

12th July, 2006 Planning Committee Meeting

2003/01661/FUL

Received on 19 November 2003

Mr. D. I. T. Radcliffe, Green Valley Farm, Trerhyngyll, Vale of Glamorgan.
Andrew Parker Architect, Studio 1 , The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR

Farm Building at Green Valley Farm, Trerhyngyll

Proposed conversion of existing barn into residential dwelling, demolition of existing barn and transfer of farming activities to another part of the farm

SITE DESCRIPTION

The application site comprises existing agricultural outbuildings and part of the associated farmyard.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission to convert an existing single storey, pitched roof stone outbuilding on the northern boundary of the farmyard to a single, three bedroom dwellinghouse. A number of other outbuildings within the yard, including a large hay barn on the north-east corner, will be demolished.

The proposal will entail improvements to the existing vehicular access including the provision of a 2m x 20m vision splay to the north where a grass verge and footpath will be provided in place of the demolished hay barn, plus 2m x 18.5m splay to the south requiring a reduction in the height of the existing wall to 0.9m.

The application is supported by a Technical Appraisal on the access by W.S.P. Development Consultants, a structural report by David C. Smart Consulting Engineer plus a wildlife survey.

PLANNING HISTORY

96/00682/OUT – Conversion of barns into two dwellings. Refused on 29th November, 1996 for the following reasons:

1. The proposal represents a cramped and contrived development contrary to Policy H16 and Policy H18 of the South Glamorgan Structure Plan, Alteration No. 1 and HOUS3 and ENV1(vii) of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended) and out of keeping with the existing scale and form of existing development.
2. The proposal is contrary to Policy ENV1(vii) of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended) as it does not provide the necessary visibility requirements and the increased vehicle and pedestrian movements that would result would be detrimental to highway safety.

96/00683/OUT – One dwelling. Refused on 29th November, 1996. A subsequent appeal was dismissed on 4th June, 1997 and a copy is attached at Appendix A for Committee Members inspection.

1. The proposal is contrary to Policies H16 and H18 of the South Glamorgan Structure Plan, Alteration No. 1 and Policies ENV1 (vii) and HOUS3 of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended) as the plot is too restricted to allow the development of a dwelling which would reflect the existing scale and form of the village which is characterised by dwellings having a high standard of privacy and spaciousness.
2. The proposal is contrary to Policy ENV1 (ii) of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended) as it does not provide the necessary visibility splays and would be detrimental to highway safety.

97/00133/FUL – Conversion of barns into dwelling. Refused on 2nd May, 1997 for the following reason:

1. The proposal is contrary to Policy ENV1 (ii) of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended) as it does not provide the necessary visibility requirements and the increased vehicle and pedestrian movements that would result would be detrimental to highway safety.

CONSULTATIONS

Penllyn Community Council – Initial observations “No objection”.

Comments on additional details “No objection”.

Environment Agency Wales – “Should the development lie within a sewerage settlement then an acceptable means of foul drainage would be connection to the public foul sewer.

It is noted that an ordinary watercourse runs through the application site. In this regard you should consult your own Drainage Engineers Department as they may have knowledge of existing flooding problems in the area (from sources such as drains, culverts, small watercourse, etc.).

In addition the following should be noted:

The applicant should be aware that pursuant to Section 23 of Land Drainage Act 1991, the prior consent of the Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

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

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

Dwr Cymru/Welsh Water – “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

As the applicant intends utilizing private drainage facilities we as Network Development Consultants on behalf of Dwr Cymru/Welsh Water have no comments 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.

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

Glamorgan Gwent Archaeological Trust – No objection.

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 28th November, 2003. In addition the immediately adjoining occupiers at “Wellbrook” were notified of additional details on 1st June, 2006. A site notice was also posted on 2nd December, 2003. No representations have been received to date.

The applicant’s agent has submitted letters in support of the application. These are reproduced at Appendix B.

REPORT

The site is located within the village of Trerhyngyll and entails the conversion of an agricultural outbuilding to a dwellinghouse. As such the following policy background is relevant.

The site is located within the residential settlement boundary for Trerhyngyll as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 (UDP). Policy HOUS2 of the UDP allows for housing infill within Trerhyngyll subject to the residential development criteria outlined in HOUS8.

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;

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

It is considered however that Policy ENV8 of the UDP is more relevant to this particular application as it relates to small scale rural conversions.

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

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

- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT;
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA;
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

The Council also has supplementary Planning Guidance on the Conversion of Rural Buildings (SPG) which expands on the above policy and contains advice on design principles for conversions.

The SPG follows national guidance contained in Planning Policy Wales March 2002.

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

It will be noted from the planning history that a very similar application for the conversion of the barns to a single dwelling was refused in 1997. The sole reason for refusal related to highway matters as the visibility was substandard and increased vehicle and pedestrian movement would result in detriment to highway safety. The current application does not offer any greater improvements to visibility over and above the earlier application but it is supported by a Technical Appraisal from W.S.P. Development Limited. This points out that the proposal will not result in an intensification of the use of the site as the applicant intends to transfer all farming activities to another part of the farm holding. Rather there would be a net reduction of traffic generation with the removal of any movement of farm machinery, tractors, etc. The Council's Highway Engineer has indicated that a highway objection would not be maintained to the use of the modified access for a single dwelling subject to: a scheme of fencing/boundary treatment to prevent agricultural vehicular access; details and approval of any development resulting from displaced farming activities; the modified access to be surfaced in a bound material for 10m from the highway boundary; provision and maintenance of vision splays of 2m x 25m to the north and 2m x 18m to the south; any gates to be set back a minimum of 5m from the highway; and proposed on site parking and manoeuvring space laid out and maintained within the site.

The applicant's agent has confirmed that the displaced farming activities will not require any new development but will utilise existing buildings and access points

As regards the other criteria outlined in Policy ENV8 of the UDP, it is noted that determination of this application has been delayed by the lack of structural information to confirm the acceptability of the conversion of the building for residential use. The Council's Principal Building Control Officer had raised a number of concerns including the condition of the north-east elevation and stability of the external masonry. Additional details have subsequently been received indicating the provision of gabions and retaining works beyond the external wall of the barn. It is now concluded that the conversion can be achieved without substantial reconstruction or extension of the building. Indeed the submitted details show that there will be very little change to the existing appearance and character of the building. It is noted that a new pitched roof canopy will be introduced over the entrance door, and whilst this is slightly

domestic in appearance it is considered acceptable in this instance, bearing in mind the location of the building within the centre of the village.

On the issue of amenity space and impact on neighbouring occupiers, it is considered that sufficient garden space can be provided within the existing farmyard to serve both the existing house and the proposed barn conversion without any intrusion into the surrounding rural landscape. The proposal has no windows in the north-east elevation that might overlook the neighbours at Wellbrook House, and whilst there will be windows directly fronting the existing farmhouse, any impact would not be so significant as to warrant a refusal.

In conclusion, it is considered that the current application has overcome the previous highway grounds for refusal and that the scheme now complies with Policy ENV8 and the Supplementary Planning Guidance.

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

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Before the commencement of development full engineering details of the modified access shall be submitted to and agreed in writing by the Local Planning Authority. The details shall provide for visibility splays of 2m x 25m to the north and 2m x 18m to the south; and the first 10m of the access road from the highway to be surfaced in a bound material. The agreed details shall be implemented before the first beneficial occupation of the dwelling hereby permitted.

Reason:

In the interests of highway safety.

3. The proposed car parking and on-site turning facilities for both the proposed new dwelling and the existing farmhouse shall be implemented before the first beneficial occupation of the development hereby approved and shall thereafter be maintained and retained within the site for the parking and manoeuvring of private motor vehicles in association with the two residential units.

Reason:

To ensure adequate on-site parking and manoeuvring space in the interests of highway safety.

4. The existing farm buildings shown as being demolished on Drawing No.

205/P/03, received on 18th November, 2003 shall be taken down and removed in their entirety from the site before the first beneficial occupation of the dwellinghouse hereby permitted.

Reason:

In the interests of highway safety and general amenity.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

10. The means of enclosure and landscape scheme referred to above shall ensure that the highway visibility requirements are met and that access for agricultural vehicles is prevented. Special attention should also be paid to the hard landscaping of the site and issues of privacy between neighbouring properties.

Reason:

In the interests of highway safety and residential amenity.

11. No works involved in the development hereby permitted shall be carried out during the bird nesting season between March and September inclusive unless otherwise agreed in writing with the Local Planning Authority upon demonstration that nesting birds are absent.

Reason:

In the interests of wildlife protection.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

3. You are advised that should any species protected under the Wildlife and Countryside Act 1981 be detected on the site, advice may be sought from the Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff. Telephone number 029 2077 2400.

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.

Insight, C/o Agent.

Holder Mathias Architects, The Bonded Warehouse, Atlantic Wharf, Cardiff. ,
CF10 4HF

GM2 House, Plymouth Road, Penarth

Demolition of the existing two storey pitched roof GM2 house. Erection of a residential building of 25 apartments with associated undercroft car park and ground floor with split level residential unit and commercial unit

The application is for demolition within the Penarth Conservation Area.

The application was advertised on 12th November, 2004.

SITE DESCRIPTION

The site lies adjoining the Penarth Conservation Area boundary on Plymouth Road. The site lies between commercial development, including a public house and offices, and residential development.

The railway line and Penarth Station are situated immediately to the west of the site.

The block of residential apartments to the south of the site is of recent construction. At present the site is occupied by a building in commercial use as offices with external parking areas. This building is of two storeys in height with a slate roof and walls of brick with render.

DESCRIPTION OF DEVELOPMENT

The application entails demolition of the relatively modern office building and the construction of a mixed use development comprising 25 apartments over 5 floors with one commercial unit and part of the split level 1 bed apartment at ground floor. Parking is indicated within the building accessed off the existing entrance and 20 No. spaces are indicated in the underground parking. Recent discussions with the agent for the application reveals that further plans are awaited to indicate the use of a decked parking system as described in the body of this report.

The building has an overall height of approximately 16.4m to the fifth floor with a tower extending to approximately 24.6m. The footprint of the building is approximately 32m x 24m plus the tower. The building is of curved form and contemporary design. Materials to be used include render walls, stone plinth, gun metal grey balustrade, aluminium window frames and louvre panels.

PLANNING HISTORY

None directly relevant however the development known as Cwrt Jubilee was approved in the early 1990s. This building has a maximum height of approximately 12m and a footprint of 60m by 20m with two wings extending the width to nearly 25m.

CONSULTATIONS

Penarth Town Council – Comments in respect of the amended plans are attached as Appendix A.

The Head of Visible Services (Highway Development) – Comments attached as Appendix B.

Vale of Glamorgan Conservation Group – At its meeting of 17th May, 2006 recommended refusal. The Group felt that the application should be refused on the following grounds:

- (1) The design of the proposal was inappropriate for this part of the Conservation Area.
- (2) The visual impact of the proposal would have a detrimental impact on the character of the conservation area, neither preserving or enhancing the same.

Dwr Cymru/Welsh Water – See Appendix C.

Environment Agency Wales – Comments “Standard Advice Applies” to scheme as originally submitted for a larger development.

Network Rail – See Appendix D (comments in respect of scheme as originally submitted).

David Melding A.M. and Jonathan Morgan A.M. – See Appendix E (comments in respect of the scheme as originally submitted). A later letter (dated 6th June, 2006) from David Melding is also attached at Appendix E.

REPRESENTATIONS

Representations have been received in respect of the amended scheme as follows:

The Railway Public House, Penarth

“Further to your recent communication with our Guest Care Team, I have been passed your information for comment and response by the Property Department.

The Estate Manager for our outlet as above has been contacted and he has asked that I respond to you on his behalf. I can confirm that we have discussed the proposals with our trade operators and in our opinion this planning application will not impact on our business. Our outlet does not have a car park which will be affected and we also believe that the proposed development is much further from our outlet than you indicate and furthermore, there are two other public houses which we believe are nearer to the development than ourselves.

To confirm, the implications of this application if approved, have been considered and it is our belief that it will not impact on our business and therefore this company has no reason to support or oppose this application.”

No. 33, Windsor Road

“Can I put in a good word for the proposed mixed use development on the site of GM2 House?

The top end of Plymouth Road is a desolate and untidy looking part of the town that has never recovered from the loss of its original function as a station forecourt in the days when Penarth had a decent railway service and a proper station. The proposal is an imaginative and interesting looking building in a clean contemporary style. It will provide some badly needed scale to the area and will close off the view as one comes down Stanwell Road or along Hickman Road with an eye-catching landmark building.

The proposal is clearly the result of quite a lot of careful thought – which is more than can be said for the anonymous business park design of the GM2 building (whose only good point was that it replaced an even more dire grey brick office block). Then there is also the banality of Cwrt Jubilee which came straight “off the shelf” from a well known developer of sheltered housing schemes.

As for the views of the Town Council, I respectfully suggest that in order to better inform their debates in the future, they get themselves some planning and architectural advice on why good urban design, even in a historic townscape like Penarth, doesn't have to be a pastiche of what has gone before and how the new and the old can be combined successfully to produce a more attractive urban environment.

