of the hall and will not encroach into the adjacent playground. The proposal will form a continuation of the building line of the existing hall and, being set back from the highway behind the parking area for the flats at Havant Close, will have little impact on the street scene. Materials and finishes are also considered acceptable as they will match the existing hall.

With regard to privacy on the amenities of nearby occupiers, the flats in Havant Close are some 30 metres from the proposed extension, however only one high level window overlooks Havant Close and accordingly the extension will not impact on the privacy of any nearby occupiers.

In terms of highway issues, the Head of Visible Services (Highways Department) has stated that the proposal will have little effect on traffic generation to and from the site and the Community Centre currently provides on site parking, which has available capacity during the day and evening times for the use of visitors. Furthermore, it should also be noted that the proposed facilities will serve the local community, with a significant catchment area within walking and cycling distance of the community centre. Therefore the Highway Authority have not objected to the application.

To conclude the following recommendation is therefore made.

04193

### RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The external finishes of the development hereby approved shall match those of the existing building.

### Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard local visual amenities.

### NOTE:

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

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

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

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

**05/01790/REG3**

Received on 17th November, 2005

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

## **LLANFAIR PRIMARY SCHOOL, THE HERBERTS, ST. MARY CHURCH**

New demountable dining hall with kitchen and toilet facilities to replace existing building which is to be demolished

### SITE DESCRIPTION

The application relates to Llanfair Primary School at the Herberts in St. Mary Church.

### DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Property Division to construct a new demountable unit at the school to replace the existing building which is to be demolished.

The proposed building would be a single storey structure with a maximum height of 3.4 metres. The building would be finished in plastisol textured coating with a profiled metal roof. It would provide a dining hall, a kitchen, a lobby, W.C. and store to replace the existing unsatisfactory dining facilities.

### PLANNING HISTORY

04/01074/REG3 – Deemed planning consent was granted in October 2004 to extend the school hall, provide a new staff room/meeting room, disabled access and toilet facilities, enlarge the Head Teachers Office and extension of one class room.

### CONSULTATIONS

Llanfair Community Council – Has been consulted. No comments received to date.

The Director of Legal and Regulatory Services (Environmental Health) – Has no comment to make regarding the application.

### REPRESENTATIONS

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

### REPORT

The development plan comprises the adopted Vale of Glamorgan Unitary Development Plan 2005. There are no policies that directly relate to the proposed development.

The main issue is considered to be the impact of the proposal on the amenities of neighbouring occupiers. The proposed building would be sited closer to the northern boundary of the site than the existing building (2 metres off the boundary at its closest, compared to 3.6 metres at present) and slightly further to the north west. It is not considered that the proposed development would adversely affect the amenities of the occupiers of residential properties that are situated adjacent to this boundary. Due to the proximity of the proposed building to the rear elevation of Willowcroft, which is situated directly adjacent, and the potential for overlooking into windows of that property, it is recommended that a condition be imposed requiring that the windows in the north east side elevation of the building be obscure glazed and be maintained as such.

04183

### RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The windows to the north east side elevation of the building hereby approved shall be obscure glazed at the time of installation and shall thereafter be so maintained.
3. The permission hereby granted shall relate to the amended plans, reference 05/01790/REG3 received by the Local Planning Authority on 15th December, 2005.
4. This consent shall be for a temporary period only, and the demountable unit hereby approved shall be removed from the site on or before the 31<sup>st</sup> December, 2010.

### Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To protect the privacy of adjoining residential occupiers.
3. For the avoidance of doubt.
4. The consent is granted for a temporary period only.

**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.**