I trust the Vale of Glamorgan Planning Committee will show better judgement than their colleagues on the Town Council and approve this attractive looking scheme.”

78 letters of objection to the scheme have also been received. The comments generally relate to concerns regarding traffic generation and car parking problems in Plymouth Road that already exist, the design and scale of the development and the impacts on the Conservation Area, impacts on the privacy of the near neighbouring properties. 7 letters are reproduced at Appendix F being generally representative of the views expressed.

Committee Members will recall that subsequent to the previous report to Committee being prepared (for the meeting on 14th June, 2006) further letters of representation had been received and will need to be referred to in this updated report.

One of these letters (Appendix H) is from the occupier of No. 4 Roxburgh Garden Court, off Plymouth Road. This letter was accompanied by a 252 signature petition and a copy of the preface to this petition and the first page of the signatures is similarly attached for the information of Members. The other 3 letters from Penarth residents (two being very close to the application site) are attached at Appendix I.

Finally, a letter in support of the application from the applicants agents/architects, specifically relating to the issue of car parking provision is attached at Appendix J.

REPORT

The site lies within the defined settlement boundary for Penarth as detailed in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011. The site does not fall within the Penarth Conservation Area but adjoins the boundary of that area at Plymouth Road.

The relevant policy context is that contained within the Unitary Development Plan (the Development Plan). Reference is also made to other advice relating to development including Planning Policy Wales 2002; TAN12 – ‘Design’ and to the Penarth Appraisal. Given that the site is not in the Conservation Area, the appraisal does not therefore relate directly to development on the site, although the appraisal does refer to buildings and land immediately adjoining the site.

The site does however fall within that area identified as frontages out of context when viewed from Station Approach. It is considered that a well designed scheme on this site would create a point of reference/end stop to the area when seen from Station Approach across the railway line. The properties at this end of Plymouth Road are identified as key frontages.

In the initial pre-application stages of this scheme, the applicants consulted the Design Commission for Wales. The scheme considered by the Commission has been amended since that time seeking to take into account their comments.

Whilst the scheme now before Committee is a much reduced and amended scale of development, it is considered that the design principles referred to in these comments are applicable to the scheme now before the Local Planning Authority. A copy of these comments are, therefore, attached as Appendix G for Committee’s information.

In considering the scheme, the following Unitary Development Plan policies are considered relevant:

ENV17 – Protection of the built and historic environment where development will be assessed in relation to the effect on the special character, appearance or setting of Listed Buildings and Conservation Areas.

ENV25 – Regeneration of urban areas where measures to improve the environment/quality of such areas will be favoured.

ENV27 – Design of new development must have full regard to its context and new development will be permitted subject to meeting 9 criteria including that it complements or enhances the local character of buildings and open spaces; meets adopted standards for amenity space, parking and servicing; provides a high level of accessibility including to public transport, cyclists and people with impaired visibility.

HOUS2 – Redevelopment which meets the criteria listed in Policy HOUS8 will be permitted.

HOUS8 – Refers to 6 criteria against which HOUS2 development will be assessed and includes that the scale, form and character of the proposed development is sympathetic to the environs of the site and has no unacceptable effect on the amenity or character of neighbouring environments.

EMP2 – New business development will be permitted if 9 criteria are met including access and parking and effect on residential amenity.

SHOP2 – New retailing facilities within and adjoining established centres will be permitted if it has no unacceptable effect on the amenity and character of existing neighbouring environments, design, highways, parking etc.

SHOP12 – Relates to criteria for development outside retail centres.

The development is of contemporary design using a pallet of render, gun metal grey balustrade and a stone plinth.

The main issues in relation to the design and scale of the development centre on the impact of the development on the nearby conservation area and the neighbouring residential occupiers located to the south of this site. The development is not considered to affect the setting of the listed buildings located to the north of the site.

Whilst the building's height is, at its maximum, higher than the flatted development of Cwrt Jubilee, it is only 4m higher than that development for the main floors of the scheme. Again, the height of the development should not be looked at in isolation but account should be taken of the curved nature of the development and the stepping back of the floors at third and fourth floor level. The development's bulk has been further minimised by the reduced height of that part of the development nearest to the rear of the nearest Plymouth Road property and access lane to Cwrt Jubilee. The height of the development at this point is approximately 10.8m.

The design of the stone plinth, the curved walling and the use of glazing with recessed balcony 'voids' all break up the visual bulk of the building.

The current building on site is considered to be a 'backcloth' building of no architectural merit and thus of neutral contribution to the local environment. The building as remodelled, has a composition which, when viewed at a distance from both Station Approach and Hickman Road/Stanwell Road junction, is considered to create a focal point end stop to those commercial development areas.

The curved footprint incorporated into the design and the use of step back at upper levels in the development, all assist in 'breaking down' the visual bulk of the building. Contemporary design is welcomed and avoids a pastiche which, when used for example in the McCarthy and Stone development to the rear, has resulted in an over-scaled roof and development due to the mass of the development (see part 3 of the report for a summary of the scale of that development). The design principles applied in the scheme were all welcomed by the Design Commission for Wales and were considered an appropriate approach to design of the development in this location.

The development will fall within approximately 16m of the front (north) elevation of the Cwrt Jubilee Development. There are habitable room windows in this elevation comprising both bedroom and living rooms. The windows to the bedrooms are relatively small (1m wide) other than at ground floor, where they are also full height. The scheme as proposed, has been designed so that the main primary glazing to the living rooms, face into the balcony from the side rather than out onto the balcony and out towards Cwrt Jubilee. There are smaller (0.5m and 1m wide) secondary windows facing out from the building. This design will help to provide a less over-bearing aspect towards Cwrt Jubilee. The balconies are generally contained within the building envelope i.e. appear recessed into the elevation rather than being projecting balconies protruding out beyond the extent of the building.

Having considered the scale and arrangement of Cwrt Jubilee windows and the angle and position of the windows and balconies, it is considered that whilst there will be some overlooking towards Cwrt Jubilee, this would not be sufficient reason to refuse the planning application. The Council's adopted Supplementary Planning Guidance 'Amenity Standards' have been considered in this respect and the distance between principal windows is considered to be met. Overlooking toward the rear of the nearest Plymouth Road property is not considered to significantly alter the degree of over-looking currently experienced by that dwelling.

In relation to amenity space, other than balconies for the majority of the flats, no external amenity space is provided. This form of development could, in the central, urban location, taking into account proximity to urban parkland (Alexandra Park), would not un-typically rely on balconies for private amenity space. A refusal on these grounds alone would not be considered to be sustainable even having taken into account Policy 3 of the Supplementary Planning Guidance.

The provision of parking does not meet the Local Planning Authority's adopted standards as noted in the Head of Visible Services (Highway Development) comments. The current use of the site is as offices providing approximately 676 sq.m. of floor space. To meet the Local Planning Authority's standards that could generate/require between 19 to 27 spaces on site. An application for alterations to the GM2 building in 2002 identified that the building had 12 parking spaces at that time, thus there is an under provision on site at present in relation to the current use.

Issues of management of traffic on Plymouth Road of daytime parking by non-residents, is a matter which the Highway Authority could address and which could be funded, if appropriate, by the developer. The Highway Development Officer indicates that he would consider a reduction in the parking standards, however, the development would not meet that lower standard. In consideration of other development in urban locations, the Local Planning Authority has had regard to proximity to public transport and facilities/community services. Mindful of advice in TAN17 Transport and the town location of the development immediately adjacent to a railway station and public bus services, the refusal on the grounds of parking deficit is not one which the Local Planning Authority would feel capable of sustaining as a refusal.

Having said that, the parking makes no specific provision for disabled parking or secure bicycle parking and therefore the Local Planning Authority would require the parking layout to be amended. Plans are awaited to reconfigure the parking area, within the fabric of the building with the provision of a hydraulic decked parking system to increase the number of spaces from 20.

The use of the commercial unit has been referred to as either B1, A1 or A3 uses as defined in the Town and Country Planning (Use Classes Order) 1987, as amended, namely offices, retail or 'food and drink' uses respectively. It is considered that B1 is the most appropriate use, A1 does not relate well to the established retail centre of Penarth and an A3 use could result in adverse effects from noise or fumes (no fume extraction is indicated) in an area on the fringes of a residential area, albeit it is noted that there is a restaurant and public house to the north of the site in close proximity.

Consultation with Dwr Cymru/Welsh Water and the Environment Agency have raised no objections in principle to the development in terms of on-site capacity or capacity of the foul drainage system in relation to residential/commercial development of the site.

In conclusion, whilst the development is of larger scale than the current building, its orientation in relation to properties to the south, the careful design of the development to reduce its scale and its town centre fringe location is such that having regard to the comments made and the relevant policies and Supplementary Planning Guidance, a recommendation for approval, subject to conditions to control the materials and detailing of the development and parking, is made.

Consideration of this application was deferred at the Planning Committee Meeting held on 14th June, 2006 to enable Committee Members to inspect the site. It is currently anticipated that this inspection will take place on 12th July, 2006.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Notwithstanding the parking layout shown on the approved drawings, amended details showing parking for the disabled, 1 No. space allocated for the commercial use and secure bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the approved amended scheme of parking shall be fully implemented on site prior to the first beneficial use of the development hereby approved and shall thereafter be so retained at all times to serve the development.

Reason:

To ensure the provision of on-site parking to serve the development is provided at all times.

3. The commercial use shall be limited to that of B1 office use as defined within the Town and Country Planning (Use Class) Order 1987 as amended and notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 3, Class B of that Order that part of the development shall not be used for any other purpose.

Reason:

To control the nature of the use in view of the proximity to residential development and the scale of on-site parking provision.

4. Full details of a scheme for surface water, including full details of any guttering and downpipes shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details at the time of the development.

Reason:

To ensure that the surface water drainage does not adversely affect the amenity of the area.

5. Notwithstanding the submitted materials details and prior to their installation on site, full details and samples of the render, stone plinth, louvre panels, balustrade and window details, including sections to 1:1; 1:10 and 1:20 as appropriate shall be submitted to and approved in writing by the Local Planning Authority and only these details and materials as approved shall be used in the development.

Reason:

To ensure a satisfactory form of development in the interests of the visual amenities of the area.

6. Details of the hours of working for the demolition of the building and the redevelopment of the site shall be submitted to and approved in writing by the Local Planning Authority and these hours shall be complied with for the duration of the development.

Reason:

To safeguard the amenities of nearby residential properties.

7. Insofar as the approved plans relate to the site edged red in Drawing Ref: P200A received by the Local Planning Authority on 26th May, 2006 shall apply and the elevation and floor plan details of the development shall be carried out in accordance with the amended plans received on 9th March, 2006.

Reason:

For the avoidance of doubt as to the approved plans.

NOTE:

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

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

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

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

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

RWE npower, Aberthaw Power Station, The Leys, Aberthaw, Vale of Glamorgan. ,
CF62 4ZW
Anna Bendall, Environmental Manager, RWE npower, Windmill Hill Business
Park, Swindon. SN5 6PB

East Aberthaw Quarry, Aberthaw

Disposal of pulverised fuel ash (PFA) from Aberthaw Power Station

The application was advertised on 2nd December, 2005.

SITE DESCRIPTION

The application relates to part of Aberthaw Quarry and adjoining agricultural land.

DESCRIPTION OF DEVELOPMENT

A full application by RWE npower, the operators of Aberthaw Power Station, for the disposal of pulverised fuel ash (pfa) from the power station in the quarry void, together with a new protected right turn facility off the Rhoose bypass and the creation of a new dedicated vehicular access to the quarry via a new crossing of Castle Road. The application also makes provision for the restoration of the tipped area and is therefore also being treated as a partial amendment to the current restoration scheme for the quarry, approved in 1985.

PLANNING HISTORY

On Aberthaw Quarry - Numerous applications but of particular relevance are:

0755 and subdivisions - Construction of tunnel under Port Road to create access between quarrying areas to the north and south of the road. Approved on 19th October 1979. The Section 52 (now Section 106) Agreement associated with this permission contains in a Schedule the current working conditions for the quarry, whilst subdivision 0755/E approved a quarry floor level restoration scheme. Whilst the approved tunnel has not been excavated, the permission has been implemented by the construction of access gates to Port Road.

3333 - Household waste disposal in the quarry. Refused following call-in by Secretary of State on 6th October 1994.

02/01356/FUL - Temporary diversion of Port Road and construction of a bridge to give access between quarrying areas to north and south of the road. Approved on 19th December, 2002.

On Aberthaw Power Station - Numerous applications but of particular relevance are:

06/00800/FUL - Increase in height of the existing pfa mound to 65 metres aod. This application is currently at the consultation stage and will be the subject of a report to a later meeting of this Committee.

06/00681/FUL - Highway works to improve visibility to the west of the Four Cross junction. This application is the subject of a separate report to this Committee.

05/01498/FUL - New plant to treat pfa. Approved on 12th January, 2006. Not yet implemented.

04/00580/FUL - Biomass co-firing plant. Approved on 3rd September, 2004.

03/01132/OBS - Installation of plant for flue gas desulphurisation. Approved by the Department of Trade & Industry on 14th June, 2004 and currently under construction.

02/01351/RES - New plant to treat pfa. Approved 16th January 2003. The plant has not been constructed but the permission has been implemented by the carrying out of highway improvements at the B4265 Four Cross junction.

01/00071/FUL - Recovery of pfa from existing ash mound. Approved on 25th July, 2001.

00/01395/OUT - New plant to treat pfa. Outline approval on 25th July, 2001.

CONSULTATIONS

The application site lies in the Rhose Community area, where there is no Community Council.

St. Athan Community Council (adjoining) - Has no objection to the infilling of the quarry but have serious concerns over the adequacy of the highway between the Four Cross junction and the proposed site access, particularly at the Old Mill corner. The Council also consider that the existing protected right turn off the Rhose bypass to serve Burton Hill is of inadequate length, and recommend that any new right turn facility created as part of this proposal is of sufficient length to accommodate two heavy goods vehicles. Their letter is attached as Appendix A.

Councillor Jeffrey James (The Leader) - Is concerned to ensure that this proposal should not detract from the good maintenance of the existing pfa ash mound, and that problems of windblown dust are not exacerbated. His memo is attached as Appendix B.

Glamorgan Gwent Archaeological Trust - Note that it is unlikely that any features of historical or archaeological value survive in the working quarry. However, the proposed access road may affect part of a field pattern of medieval origin and a triangular earthwork to the west of the site. They therefore recommend the carrying out of an archaeological watching brief during the construction of the access route. Their letter is attached as Appendix C.

Cardiff International Airport (Safeguarding) - Have no objection subject to access to the site being granted throughout the duration of the project for their Bird Control Co-ordinator, the operating plan including the non-feeding of birds and the correct disposal of food waste and the construction of a one metre high fence at the high water mark between the existing lake and the landfill, to restrict the movement of geese. Their letter is attached at Appendix D.

The Director of Legal and Regulatory Services (Pollution Control) - Have no objection in principle but are concerned about potential noise nuisance to Home Farm, Fonmon from workings in evenings, on Sundays and Bank Holidays. They conclude that to avoid nuisance, tipping operations on the top bench within 300 metres of Fonmon Road should be restricted to 0800 to 1900 hours on Mondays to Saturdays only, and that reversing sirens should not be used. Noise levels during evening working should be limited to 42 dBA. Their memo is attached as Appendix E.

Countryside Council for Wales - Note that, following the carrying out of surveys at their request, there are no great crested newts on the site. However, they note the presence of a pair of breeding Peregrine falcons (a protected species under Schedule 1 of the Wildlife & Countryside Act 1981) on the site, and suggest leaving an appropriate distance between the tipping operation and the nest site during the breeding season. They would also welcome the provision of a platform at the Power Station as an alternative nest site for future years. Their letter is attached as Appendix F.

Environment Agency Wales - Have concerns over the design of the proposed artificial geological barrier to be used as a liner for the quarry prior to the deposit of ash and require the submission of a hydro geological risk assessment. However, they have confirmed that they will deal with these issues under the parallel application under the Pollution Prevention and Control Regulations. On other issues, they recommend that any discharge should be designed so as not to cause or exacerbate flooding and note the proximity of the East Aberthaw Coast Site of Special Scientific Interest and the potential ecological importance of the quarry site. These issues have been the subject of separate consultation with the Countryside Council for Wales and the Council's Ecologist. A copy of the Agency's letter is attached as Appendix G.

HM Inspector of Quarries (Health & Safety Executive) - Has 'no adverse comments to make'.

Welsh Assembly Government Regional Planning Advisor (re: proposed agricultural restoration) – Advises that on the information supplied to date and in line with the advice given in Technical Advice Note (Wales) 6, it cannot be confirmed that agriculture is an appropriate use for all or part of the site. A number of issues are raised concerning the proposal, including:

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

- (d) The possibility of the need for studies and trial work to be carried out before commencement of the first phase of restoration.

The full text of the letter and covering email is attached as Appendix H.

REPRESENTATIONS

The occupiers of 72 of the closest dwellings, including all those in Fonmon, East Aberthaw and Burton were notified individually on 2nd December, 2005 and the application was advertised by four site notices in the locality on the same date. The necessary publicity for an application accompanied by an Environmental Statement has been carried out. Ten letters of objection have been received, mainly from residents of Fonmon but including one from West Aberthaw, objecting on the grounds of:

- (a) Highway safety issues on the B4265.
- (b) The unsustainable use of road vehicles to transport the ash rather than rail or conveyor and the lack of consideration of alternative modes of transport.
- (c) Noise from transport and from the pfa deposition and levelling process in the quarry.
- (d) Concern that the scope of the material to be tipped could include domestic waste.
- (e) Concern over disturbance due to operations in the evenings.
- (f) Concern over potential dust pollution.
- (g) Increase in heavy vehicles on Castle Road and through Fonmon.
- (h) Increased nuisance from traffic noise, dust and fumes to residents of West Aberthaw; and
- (i) Concerns over leachates and potential detriment to water quality.

Three typical letters are attached as Appendices H, I and J and the remainder are retained on file for Members' inspection.

REPORT

Aberthaw Power Station is a 1500 MW coal-fired power station, which produces approximately 400,000 tonnes of pfa annually. Since the construction of the 'A' station in the 1950s, all the ash that could not be sold as aggregates has been deposited on the existing ash mound, covering some 57 hectares on the east bank of the canalised River Thaw, between the power station and East Aberthaw village. Ash disposal on the mound is currently controlled by a planning permission granted in 1980 (ref: 79/2300/FUL) which restricts the height of the mound to a maximum of 53 metres above Ordnance datum. At the present rate of ash deposition, current permitted capacity on the mound will be exhausted within two years.

Work being carried out currently to install flue gas desulphurisation equipment to the power station will permit the continued operation of the station for the foreseeable future, with a possible increase in power generation that could lead to a 25% increase in annual ash production.

Pfa has a value as an alternative lightweight aggregate, and the plant for its treatment approved in January this year will, if constructed, process up to 200,000 tonnes per year for sale or recycling as fuel for the power station. There will nevertheless be a continuing need for large-scale ash disposal facilities for many years.

RWE npower, the current applicants, have also recently submitted an application (ref: 06/00800/FUL) for an increase in the height of the ash mound from 53 to 65 metres aod. That proposal will be the subject of a report to a future meeting of this Committee, but the applicants advise that that proposal would be a 'fallback' solution if the quarry proposal does not proceed. However, it is likely that some increased capacity may be required on the mound due to the lead times involved in commencing disposal in the quarry. This is however not a matter for consideration now.

Aberthaw Quarry, operated by Lafarge Cement Limited is a 100 hectare, 20 metre deep Liassic limestone quarry located approximately 1 km to the east of the power station complex, which supplies material exclusively for the adjoining Aberthaw Cement Works. Mineral extraction in the current quarry bowl (the 'north' quarry) is nearing exhaustion, and planning permission has existed since 1957 for quarrying in a further 100 hectare (approx) area to the south of Port Road, with a bridge under that road linking the two areas. It is likely that quarrying will transfer entirely to the southern area within the next few years. Proposals for the temporary diversion of Port Road to allow the construction of the bridge were approved in 2002 and that work is nearing completion.

The approved restoration scheme for the 'north' quarry is for quarry floor level restoration to agriculture. A pilot scheme was carried out in the 1980s but progress has been halted for some years pending revised proposals for the future of the site. Members may recall that a proposal for the infill of the quarry with domestic waste was refused in 1994 following a major Public Inquiry.

The current proposal is for the disposal of pfa in an area of 41.7 ha of the eastern part of the north quarry, with all material being transported by road from the power station via a new protected right turn off the Rhoose bypass; the upgrading of an existing agricultural track, and a new vehicular crossing of Castle Road on the northern quarry boundary to a new quarry entrance. The site would be filled in four phases to the existing ground level and restored to grassland. The applicants consider that the site would have sufficient capacity for at least 15 years' ash production at current rates. The remainder of the north quarry bowl lies outside the application site and would remain under the control of Lafarge Cement.

In summary, the various parts of the development comprise:

- Construction of a protected right turn facility off the Rhoose bypass at a point approximately 300 metres east of the Burton Hill junction.
- Upgrading of a 300 metre length of existing agricultural track between the bypass and Castle Road to a two-lane surfaced road.

- Construction of a new gated surface crossing of Castle Road and a new entrance to the quarry on its northern boundary, approximately 400 metres east of the Castle Road/Burton Hill junction.
- Development of a ramped access into the quarry to give access to the ash disposal area.
- Battering of the quarry faces to a 1:3 slope and the installation of a lining and drainage system to Environment Agency approval.
- Filling with ash in four phases, generally moving in a south-east direction across the quarry. 'Conditioned' ash (ie ash mixed with a controlled amount of water) would be transported by lorry via the new access route and deposited in 3-metre thick layers across each phase, beginning in the area close to the access ramp and to the east of the existing lagoons in the quarry. The side slopes of the tipped area will be progressively seeded, and each phase will be restored at final ground level prior to operations moving into subsequent phases. The final surface level of the restored site is to be at surrounding ground level. Tipping hours are proposed to be 0800 – 2200 seven days per week.

Policy Issues

Aberthaw Power station produces, and following the installation of the flue gas desulphurisation plant will continue to produce, very large quantities of pfa. Whilst pfa has a value for use as a sustainable alternative aggregate, limits to the potential market mean that large quantities will require disposal. Apart from increasing the size of the existing mound (subject of a separate application currently being processed) the only realistic alternatives are filling of the quarry or transport to more distant landfill sites. At the same time, the quarry is a very large void which is reaching the end of mineral extraction and requires beneficial restoration. In the most general terms, therefore, there appear to be advantages to the current proposal, subject to assessment of ash transport and local environmental impact.

The proposal has to be considered in the context of the Waste policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

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

Policy WAST 2 (Criteria for Assessing Waste Management Facilities) sets out a list of criteria against which waste management proposals must be assessed. In terms of Criterion 1, the applicants have taken various steps to reduce the amount of pfa requiring disposal by bringing forward proposals for the treatment and sale of increased quantities of ash as aggregate, and the aims of the 'proximity principle' are met with the quarry being very close to the power station. The environmental and highway issues covered by other criteria are assessed later in this report.

Ash Transport and Access

The proposal to move all the pfa to the quarry by road would involve 20 tonne vehicles making a maximum of 100 two-way movements (i.e. 100 arrivals and 100 departures), seven days a week, although the applicants consider that 50 two-way movements would be more usual. Lorry movements would 'in the main' (applicants' quote) be restricted to 0800 to 1900 daily.

It has to be borne in mind that the unimplemented scheme for recovery of ash from the existing mound approved in 2001 (planning permission for which lapses later this month) and the recently-approved ash processing plant would both involve all ash produced being removed from the station by road. Junction improvements have already been carried out on the eastern side of the Four Cross junction and a concurrent application (ref: 06/00681/FUL) has been submitted for further improvements to the west of that junction.

The Council's highway engineers have been involved in detailed discussions with the applicants, and confirm that they have no objection subject to conditions being attached to any permission to cover:

- (a) Visibility improvements on the western side of the Four Cross junction being approved and implemented prior to the commencement of ash disposal.
- (b) The protected right turn off the B4265 and the Castle Road crossing being constructed to the appropriate standards.
- (c) The installation of part-time traffic lights on the Castle Road crossing.
- (d) The sheeting or covering of all vehicles carrying ash to the quarry, and
- (e) The installation of a wheelwash at the exit to the site on to Castle Road;

and subject to the satisfactory completion of the necessary legal agreements under Section 278 of the Highways Act 1980.

The proposed new access off Castle Road will involve the removal of lengths of hedgerows on both sides of the road that qualify as Important under the ecological criteria of the Hedgerow Regulations 1997. The Council's Ecologist supports the creation of a new hedgerow on the eastern side of the improved track between the B4265 and Castle Road, and recommends that the sections of hedgerow classed as Important and associated ground flora should be translocated behind the new visibility splays wherever possible. All hedgerow removal should take place outside the March – August bird nesting season. These matters can be addressed by conditions.

Whilst it is concluded that the ash can be transported satisfactorily by road, it is disappointing that alternative transport modes are not proposed for the relatively short distance but very large quantities involved. Although cost and wayleave issues are understood to present serious difficulties at present, I would encourage more sustainable proposals for ash transport by conveyor, pipeline or rail if opportunities arise.

Visual Impact

All activities, apart from placing and restoring the final 3-metre layer of ash, will take place below the level of the surrounding ground surface. Despite its size, there are very few external viewpoints from which the quarry bowl can be seen, and it is unlikely that the proposal will have any significant visual impact.

Residential Amenity

The eastern boundary of the application site is within 130 metres of the closest dwellings in Fonmon. The proposed activities in the site, consisting of the arrival of ash in lorries and its spreading and grading by bulldozer, are not in themselves likely to be particularly noisy activities, and almost all the work will be effectively screened from the village by the existing quarry faces.

Following survey work, the applicants conclude that noise from daytime (0700 – 1900) ash disposal operations will meet the requirements of Minerals Technical Advice Note 1: Aggregates. Whilst that advice is designed to relate to mineral working sites, the operations proposed, with heavy vehicles and plant traversing the site, are similar in many respects to the current quarrying operations and this guidance appears relevant in this case. Whilst evening (1900 – 2200) operations would meet the MTAN 1 guidelines in Phases 1, 2 and 4 of tipping, due to the proximity of part of Phase 3 to Home Farm there is some risk of evening operations exceeding the MTAN 1 night-time (1900-0700) limits. In this phase locations of evening tipping will be selected to avoid this problem, with additional monitoring being carried out to ensure compliance.

Nevertheless, the Council's Pollution Control officers consider that to avoid any noise nuisance to occupiers of Home Farm, operations on the top bench within 300 metres of Fonmon Road should be restricted to 0800 to 1900 hours on Mondays to Saturdays only and that 'bleeper' type reversing sirens should not be used. Noise levels during evening working should be limited to 42 dBA.

Dust from the existing ash mound has been the subject of various complaints over many years, mainly from residents of East Aberthaw. Fonmon is downwind of the ash disposal site in the quarry, and operations will have to be controlled carefully if problems are to be avoided. Potential dust sources are the movement of vehicles on haul roads and the process of tipping and profiling the pfa.

At the power station, fresh ash will be contained in an enclosed silo, and all lorries carrying ash will be covered. In the quarry, ash will be compacted by bulldozer and when there is potential for dust a water spray system will be used. Once ash deposition has been completed in a particular area the surface will be sealed by either a PVA/water mix or a hydroseeded grass seed/manure mix. Wheel washing facilities will be provided at the exit to the quarry to minimise potential for ash trapped in wheels to be deposited on the highway. Subject to good on-site management, these measures are considered acceptable. Day to day operations will also be controlled by the separate PPC authorisation to be issued by the Environment Agency.

Drainage

The present quarry is worked 'dry', with the quarry floor being above the local water table. Present surface water management relies on the slope of the quarry floor to direct runoff to the lagoons in the north west corner of the quarry, from which it is directed via an open channel, a culvert and an aqueduct to the River Kenson.

Pfa has a naturally low water conductivity which is reduced further by the natural development of a cementitious layer when the ash comes into contact with water. This means that the bulk of rainfall landing on the tipped area will run off its surface.

The application proposes that the final landform will be slightly domed above the level of the adjoining land to encourage surface water runoff toward the perimeter, with steeper slopes on the southern edge where the landfill edge will lie on the base of the quarry. The existing quarry faces will be cut back to a 1:3 slope and a lining system constructed, comprising a stone drainage layer and a geological barrier layer formed of ash mixed with clay, with permeability designed to allow the small amount of leachate generated to pass through it rather than building up over it. The capping of the landfill will consist of 0.7 metre of pfa overlain by 0.3 metre of topsoil.

As stated previously, the Environment Agency are currently not satisfied with the technical details of the drainage system, but they have confirmed that this issue will be dealt with under the parallel PPC authorisation application, without which approval the development cannot proceed. Any planning permission granted should not attempt to duplicate the Agency's responsibilities.

Ecological Issues

The Countryside Council for Wales confirm the presence of a pair of breeding Peregrine falcons (protected under Schedule 1 of the Wildlife & Countryside Act 1991) on the site. They suggest that an appropriate distance should be left between works and the nest site during the breeding season.

Due to the size of the site, large areas of the quarry will remain undisturbed whilst ash disposal is concentrated in each specific phase. The Council's Ecologist considers that an alternative nesting site should be provided prior to the loss of the current site, either within the quarry or in the power station. She also recommends that an annual survey should be carried out of the quarry faces likely to be affected during the following breeding season, to identify any nesting peregrines. In the event that any are present then she concurs with CCW's comment that a sufficient standoff must be created to avoid disturbance to the birds. CCW also recommend the provision of an alternative nesting site at a suitable location within the power station. I am satisfied that these matters can be dealt with by condition.

Following an inspection of the site, the Ecologist notes that the current quarry floor provides potential habitat for Little Ringed Plover, also protected under Schedule 1 of the Wildlife & Countryside Act 1981. Again, it is recommended that an annual survey be undertaken to identify any nesting birds, with a sufficient distance being maintained between the works and the nest site.

The Council's Ecologist has concerns over the proximity of the proposed tipping area to the existing lagoons in the quarry, which are of importance to wintering wildfowl and breeding birds. As shown on the submitted phasing plan, tipping is to take place up to the edge of the lagoon and the applicants have confirmed verbally that the only 'standoff' is intended to be the width of an access track immediately adjoining the 'high water mark' of the lagoons. Whilst not shown in detail on the submitted plans, they point out that the initial creation of a 3 metre high graded bank of ash alongside the lagoons would be a relatively quick operation, with each successive 3 metre layer being 9 metres further away to create the required 30 degree side slope to the ash mound. The resulting slope facing the lagoon would be wooded or planted as appropriate once it is completed, and all further tipping would take place behind it. The applicants consider that their operations would have a similar impact to the current quarrying operations, which appear not to have any detrimental effect on the bird population.

Nevertheless, following an inspection of the site the Council's Ecologist considers that tipping close to the lagoons as indicated on the phasing plan would result in disturbance to over-wintering and breeding wildfowl, and recommends that the boundaries of the closest phases of tipping be revised prior to commencement of tipping in those phases. A revised phasing scheme, including full details of proposed operations, the creation of a sufficient buffer zone between the lakes and the infill area and mitigation measures to prevent undesirable run-off into the lagoons should be approved prior to work commencing in those phases.

In addition, an area close to the proposed access ramp has potential habitat for reptiles, and the ecologist recommends that a scheme for the clearance of reptiles should be approved prior to work commencing in that area.

On an allied issue, the applicants' operational land also includes, to the south east of the current ash mound, a rare saline lagoon and associated habitats that form part of the East Aberthaw Coast site of Special Scientific Interest and a local Wildlife Trust Nature Reserve.

However, this area also forms part of the area granted permission for ash disposal in the original consent for the power station granted in the 1950s. Whilst no ash has been deposited in the sensitive area, and the commitment by the applicants to conserving the biodiversity of the nature reserve is appreciated, and whilst they have stated that they have no intention of extending the mound laterally, it is possible that continuing demand for ash disposal capacity could increase pressure for tipping in this area in future. If Members are minded to approve the current application, however, there would be no foreseeable need to tip in the lagoon and as the lagoon lies within the applicants' control I recommend that a condition be attached to any permission for ash disposal in the quarry prohibiting any lateral extensions to the southern and eastern boundaries of the ash mound as existing today.

Restoration

Proposals for final restoration of the tipped area, as set out in the Environmental Statement, are extremely general and set out little in the way of specific methodology. It is intended that soil material stockpiled around the quarry perimeter will be used to improve the top 300mm of pfa by screening where necessary and rotovating into the top of the pfa capping layer. It is not envisaged that materials will be imported to the site for this purpose. Areas will then be seeded, planted and irrigated until adequately established.

As set out previously, the Welsh Assembly Government's Regional Planning Advisory has serious concerns about the potential for successful agricultural restoration of the site due to the nature of the tipped material and the availability of suitable restoration materials. Considerable additional work will be necessary to establish the best methods to obtain the most beneficial after-use of this extensive site, but in view of the considerable period, likely to be several years at least, before ash disposal on any part of the site would be completed, I am of the view that this issue can be dealt with by conditions requiring the submission and approval of detailed restoration schemes for each phase.

Conclusions

The proposal represents both a long-term solution for the disposal of pfa and an opportunity to achieve a better restoration of the quarry than would be possible at quarry floor level, but the environmental impact of the disposal operation will require careful management and control if it is to be carried out without adverse impact to residential amenity or to the ecological interest in the site. Whilst the highway engineers are satisfied that the proposed new junction with the Rhoose bypass and the crossing of Castle Road can be achieved safely, the likely increase in traffic at the Four Cross junction requires improved visibility to the west, which is the subject of a separate application. It is concluded that this disposal option is preferable to continued disposal on the existing ash mound, and therefore I recommend approval subject to suitable conditions.

RECOMMENDATION 1

APPROVE subject to the following condition(s):

Commencement and General

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

Reason:

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

2. Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement and supporting documents received on 21st November, 2005.

Reason:

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

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

Reason:

For the avoidance of doubt and in the interests of amenity.

Highways and Access

4. Prior to any pulverised fuel ash being deposited in the quarry, full engineering details of the proposed protected right turn off the B4265, the upgrading of the track between the B4265 and Castle Road, the crossing of the Castle Road and the new access to the quarry off Castle Road shall be submitted in writing to and approved by the Local Planning Authority. The approved scheme shall include details of proposals for traffic lights to control the Castle Road crossing and of the location and design of any gates at the Castle Road crossing and at the new quarry entrance.

Reason:

In the interests of highway safety and general amenity.

5. Prior to any pulverised fuel ash being deposited in the quarry a scheme of visibility improvements at the 'Four Cross' junction on the B4265 shall be implemented in accordance with details to be first submitted in writing to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety.

6. All loaded vehicles carrying pulverised fuel ash for deposition in the quarry and all empty vehicles leaving the quarry having deposited ash, shall use the new entrance to the site off Castle Road as described in the application documents.

Reason:

In the interests of highway safety.

7. All vehicles transporting pulverised fuel ash from the power station to the site shall be enclosed or sheeted.

Reason:

In the interests of highway safety and general amenity.

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

Reason:

To safeguard local visual amenities.

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

Reason:

In the interests of highway safety.

10. The developer shall ensure that a suitably qualified archaeologist is present during the construction works required for the widening of the access route, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists and the Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the access route construction works, of the name and address of the said archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

11. Notwithstanding the Phasing Map submitted with the application, prior to the commencement of development a revised phasing scheme and method statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme and statement shall contain:

- (a) detailed proposals to avoid disturbance to birds over-wintering and/or nesting on the lagoons in the quarry floor;
- (b) proposals for an appropriate stand off distance between the lagoons, the ash deposition area and any access tracks;
- (c) full details of the method of ash deposition within each phase, including face slopes and bench thicknesses.

Reason:

In the interests of the protection of the ecological interest in the site.

Working Methods

12. Access to the site shall be provided on request at all reasonable times for the Bird Control Co-ordinator of Cardiff Wales Airport.

Reason:

In the interests of aviation safety.

13. Prior to the deposition of any ash in the site, a 1m high fence designed to restrict the movement of geese shall be erected between the high water mark of the lagoons in the quarry and the ash deposition area in accordance with details and in a location to be first approved in writing by the Local Planning Authority.

Reason:

In the interests of aviation safety.

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

Reason:

In the interests of visual amenity and to ensure the beneficial restoration of the site.

15. Except as required by condition 16 below, the deposition of pulverised fuel ash in the quarry and its consolidation shall take place only between the hours of 0800 and 2200 on any day.

Reason:

In the interests of residential amenity.

16. No ash deposition or consolidation operations shall be carried out in any part of the permitted area within 300m of Fonmon Road outside the hours of 0800 to 1900 on any day or at any time on Sundays or Bank and Public Holidays.

Reason:

In the interests of residential amenity.

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

Reason:

In order to protect groundwater resources.

Amenity and Ecology

18. During each bird nesting season throughout the period of ash deposition at the site, a survey shall be carried out of:

- (a) any quarry faces that may be affected or disturbed by works during the subsequent breeding season, to identify the location of any breeding Peregrine falcon, and
- (b) the quarry floor to identify the location of any Little Ringed Plover or any other ground nesting bird.

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

Reason:

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

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

Reason:

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

20. Prior to the commencement of construction of the new access to the quarry off Castle Road or of any internal access ramp from that access to the quarry void, a scheme for the mitigation of the impact of these parts of the development on any reptiles within the site shall be submitted in writing to and approved in writing by the Local Planning Authority. All subsequent operations shall be carried out entirely in accordance with the approved scheme or any variation thereto that may first be approved in writing by the Local Planning Authority.

Reason:

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

21. The removal, replanting or translocation of any hedgerows and ground flora required to create new or improved accesses to the B4265, Castle Road and the quarry shall be carried out entirely in accordance with a scheme to be first submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall include detailed provisions for any translocation works and details of species and density of any new planting, and for the creation of a new hedgerow on the eastern side of the improved track between the B4265 and Castle Road.

Reason:

In order to protect the ecological interest in the site and in the interests of visual amenity.

22. Any hedgerow removal, forming part of the scheme approved under Condition No. 21 above, shall be carried out only during the months of September to February inclusive.

Reason:

In order to protect the ecological interest in the site and in the interest of visual amenity.

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

Reason:

In the interests of residential amenity.

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

Reason:

In the interests of local amenity.

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

Reason:

In the interest of general and residential amenity.

26. No later than twelve months following the date of commencement of ash deposition in each of the phases approved under condition 11 of this permission, a detailed restoration scheme for that phase shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve months of its approval and shall make provision for formation of topsoils and subsequent seeding and appropriate aftercare.

Reason:

To ensure the satisfactory restoration of the site.

27. The scheme approved under Condition No. 26 above shall have particular regard to the nature and quantities of any capping material to be imported, and shall make provision for an appropriate agricultural aftercare scheme.

Reason:

To ensure the satisfactory restoration of the site.

28. All soils and soil-forming materials on the site at the date of this permission shall be retained for use in the scheme of agricultural restoration to be approved under Condition Nos. 26 and 27 above.

Reason:

To ensure the satisfactory restoration of the site.

29. Notwithstanding the provisions of planning permission reference 79/02300/FUL or the deemed planning permission granted on 3rd November, 1955 by the former Minister of Fuel and Power, no further lateral extension shall take place to the southern or eastern perimeters of the ash mound at Aberthaw Power Station as existing at the date of this permission.

Reason:

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

NOTE:

- 1. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 2. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
- 3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 5. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
- 6. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account the environmental information submitted with this application.**

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

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

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

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

RECOMMENDATION 2

That the proposal be approved as a revised restoration scheme for the eastern part of the quarry bowl in discharge of Clause 1(e) of the Section 52 (now Section 106) Agreement signed on 19^h October, 1979.

Estate of M/s Richards (dec'd) C/o 75, High Street, Cowbridge, Vale of Glamorgan. , CF71 7AF
Fairfax and Co., 75, High Street, Cowbridge, Vale of Glamorgan. , CF71 7AF

Land formerly part of Great House Farm, Treoes

Four detached dwellings

SITE DESCRIPTION

The application site comprises a grassed field on the northern edge of the village of Treoes, with an area of approximately 0.32ha. It is bound on its north-eastern edge by the Nant Ganna brook and surrounds an existing pumping station with the existing houses at Llys Ty Mawr to the south.

DESCRIPTION OF DEVELOPMENT

This is an outline application, with all matters other than siting and means of access reserved for subsequent detailed approval, for the construction of four detached dwelling houses. The submitted details show vehicular access onto the main road in the southern corner of the frontage of the site, with visibility splays of 2.4m x 45m. An internal driveway will be provided ending in a turning circle on the north-eastern edge of the site. Private driveways will radiate off the internal drive to serve four separate plots with the proposed houses sited centrally on the plots. The application is supported by a Flood Risk Assessment prepared by Mofor Drayton Consultants Limited.

PLANNING HISTORY

93/00415/FUL – Proposed pumping station. Approved subject to conditions 20th July, 1993.

93/00420/OUT – Former farmyard to Great House Farm Development for housing. Approved subject to conditions 28th November, 1994 and a Section 106 Legal Agreement requiring landscaping works to the frontage of the land to the north and not to develop land to the north (current application site) for residential purposes, nor to use it other than for agriculture or the keeping of equine animals for a purpose incidental to the environment of any dwelling house approved on the land to the south.

97/00978/RES – Former Great House Farmyard. Construct five detached houses with garages. Approved subject to conditions 19th December, 1997.

98/00376/FUL – Amendments to 97/00978/RES for five dwellings. Approved 17th July, 1998 subject to conditions including provision of a wall and beech hedge on the northern boundary.

04/01899/OUT – Four detached dwellings. Withdrawn 9th March, 2005.

05/01971/LEG – Discharge of Section 106 Legal Agreement attached to planning provision 93/00420/OUT as outlined above. Yet to be determined.

CONSULTATIONS

Llangan Community Council – “Regarding the above application, the Members of the Llangan Community Council would like to stress that serious consideration must be given to the access situation of vehicles travelling in and out of this site and also off road parking that could be involved.”

Environment Agency Wales – Initial comments of 7th December, 2005:

“As your Authority is aware, part of the site lies within Zone C2 as defined by the development advice maps (dam) referred to under TAN 15 - Development and Flood Risk (July 2004).

In accordance with guidance contained within TAN15, the development category is regarded as “highly vulnerable development”. The TAN guidance is that such developments should not be permitted within Zone C2. The Environment Agency therefore expects your Authority to refuse the application. Such stance would be fully supported by the Environment Agency Wales.

In consideration of the above, this stance could change if the application site boundary was amended to exclude that area identified as Zone C2. Alternatively should the application pursue the site as submitted then it will need to be demonstrated by the submission of an appropriate assessment of flooding consequences that the total site of the application is outside of the extreme flood outline. Should the assessment prove however that the site is within the extreme flood outline, then the application should be refused.

If, contrary to the requirements of TAN15, your Authority is minded to go against this advice, Environment Agency Wales should be informed of all matters that influence this decision, prior to granting consent, allowing sufficient time for further representations to be made.

In addition, it should be noted that the Agency is required to report to the Welsh Assembly Government, those instances in which recommendations for refusal on grounds of flood risk, have not been accepted by Local Planning Authorities. Therefore, if planning permission is granted the Authority will be required to provide the Agency with a copy of the Committee report, relevant Committee Minutes and the Decision Notice.”

Further comments of 21st April, 2006:

“The Environment Agency has considered the Flood Consequence Assessment (FCA) submitted in support of this application and are satisfied with the methodology. Therefore we have the following response:

The FCA has demonstrated that the site is not at risk of flooding from the extreme 0.1% event in the Nant Ganna as it runs alongside the site. In addition, if flows leave the channel upstream of the site, they will naturally be directed to land on the opposite bank to the site which is made up of open land at a lower level. Therefore, on the basis of the information supplied within the FCA, the site is not within the 0.1% flood plain of the Nant Ganna.

However, clarification is required on the matter of emergency access/egress. It is not clear from the FCA whether the only access road through the village would be affected during an extreme flood event and whether access to the site can comply with Table A1.15 of TAN15. Therefore this aspect of the FCA needs to be clarified by the applicant.

In providing our comments on your Assessment, we have taken the data as submitted to be factually correct i.e. we have not physically checked any survey information or conducted water feature surveys within, or in the vicinity, of these sites. A requirement of TAN15 Development & Flood Risk is that such assessments are undertaken by a suitably competent person with a professional indemnity. Thus, should any future problems arise following development of the site, all liability must rest with your company.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7m of the top of the bank of the main river (Nant Ganna). The Agency carried out regular maintenance of the channel and may require access through the site.

The Agency and the Local Authority have permissive powers to maintain watercourses depending on the watercourse's definition as "Main River" or "Ordinary Watercourse". The responsibility for general maintenance of the river and its banks rests with the riparian owner.

Should this application come in for planning permission, the following flood risk conditions should be included:

Condition: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaced draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

Should you wish to discuss any of the above matters further, please do not hesitate to contact the Agency.

Final Comments

Further to the additional information received from Mofor Drayton Consultants Ltd on 19th May, 2006, we are now in a position to respond to the above planning application.

It is clear from the information received that the issue regarding emergency access/egress has been satisfactorily addressed.

As your Council is aware, the proposed site is within zone C2, as defined by development advice maps (dam) referred to under TAN15 Development and Flood Risk (July 2004). However, as the development is unlikely to raise any direct and adverse impacts then in accordance with paragraph 11.19 the Agency would offer no adverse comment to the proposals in this instance.

The Environment Agency request the following condition is included in any planning permission granted:

Condition: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

In providing our comments on your assessment of flooding consequences, we have taken the data as submitted to be factually correct i.e. we have not physically checked any survey information or conducted water feature surveys within, or in the vicinity, of these sites. A requirement of TAN15 Development & Flood Risk is that such assessments are undertaken by a suitably competent person with a professional indemnity. Thus, should any future problems arise following development of the site all liability must rest with your company.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7m of the top of the bank of the main river (Nant Ganna). The Agency carries out regular maintenance of the channel and may require access through the site.

The Agency and the Local Authority have permissive powers to maintain watercourses depending on the watercourse's definition as "Main River" or "Ordinary Watercourse". The responsibility for general maintenance of the river and its banks rests with the riparian owner."

Dwr Cymru/Welsh Water – Comment as follows:

"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 discharges must be drained separately from the site.

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

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

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

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

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

Advisory Notes

The applicant is advised that the proposed development site is located adjacent to a public combined sewage pumping station. We therefore wish to make the applicant aware of the impact of potential noise and odours on any habitable buildings to be positioned in close proximity to the pumping station.

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

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

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

"I have visited the location and can confirm that at the time of my visit noise from the industrial estate was audible. I also noted that the same noise was audible throughout the western portion of Treoes. However, we have not recently received relevant complaints from that vicinity.

I thus confirm that no additional noise considerations are required."

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the application on 6th December, 2005. In addition, a site notice was posted on 14th December, 2005. Letters of objection have been received from the occupiers of Nos. 1, 2, 3 and 5 Llys Ty Mawr and The Croft, Parc Newydd. Whilst all the representations are available on file for Committee Members' inspection, the letter from the occupiers of No. 3 Llys Ty Mawr is reproduced at Appendix A as being generally indicative of the concerns raised. In summary, the main points of objection relate to increase in traffic and highway safety with poor access; adverse impact on amenities of neighbours and the village of Treoes; drainage and flooding problems; reduction in buffer to village; not rounding off; and consistency in decision making with recent refusal and dismissed appeal on land to the rear of The Croft, Parc Newydd.

A letter in support of the application from the applicant's agents Fairfax and Co. is reproduced at Appendix B.

REPORT

The site comprises a field on the northern edge of the village of Treoes, immediately south of Nant Ganna brook. It fronts onto the main highway that runs through the village. The application seeks the agreement in principle for the residential development of the site for four houses. The following policy background is relevant to the consideration of the application.

The adopted Development Plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 (UDP). The site now lies within the defined settlement boundary for Treoes having been amended by the Proposed Modifications (2003). A copy extract of the Unitary Development Plan Inspector's Report on Objections is reproduced at Appendix C. The Inspector noted that the site is divorced from the countryside and that the overall character of its environs is of an urban nature. The Inspector stated:

“Development of the site for housing would not only be consistent with this character but would, given the poor existing condition of the site, represent an acceptable “small scale rounding off” of the village without resulting in any significant loss of countryside.”

Thus it is clear from the Inspector's conclusions that he considered the land suitable for residential development. Policy HOUS2 of the UDP allows for housing infill and small scale development within the settlement of Treoes subject to the residential development criteria outlined in Policy HOUS8. These include:

- (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 REC3 ARE MET;
- (v) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vi) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy HOUS11 of the UDP relates to residential privacy and space and states:

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

Policy ENV7 of the UDP refers to Water Resources and states:

RIVER, OTHER INLAND WATERS AND UNDERGROUND WATER RESOURCES WILL BE SAFEGUARDED DEVELOPMENTS WHICH IMPROVE THE WATER ENVIRONMENT OR HELP TO PREVENT FLOODING WILL BE FAVOURED. DEVELOPMENT WILL BE PERMITTED WHERE IT WOULD NOT:

- (i) HAVE AN UNACCEPTABLE EFFECT ON THE QUALITY OR QUANTITY OF WATER RESOURCES OR ON FISHERIES, NATURE OR HERITAGE CONSERVATION, RECREATION OR OTHER AMENITY INTERESTS RELATED TO SUCH WATERS;
- (ii) BE POTENTIALLY AT RISK FROM FLOODING OR INCREASE THE RISK OF FLOODING LOCALLY OR ELSEWHERE TO AN UNACCEPTABLE LEVEL.

Policy ENV27 relates to the design of new developments 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.

The Council also has Supplementary Planning Guidance on Amenity Standards. This contains policies not only on the level and quality of private amenity space but also on privacy, overshadowing and visual amenity.

National guidance is contained within Planning Policy Wales March 2002 and recognises that new housing should be well integrated with and connected to the existing pattern of settlements. In addition, there is TAN15 Development and Flood Risk (July 2004).

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

The site is located within the residential settlement boundary for Treoes as defined in the UDP. In terms of the residential development criteria, it is considered that from the outline details provided, the scale, form and character of the proposed development can be sympathetic to the environs of the site. Indeed it has already been noted that the UDP Inspector concluded that housing on the site would be consistent with the established character of the area. In addition, it is considered that the density of development is comparable with the existing housing in the area.

The issue of highways is one of the main objections raised by the neighbouring occupiers and the Community Council. It is noted, however, that the Council's Highway Engineer has confirmed that there are no objections to the proposal subject to conditions relating to the provision of visibility splays; adoptable access; minimum 5.5m width of internal access road; full engineering details and car parking in accordance with the Council's adopted Parking Guidelines.

With regard to drainage and flooding, it is noted that there are no objections from either Dwr Cymru/Welsh Water or the Environment Agency. The site lies within Zone C2 as defined by development advice maps (dam) referred to under TAN15 Development and Flood Risk and initially the Environment Agency recommended that the application should be refused. However, following additional information from the applicant's consultant, the Environment Agency are satisfied that the development is unlikely to raise any direct and adverse impacts and offer no adverse comments subject to a condition requiring the provision and implementation of a surface water regulation system. The proposal will therefore comply with Policy ENV7 of the UDP relating to water resources.

In respect of residential amenities, both neighbouring and the wider area, it is considered that the proposed siting will allow for a detailed design that should have little adverse impact on general amenities. The Council's Environmental Health Section is satisfied with the proposal in considering potential noise problems. The position of windows and height of the buildings is an issue for consideration at the reserved matters stage but the principle of the development of the site for 4 No. houses is acceptable in relation to Policy ENV27 Design of new development.

Objectors have also expressed concern at the precedent that would be set in allowing the development of the site for residential purposes. In addition, the occupier of The Croft, Parc Newydd, has argued that to allow the development of the application site would show inconsistency as his own application for two dwellings on land to the rear of The Croft and west of the current application site was refused by the Council and dismissed on appeal. The Council would refute such an argument as there is a clear difference between the two sites in planning policy terms, in that the current application site lies within the residential settlement boundary for Treoes where Policies HOUS2 and HOUS8 apply, whilst the neighbouring rejected site lies in the countryside outside of the settlement boundary where Policies ENV1 and HOUS3 are more relevant.

Finally, it is noted that in conjunction with this proposal the applicants have applied to discharge the S106 Legal Agreement attached to the original outline consent for the existing dwellings at Llys Ty Mawr, reference 93/00420/OUT. This matter is also reported to Committee for consideration under application 05/01971/LEG.

In conclusion, it is considered that the principle of the development of the site for four detached houses is acceptable and complies with Council Policy and National Guidance. The following recommendation is therefore made.

RECOMMENDATION

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

(a) The expiration of five years from the date of this permission.

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

Reason:

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

4. Notwithstanding the submitted plans, full engineering details of the vehicular access and internal drive and turning area shall be submitted to and approved in writing with the Local Planning Authority before the commencement of development. The details shall provide for 2.4m x 45m visibility splays, an access to adoptable standards for the first 10m into the site, plus a minimum width of 5.5m to the internal access road. The agreed new vehicular access, internal drive and turning area shall be thereafter fully implemented before the first beneficial occupation of any one of the dwellings permitted.

Reason:

In the interests of highway safety.

5. No development shall take place until a scheme for the provision and implementation of a surface water regulation system which has been submitted to and approved in writing with the Local Planning Authority. The agreed scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To prevent the increased risk of flooding.

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

Reason:

To safeguard local visual amenities.

7. The detailed plan shall provide parking facilities on site to meet the standards of the Local Planning Authority.

Reason:

To ensure adequate on site car parking in the interests of highway safety.

8. The proposed dwellings shall be provided with private garden amenity space in line with the Council's adopted Supplementary Planning Guidance on Amenity Standards.

Reason:

To ensure an acceptable level of private amenity space and in the interests of general residential amenities.

NOTE:

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

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. and Mrs. H. Ginn, C/o Agent
Andrew Parker Architect, Studio 1 , The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR

New dwelling at White Wells Farm, Peterston Super Ely

Proposed demolition of existing dwelling and construction of new dwelling

SITE DESCRIPTION

A traditional detached farmhouse within an attached mono-pitch storage shed, and a rear lean-to bathroom and kitchen extension at White Wells Farm, Peterston-Super-Ely.

The site lies within the open countryside and the Ely Valley and Ridge Slopes Special Landscape Area but outside the Identified Settlement Boundary of Peterston-Super-Ely and the Conservation Area.

The site is approximately 0.6 Ha and it is accessed via a shared drive with the residential properties of The Mount and The Meadows.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish the dwelling and construct a new dwelling in its place. The previously approved scheme (ref: 04/01741/FUL) proposed the demolition of the stone/block and brick faced store with corrugated roof at the side of the house, the stone lean-to bathroom extension and the cat-slide kitchen element as well as an extension to the side and rear of the house and the refurbishment of the existing dwelling. However, after commissioning a structural survey of the dwelling, it was concluded that it would not be structurally, aesthetically or financially viable to attend to the defects and underpin the building and it was advised to demolish the old structure and rebuild with a new house. The new proposal eliminates the valley detail linking the old house to the extensions and the double pitch roof.

The approved extension increased the depth of the house from 8.2m to 12m and the length of the property from 14.6m to 20.4m with a two storey side and rear extension. It is now proposed to demolish the existing farmhouse and erect a new dwelling to roughly the same footprint as the approved scheme (12.2m deep and 20.6m long) with a single storey utility room extension with pitch roof and a cat-slide stairwell extension to the rear and a lean-to porch to the front elevation. The day room and kitchen block to the western end of the new dwelling is to be set back a metre from the front building line and 250mm below the ridge line of the main element of the house. The dwelling has a traditional pitched roof (5.4m to eaves and 9.1m to ridge) and the ground will be re-graded to be consistent with the original height of the dwelling to retain the character and appearance of the rural farmhouse. The dwelling will accommodate a dayroom, kitchen, utility room, study, closet, drawing room, hall, dining room and family room at ground floor and six bedrooms, two bathrooms and an en-suite at first floor. It is to be constructed of roughcast rendered walls (painted white), a natural slate roof, timber painted doors and windows with stone heads and cills, black aluminium guttering and down pipes and a Forest of Dean stone plinth and columns.

It should be noted that the original proposal was for a Regency/Georgian style dwelling and a more traditional farmhouse appearance is now proposed following negotiations with the agent and client. The site can easily accommodate at least 6 No. vehicles and there is ample amenity space to the front, sides and rear of the dwelling.

PLANNING HISTORY

04/01741/FUL - Refurbishment of existing farmhouse including new extension and redevelopment of existing inhabitable external buildings to current B Regulations standards. Approved 9th September, 2005.

89/01033/OUT - Residential dwelling on land to the north-east of the farm. Refused 5th September, 1989.

CONSULTATIONS

Peterston-Super-Ely Community Council - Were consulted on 13th December, 2005. No comments have been received to date.

The Head of Visible Services (Highway Development) – Were consulted on 13th December, 2005.

“Further to the recent site inspection undertaken in relation to the above application, I would comment that the Highway Authority has no objection to the development proposals.”

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) - Were consulted on 13th December, 2005. No comments have been received to date.

Environment Agency Wales – Were consulted on 13th December, 2005. The Agency responded with their standard advice and guidance note for developers.

Dwr Cymru/Welsh Water - Were consulted on 13th December, 2005. No comments have been received to date. However, they originally commented as follows:

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

The Operational Manager Engineering Design – “Watercourses pass through the site and it may be affected by the proposals. The developer will be required to maintain flows within the watercourses, during and after the works, and should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the commencement of any works.”

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted on 26th June, 2006. On the previous application, she confirmed that the buildings may provide potential roost sites for bats, may be used by nesting birds and several ponds within 500m of the site may result in the application site being used by Great crested newts. It was recommended that a bat survey be carried out and a condition be attached to any consent stating that works should be carried out outside the nesting season which is generally recognised to be from March to September.

The Countryside Council for Wales was previously consulted following receipt of the bat survey that detected the presence of brown long-eared bats (and possibly also pipistrelle bats). The CCW were also sent a method statement by the bat surveyor and their original comments are as follows:

“The developer has committed to providing alternative roosting space for the bats post development and protecting the bats during the development by carrying out works as described in the method statement. Therefore we are of the opinion that the long and short-term security of the bats has been demonstrated and we are confident that this development will not detrimentally impact on the favourable conservation status of the species concerned. I would recommend that if planning permission is granted, that a condition is attached which requires the developer to adhere to the method statement.” Any additional comments will be reported to Committee.

REPRESENTATIONS

Neighbouring occupiers were notified on 13th December, 2005. No comments have been received to date.

REPORT

The site lies in the open countryside and the Ely Valley and Ridge Slopes Special Landscape Area but outside any designated Rural Settlement Boundaries. The proposal can be assessed against Strategic Policy 1 (The Environment) and Policies ENV1 (Development in the Countryside), ENV4 (Special Landscape Areas), HOUS7 (Replacement and Extension of Dwellings in the Countryside), ENV27 (Design of New Developments and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Planning Policy Wales (March 2002) and the Council's approved parking guidelines, the adopted Supplementary Planning Guidance Notes on 'Amenity Standards' and 'Design in the Landscape' and the Landscapes Working for the Vale of Glamorgan.

The main issues relate to the proposed demolition and re-build of the dwelling in the countryside, the design of the new dwelling and its impact on the character and appearance of the surrounding countryside and the Ely Valley and Ridge Slopes Special Landscape Area.

The property is a detached farmhouse in a secluded part of the Vale. The amended proposals are consistent with the original appearance of the traditional farmhouse and the scale of the new build is comparable to the approved extensions and alterations. The revised scheme is in keeping with the design and materials of the original house.

Policy HOUS7 of the UDP states:

THE REPLACEMENT OR EXTENSION OF DWELLINGS IN THE COUNTRYSIDE WILL BE STRICTLY CONTROLLED. PROPOSALS WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE EXTENDED DWELLING IS NOT DISPROPORTIONATE IN SIZE TO THE ORIGINAL DWELLING;
- (ii) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE READILY AVAILABLE OR CAN BE ECONOMICALLY PROVIDED;
- (iii) THE REPLACEMENT DWELLING OR DWELLING AS EXTENDED DOES NOT REQUIRE AN UNACCEPTABLE EXTENSION OF THE EXISTING RESIDENTIAL CURTILAGE;
- (iv) IN RESPECT OF REPLACEMENT DWELLINGS, PARKING AND AMENITY SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (v) THE SCALE, SITING, DESIGN, MATERIALS, LANDSCAPING AND AEXTERNAL APPEARANCE OF THE REPLACEMENT DWELLING OR EXTENSION IS COMPATIBLE WITH ANY EXISTING RELATED STRUCTURES AND THE SURROUNDING LANDSCAPE; AND
- (vi) IN THE CASE OF REPLACEMENT DWELLINGS FOR DERELICT BUILDINGS, THE RESIDENTIAL USE OF THE BUILDING HAS NOT BEEN ABANDONED.

Although Policy HOUS7 does not refer specifically to the requirement for a structural survey where the total demolition and replacement of an existing property in the countryside is proposed, supporting paragraph 4.4.74 does. Local and national planning policy seeks to resist the development of new dwellings in the countryside unless they can be properly justified. In view of this restrictive approach, a structural survey assists by demonstrating the need to replace/rebuild an existing property in the countryside. The structural survey highlights 16 defects in the building. In summary, it concludes that the existing dwelling cannot be easily or economically repaired, it requires extensive underpinning and the applicants feel that the accommodation is sub-standard and inadequate for their living requirements with a series of internal steps and low windows at 1st floor making it unsuitable for young and elderly relatives. However, the Council's Building Control Officer has confirmed that the sub-standard headroom heights within the rooms and the stair construction are existing problems which were present in the original construction of the dwelling and do not require alteration under Building Regulations. He also confirms that the structural issues raised could be rectified without demolition of the property but concludes that there may be a large financial burden in order to achieve a satisfactory level of accommodation, and therefore it may be a more economical solution to demolish the existing unit and rebuild.

Whilst the existing dwelling is structurally sound and the demolition and rebuilding of it cannot be justified in planning policy terms the existing building is not of any architectural note and the approved scheme to extend the property has a complex system of roof gullies that is likely to detract from the simple appearance and character of the dwelling. Therefore, it is considered that a new sympathetically designed dwelling may be the most practical solution in this instance, in any event.

The latest revised drawings are a significant improvement on the previous submissions as they retain the character of the original dwelling house to the front and the ridge height will be the same as the existing. The setting back and down of the western element makes it appear as a more subservient element to the main part of the building, in accordance with Policies HOUS7 and ENV27 of the UDP.

Policy ENV4 (Special Landscape Areas) states that: "New development within or closely related to SLA's will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the SLA." It is considered that the proposal does not have a negative impact on the visual amenities of the area, preserves the character of the Special Landscape Area and retains the appearance of the original farmhouse from the front elevation. Parking spaces (at least six) are already provided at the front and there is ample amenity space on site. The nearest residential dwelling is approximately 240m away and the property is set into a small valley so the proposal should not have a detrimental effect on the privacy or amenities of neighbouring occupiers.

As with the previous application, the developer may have to apply for a development licence from the NAW due to the presence of bats and nesting birds although this application does not involve the conversion of any agricultural buildings. The planning report should demonstrate that the "three tests" (which are used by the NAW to assess licence applications) have been applied.

Mitigation measures for bats are proposed on site, chiefly by means of providing suitable nesting opportunities in the buildings. The recommendations made by the appointed ecologist in his method statement and bat survey are as follows:

1. A bat ecologist to be present on site on the first day of demolition works to brief the contractors and to make a visual check of the affected buildings for bats.
2. All contractors be informed of the situation and works shall cease in the affected area until appropriate expert advice has been sought.
3. Demolition works to proceed in the following sequence: garage/store; lean-to extension; rear extension; works to main house.
4. Demolition/construction works to be carried out in the spring period (mid March to mid April) to avoid hibernation periods and to minimise the risk of encountering summer roosting bats and nesting birds.
5. Pre-demolition/construction surveys to be carried out immediately ahead of works to ensure the absence of nesting birds and roosting bats.
6. The demolition of stone built walls to be carried out by hand.
7. The contractor to check underneath roofing sheets and tiles etc. as they are lifted off.
8. Treatment of any structural timbers with non-toxic 'bat-friendly' formulations only.

9. An appropriately qualified and licensed bat consultant will be engaged on an 'on-call' basis throughout the duration of the licence and would attend the site in the event of any bats being found to ensure their safe removal.
10. The bat consultant will also visit the site at weekly intervals during the actual demolition and t monthly intervals throughout the duration of the licence to monitor progress.

In order to offset the loss of roosting habitats for bats, a section of the roof void of the main house should be walled off from adjacent residential area to create a small void for continued use by bats. Access for bats into this area will be provided by means of modified ridge tiles, slot access roof tiles and/or eaves-level entry points as appropriate. Bat boxes will be erected in suitable locations around the building. These would be Schwegler-type boxes manufactured in woodcrete.

These recommendations have been accepted by the applicant and approved by the Council's Ecologist/Biodiversity Officer and the Countryside Council for Wales.

It is considered that there is "no satisfactory alternative" to the derogation as the property is suitable for development, the dwelling and store are dilapidated and the scheme broadly complies with the Council's relevant policies and guidance notes for the replacement of dwellings in the open countryside.

The derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range" as the bat survey report has concluded that the favourable conservation status of bats in the vicinity is unlikely to be affected by the redevelopment of the farmhouse. The provision of bat roosting boxes and allocated roosting areas will also encourage the continued use of the replacement building.

The derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment" as the redevelopment will result in the removal of an unsightly lean-to store with corrugated roof and a dated farmhouse and the works will preserve the character and appearance of the immediate environment.

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

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

To ensure that the visual amenities of the surrounding countryside and the Special Landscape Area are safeguarded.

3. This consent shall only relate to the amended plans reference 318/P/120, 122 and 123 received on 20th June, 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

4. Notwithstanding the submitted plans this consent shall relate to the above referenced amended plans and, prior to the commencement of development, details of the site layout plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out strictly in accordance with the approved amended details.

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the scale of development.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

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

Reason:

To safeguard local visual amenities.

8. Full details of a scheme for foul sewage and surface water run-off shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to the beneficial occupation of the development hereby approved.

Reason:

To ensure for the satisfactory drainage of the site.

9. The works shall be carried out in accordance with the approved bat survey, recommendations, method statement and mitigation measures.

Reason:

To safeguard issues of ecological importance.

10. The Local Planning Authority shall be notified of the start of any work on site in writing two weeks in advance of the commencement of such work.

Reason:

To enable the Local Planning Authority to examine the development in relation to the method statement and bat survey and mitigation details.

11. Prior to the commencement of any development on site, details of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

To ensure that the visual amenities of the area are safeguard.

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.

Estate of Mrs Richards (decd) c/o Agent
Fairfax and Co, 75, High Street, Cowbridge, Vale of Glamorgan. , CF71 7AF

Land formerly part of Great House Farm, Treoes

Modify or discharge Section 106 Agreement

SITE DESCRIPTION

The site comprises a grassed field on the northern edge of the village of Treoes located south of the Nant Ganna brook and adjacent to the existing houses at Llys Ty Mawr.

DESCRIPTION OF DEVELOPMENT

This is an application under Section 106A of the Town and Country Planning Act 1990 (as amended) for the modification/discharge of a legal agreement applied to planning application ref: 93/00420/OUT which was approved on 28th November, 1994. The permission granted outline consent for the residential development of the former farmyard to Great House Farm. The Legal Agreement required the following:

1. Not to develop the blue land (i.e. the area currently subject to outline planning for 4 No. houses, ref: 05/01839/OUT) or any part thereof for residential purposes by building thereon any dwellinghouse or dwellinghouses or by its enclosure within the residential curtilage of any dwellinghouse built on the red land pursuant to the planning permission.
2. Not to use the blue land other than for agriculture or for the keeping of horses or ponies or donkeys or other equine animals which animals are being kept thereon for a purpose incidental to the enjoyment of any dwellinghouse as such built on the red land pursuant to the planning permission.
3. To carry out the landscape works on the green land within a period of twelve months from the time when the planning obligations become binding as described in Clause 13.
4. To maintain the landscape works for a period not exceeding five years or until the green land is acquired by the Borough Council if that happens sooner.

PLANNING HISTORY

A full planning history of the site and associated land is provided within the outline application for residential development of the site which is also reported to this Committee, Reference 05/01839/OUT. Of particular relevance to the current application is:

93/00420/OUT – Development for housing on the Great House farmyard.
Approved 28 November 1994 subject to a S106 Legal Agreement (referred to above) and the following conditions.

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved by the Local Planning Authority before any development is commenced.
2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval.of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. The design and siting of the dwellings on that part of the application site adjoining 'Longacres' and 'Ty-Mawr' shall pay particular regard to the current level of privacy and amenities enjoyed by the occupiers of these properties.
5. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
6. A minimum of two car parking spaces shall be provided within the curtilage of each dwelling.
7. Notwithstanding the details of the illustrative site layout plan and the particulars of the proposed development as originally submitted, this permission shall relate to a maximum of five dwellings only on the application site.
8. The southern boundary of the application site shall be as indicated on plan ref: 93/00420/OUT 'A' received on 5th July, 1994.

CONSULTATIONS

Llangan Community Council - Were notified on 11th January, 2006. No comments have been received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 11 January 2006. Letters of objection have been received from the occupiers of Nos. 2 and 3 Llys Ty Mawr and The Croft, Parc Newydd. Whilst all of the representations are available on file for Committee Members inspection, the letter from the occupier of No. 2 Llys Ty Mawr is reproduced at Appendix A as being generally indicative of the points raised.

The applicant's agent has submitted a letter in support of the proposal which is reproduced at Appendix B.

REPORT

It will be noted from the planning history that outline consent for the residential development of the former farmyard to Great House Farm was approved on 28th November, 1994. At that time the Council considered that the northern section of the yard, which extended beyond the building line established at Glan y Nant on the opposite side of the road, should be omitted from the development area and retained for agricultural or equine use. A Section 106 Legal Agreement was therefore entered into to ensure the above and also to provide for a landscaped area of open space to the frontage of the site.

In conjunction with the current outline application to now develop that area for 4 No. dwellinghouses, the applicants have also applied under S106A to modify/discharge the Legal Agreement. In determining this application, the Council must consider whether the obligations continue to serve a "useful purpose" being the test under Section 106A. In making this assessment, the following points are noted.

Since determination of the outline application in 1994 there has been a material change in planning circumstances. In policy terms the site is now included within the residential settlement boundary for Treoes as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This is as a consequence of the UDP Inspectors recommendation, in considering objections to the Plan, to modify the UDP and include the site within the Treoes settlement boundary. A copy extract of his conclusions are reproduced at Appendix C. It is noted that in his conclusions the Inspector had regard to the Section 106 Agreement but given the condition of the land, and that it was unlikely that it would return to agricultural or equine use, he was of the opinion that this added weight to his conclusions that:

"Development of the site for housing would not only be consistent with this character but would, given the poor existing condition of the site, represent an acceptable "small-scale rounding off" of the village without resulting in any significant loss of countryside".

In respect of the “poor existing condition of the site” it is noted that little has changed. The land is currently in an unkempt condition and is not in use for any agricultural or equine use. It is also debatable whether the requirements of the S106 have been fully met. Even if the hedgerow bank and planting were implemented they have not been properly maintained and the land has certainly not been transferred to the Council. It is noted that the applicants agent indicates that the land will be dedicated as public open space, however in its present condition, and bearing in mind maintenance costs, plus the potential development of the remainder for private housing, then it is considered that there would be little benefit from its transfer to the Council. Instead it may be more appropriate to seek the reinstatement of the landscaping and its maintenance as an area of open space by the current owners and successors in title.

In conclusion, even if the application for the residential development of the site was rejected there is some doubt as to whether the larger part of the obligation still serves a useful purpose. Certainly, if Committee are minded to approve the outline application for the development of 4 No. detached houses then the majority of the Section 106 Legal Agreement would serve no useful purpose.

In view of the above the following recommendation is made.

RECOMMENDATION

That the S106 Legal Agreement relating to approval reference 93/00420/OUT be partially discharged and modified as follows.

1. Obligation 10.1 and 10.2 to be fully discharged. Obligations 10.3 and 10.4 to be modified to require:

The reinstatement of the landscape works on the green land, and the maintenance of the said works and land as an area of open space indefinitely, the timing and any variation of these works to be agreed in writing with the Local Planning Authority.

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.

Mrs. F. Martyn, Tinkinswood, St. Nicholas, Vale of Glamorgan
A. M. Renwick, Ty Cattwg, Llanccarfan, Vale of Glamorgan. , CF62 3AL

The Stables, Tinkinswood, St. Nicholas

Conversion of stables to tourist accommodation

SITE DESCRIPTION

The application site comprises an existing single storey stone built stable block and detached pitched roof garage with associated yard area. The buildings are sited immediately to the north of an existing dwelling house Tinkinswood, which is located in the countryside south of St. Nicholas.

DESCRIPTION OF DEVELOPMENT

The applicants wish to convert the stables to provide tourist accommodation which would be managed from the adjacent dwelling house Tinkinswood. The proposal will provide for a living room, kitchen, double bedroom, bathroom, w.c., hallway and storage space. Alterations will include a new large opening in the west gable elevation, one new window opening on the north elevation and part closure of the existing stable door openings. Vehicular access will be via the existing driveway onto the adopted Dyffryn Lane.

PLANNING HISTORY

None.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council – Were notified on 13th January, 2006 of the initial submission and re-notified of amended plans on 6th April and 1st June, 2006. No comments have been received to date.

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

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.”

Glamorgan Gwent Archaeological Trust – Comment as follows:

“The Regional Sites and Monuments Record curated by this Trust shows that the application area is located less than 100m south east of the Tinkinswood Chambered Tomb. This is a monument dating to the Neolithic period which is 40m long, with a capstone thought to weigh 40 tonnes and is associated in a compact group with standing stones and two smaller chambered tombs.

Also nearby are the remains of what may be a quarry from where the stone for the monuments were removed. These are likely to be related to prehistoric settlement in the area, although no remains of settlements have yet been located. Excavations in the early 20th Century revealed approximately 50 burials with pottery and flints and also included later material of the Bronze and Iron Ages. It is possible that the ground disturbing work may locate further archaeological material.

We note that the application is for the conversion of the existing stables, which have been rebuilt and extended, since one small building is shown on the first edition O.S. map of 1878. The construction of the stables will have damaged any archaeological resource, however, archaeological material may still exist and we therefore recommend that an archaeological watching brief is undertaken during the ground works for the proposed development, including the installation of services and the relaying of floors and to attach a condition requiring the applicant to appoint an archaeologist to conduct a watching brief during any ground works required for this development to any planning permission granted by your Members. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

We would suggest that the condition should be worded:

“The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeologist.”

Reason: 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.”

Details of a list of archaeological contractors available to work in Wales are available from our website, www.ggat.org.uk under the section Services and then the sub folder Development Control.”

CADW – Comment as follows:

“I refer to your letter of 13th January, 2006 enclosing a copy of the planning application for the proposed development as described above. We assume that Cadw has been consulted under the provisions of Article 10 (l) (n) of the 1995 General Development Permitted Order.

The proposed development will not have a material effect on the setting of the scheduled ancient monument of Tinkinswood Burial Chamber (GM009). The enclosed plan shows the scheduled area of this monument outlined in red. Cadw has no concerns to raise in respect of this application.

I can also confirm that there are no Historic Parks and Gardens or Historic Landscapes affected by this proposal. These views are provided without prejudice to the Welsh Assembly Government’s consideration of the matter, should it come before it formally for determination.”

The Director of Legal and Regulatory Services (Environmental Health) Pollution Section – “I refer to your memorandum received by this department on 25th January, 2006 and my comments regarding the above application are:

- As far as I am aware this is a working stable and therefore I am concerned that if the stables are converted to holiday homes they may be subject to all odours etc associated with keeping of horses on site.
- What would be more of a problem is if the stable block, after conversion, is used as a permanent residence.

Thus although I do not object in principle to this application, I would like to see a condition restricting its use so that it does not become a permanent residence, if that is possible.”

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 13th January, 2006 and re-notified of amended plans on 6th April and 1st June, 2006. In addition, a site Notice was posted on 17th January, 2006. No representations have been received to date.

REPORT

The proposal entails the conversion of a stable block to tourism accommodation. The site is located in the countryside to the south of St. Nicholas. As such, the following policy background is relevant to the determination of the application.

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

In respect of criteria (iii) and (iv) above, Policy ENV8 refers to small scale rural conversions and states:

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS;

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

Policy ENV4 relates to Special Landscape Areas (SLA). The site is located within the Dyffryn Basin and Ridge Slopes SLA where the policy states:

NEW DEVELOPMENT WITHIN OR CLOSELY RELATED TO THE FOLLOWING SPECIAL LANDSCAPE AREAS WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED THAT IT WOULD NOT ADVERSELY EFFECT THE LANDSCAPE CHARACTER, LANDSCAPE FEATURES OR VISUAL AMENITIES OF THE SPECIAL LANDSCAPE AREA.

Policy ENV18 relates to archaeology and states:

WHERE DEVELOPMENT IS LIKELY TO AFFECT A KNOWN OR SUSPECTED SITE OF ARCHAEOLOGICAL SIGNIFICANCE, AN ARCHAEOLOGICAL EVALUATION SHOULD BE CARRIED OUT AT THE EARLIEST OPPORTUNITY AND MAY BE REQUIRED BEFORE THE PROPOSAL IS DETERMINED. DETAILED PLANS WOULD NEED TO REFLECT THE CONCLUSIONS OF THE EVALUATION.

Policy ENV27 of the UDP refers to the design of new development and is a criteria based policy that requires that new development must have full regard to the context of the local natural and built environment and its special features.

Policy TOUR1 relates to new hotels in the countryside and whilst it is not strictly relevant to the current application as it does not meet the definition of hotel in the UDP, nevertheless, it is an indication that tourism accommodation can be acceptable in the countryside where it entails the conversion of existing buildings and meets certain criteria including its scale being in keeping with surrounding uses and does not unacceptably affect the amenity and character of neighbouring environments.

The Council also has Supplementary Planning Guidance on the Conversion of Rural Buildings. This recognises that whilst the most frequent proposals for rural conversions involve residential use, other uses may be more appropriate particularly where they require less physical alteration, such as small business uses.

National guidance is contained within Planning Policy Wales March 2002 and TAN13 Tourism. These recognise the importance of tourism to the Welsh economy. Paragraph 15 of TAN13 states:

“Conversions of redundant buildings into holiday accommodation where conversion to residential dwellings would not be permitted may reduce the pressures on other housing in rural areas. Such permissions may be granted with a condition specifying use as holiday accommodation only.”

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

The initial scheme proposed not only included the conversion of the stable block but also a modern detached garage and a relatively large scale extension linking the two separate buildings. These plans were contrary to Council's conversion Policy ENV8 as it involved significant new build works plus the conversion of a domestic garage building with no rural use or character. As a result amended plans have been submitted which propose conversion of the stone built stable building only.

The structural report submitted with the application confirms that the conversion can be undertaken without substantial reconstruction or extension. In respect of criterion (iv) of Policy ENV8, which requires that the work can be undertaken without unacceptably altering the appearance and rural character of the building, it is noted that there are some new openings and alterations to existing openings. It is considered that subject to further detail as to the manner in which these openings are treated, the proposal should not detract from the existing character of the building. For example, where existing openings are to be partially blocked up, a recess should be provided, which will serve to delineate the original opening.

With regard to the proposed use, it is considered that permanent residential accommodation would not be appropriate as the building is small scale and a defined residential curtilage would have an adverse impact on the character and appearance of the surrounding Dyffryn Basin and Ridge Slopes Special Landscape Area. In addition, the Council's Environmental Health Section has confirmed that there would be an objection to permanent residential use. It is also noted that the Council's Highway Engineer is requiring the provision of a passing place on the access road to enable two vehicles to pass side by side. Such additional works would serve to urbanise the site to the detriment of the rural landscape. Whilst it is considered that such works would be a reasonable requirement in the creation of a separate and independent permanent residential unit, nevertheless, it does not appear to be necessary in relation to the more temporary and intermittent use of holiday accommodation managed in association with the existing dwelling. Thus the proposed tourism use is more acceptable than permanent residential use. Not only will it entail less intrusion into the rural landscape with no need for a residential curtilage, or the domestic trappings of permanent accommodation, but it will also contribute to the local economy. Indeed the location of the site is an appropriate and viable one for tourist accommodation being close to the Dyffryn Gardens and other nearby attractions including the capital city Cardiff.

There is a concern that as the stables are not currently redundant, there may be a "knock on" effect in terms of new build stables. However, the applicant's agent has confirmed that existing agricultural buildings to the west will be utilised.

On the issue of infrastructure, it is noted that the Environment Agency and Dwr Cymru/Welsh Water have no objections to the proposal.

The site is located within an historically significant area and is in proximity to the scheduled ancient monument of Tinkinswood Burial Chamber. Whilst Cadw have confirmed that they have no concerns in relation to the application, nevertheless, the Glamorgan Gwent Archaeological Trust are requiring a watching brief condition as some archaeological material may still exist and may be uncovered during works to provide services and the relaying of floors.

Finally, on the issue of wildlife, it is noted that the Council's Ecologist, having assessed the wildlife survey findings, is satisfied that no mitigation for bat, barn owl or great crested newt is required. However, a condition restricting the time of any working to outside the nesting season from March to September, is still required.

In conclusion, it is considered that the conversion of the stone built stables to tourist accommodation complies with Council policy and national guidance and the following recommendation is made.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans Drawing No. PAD101B and PAD102B, received on 22nd May, 2006.

Reason:

For the avoidance of doubt as to the approved details.

3. Notwithstanding the submitted plans, further details of the alterations to existing openings and new openings, to a scale of 1:20 with sections, shall be submitted to and approved in writing with the Local Planning Authority before the commencement of development. The details should show a clear recess between the original wall and any new work and be in line with the the Council's Supplementary Planning Guidance on the Conversion of Rural Buildings.

Reason:

To ensure that the existing character of the building is retained in the interests of its rural surroundings and the visual amenities of the Dyffryn Basin and Ridge Slopes Special Landscape Area.

4. The accommodation hereby approved shall be used or occupied solely as holiday let accommodation only and not as a permanent dwelling house.

Reason:

The site is not suitable for permanent residential accommodation which would be contrary to the Council's adopted policies and national guidance.

5. A register, which will include details of the guests staying at the premises hereby approved, including their home addresses, shall be retained and made available to the Local Planning Authority on request.

Reason:

To enable the Local Planning Authority to control the nature of the use.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

8. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

9. No works involved in the development hereby permitted shall be carried out during the bird nesting season between March to September inclusive, unless otherwise agreed in writing with the Local Planning Authority upon demonstration that nesting birds are absent.

Reason:

In the interests of wildlife protection.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**

3. You are advised that under the Wildlife and Countryside Act 1981, it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. For specific advice you may contact the Countryside Council for Wales, 7, Castleton Court, Fortran Road, Cardiff, Tel: 02920 772400.

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

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

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

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

St. Nicholas Trading Company T/A Trader Yachts Wales, Penarth Marina, Vale of Glamorgan.

Andrew Parker Architect, Studio 1 , The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR

Penarth Marina Car Park, Penarth

Proposed new 3 storey offices and car park

SITE DESCRIPTION

The application site relates to the western end of a large private car park accessed off Penarth Portway located on the southern side of Penarth Marina.

The existing car park is in private use for the parking of berth holder vehicles and other associated marina parking. The car park is also being used for the storage of small boat trailers.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of a purpose built sales centre and ancillary office space for Trader Yachts.

The proposed building comprises of a modern 3 storey building with a modern mono pitch roof. The building will measure a maximum length of 14.3 metres by a width of 10 metres with an eaves height of 9 metres and a ridge height of 11 metres. The accommodation will comprise the following:

- Ground floor undercroft parking area for four vehicles, main entrance, reception area, storage rooms and WC's (157 square metres of floor space).
- First floor – Two main office areas and tea room (157 square metres of floor space).
- Second floor – balcony, office, shower, WC and tea room (83 square metres of floor space).

The building will be finished in painted render (to Local Planning Authority approval) with a Rhgeizink blue-grey colour roof and windows and doors in aluminium.

The building will be served by a small forecourt area to the west of the building providing a further four parking spaces, one of which is shown as designated for disabled use. The site will be enclosed along with northern, southern and eastern boundaries by the existing boundaries which comprise of brick piers with blue railings. The layout plan indicates a new gated enclosure separating the site from the remainder of the car park although no specific details of the enclosure have been submitted.

The site will be accessed through the existing car park with access from Penarth Portway.

PLANNING HISTORY

The site has not been subject to any previous relevant planning history however the following application is of relevance to the application.

03/00573/FUL – Change of use to sales office for motor and sail yachts, at No. 25 Plas Glen Rosa. Application refused and subsequently dismissed at appeal.

03/01781/FUL – Change of use from residential use as a presentation and administration office to support a boat sales operation, at No. 25 Plas Glen Rosa. Appeal against non determination. Appeal dismissed.

CONSULTATIONS

Penarth Town Council - Were consulted on the application and raised no objection to the application.

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

- “It is understood that the existing car park is not controlled by condition or agreement under a previous planning consent. Therefore, the Highway Authority are unable to sustain an objection to the development proposals based on the reduction of existing parking within the car park.
- However, it is noted that the location of the proposed office will remove an area at the end of the car park, which is used for manoeuvring of trailers that are stored within the car park.
- Additionally, parking bays 1 and 2, proposed within the development site are not accessible as the clear unobstructed maneuvering area required behind each bay is below the minimum requirement of 6.0m.

Therefore, the manoeuvring area is required to be relocated within the existing car park and the clear unobstructed maneuvering area behind parking bays 1 and 2 proposed within the development site is required to be increased to 6.0m.”

Further information received from the agent indicates that the trailers parked within the application site are only parked on a temporary basis. It is considered that once the trailers are removed the area at the end of the car park, which the proposed development will be sited on, will not be required for manoeuvring. Therefore, the location of the office development would be acceptable to the Highway Authority.

The Director of Legal and Regulatory Services (Environmental Health (Pollution Section) – Was consulted and has responded with no comments to make.

Dwr Cymru/Welsh Water – Were consulted on the application and have requested that conditions and an advisory note be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site and that no land drainage run off is permitted, in order to protect the hydraulic overloading of the public sewerage system.

Environment Agency Wales – Were consulted and have responded with a “standard advice” guidance note for developers.

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

REPRESENTATIONS

Adjacent occupiers were notified and a site notice was also posted. To date a total of eight letters of objection have been received including a letter from the Penarth Marina and Haven Residents’ Association which is attached as Appendix A. The letters of objection are summarised below:

- The site is not designated for commercial development under the terms of the lease.
- Proposed 3 storey development is over development of the site.
- Additional traffic generation.

REPORT

The Council is aware that the applicant has been trading from the Marina since 2003 providing a boat sales facility for large motor yachts which are displayed on marina berths at the western end of the marina.

Due to limited commercial accommodation within the marina, the business was being operated from No. 25 Plas Glen Rosa, a residential dwelling. Whilst retrospective planning applications were submitted, these were refused and appeals were also dismissed on the grounds of the introduction of an undesirable commercial activity into a predominantly residential area to the detriment of local residential amenities. Following these refusals, the company now seek to provide a new purpose built sales/office building at the Marina.

In terms of assessing the application, given that no boats will be on display at the premises and given the proposed floor layout plans, the use of the building as an office would fall within a B1 use as defined in the Use Classes Order 1987 (as amended). In assessing such an application, the following policies are considered relevant as contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

Policy EMP2 – New Business and Industrial Development, states that 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 the criteria (set out in the policy) are met. However only the following criteria are relevant given that the application site is located within the settlement of Penarth.

- “(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.”

Policy ENV 27 (Design of New Developments) is also relevant which states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Issues

The application site is located at the end of a private car park located on the southern side of Penarth Portway, where such uses along this side of the road comprise of a car park and boat store and boat repair yard. Accordingly the character of this part of the marina relates to marina related uses and is physically separate from the residential element of the marina. Furthermore there is a precedent for a boat sales building with a smaller building constructed adjacent to the Marina further down Penarth Partway. Whilst the southern side of the Penarth Partway currently remains undeveloped, there are not considered to be any overriding reasons to resist the principle of development on this side of the road subject to compliance with the above referenced policies.

In relation to the above policies, the main considerations in assessing this application are considered to be the impact on local residential amenity, parking/access and the appropriateness of siting, scale, design and materials of the building.

In relation to the impact on residential amenity, the application site is located opposite the detached 3 storey town houses of Plas Glen Rosa, where the proposed building would be 20 metres from the nearest dwelling. Therefore whilst the proposed building contains a balcony and a large glazed corner elevation at first floor level, the distance is sufficient so as not to impact on the privacy of the neighbouring dwellings. In terms of noise and disturbance the use as an office will itself not generate any noise and the main level of noise would be by way of traffic generation to and from the site. It is noted that no adverse comments have been received from the Environmental Health Section.

Furthermore vehicular access to the site will be via the entrance to the existing car park, where there are uncontrolled vehicle movements. Therefore the increase in use of the existing access would result in there being little or no marked change in traffic generation from the car park as a whole. Overall it is considered that the amenities of the residents in Penarth Haven would not be adversely affected.

In relation to access and parking, following further clarification from the agent in relation to the status and use of the existing car park, it has been confirmed that the car park is private and can only be used by marina related users. Therefore the loss of part of the car park would not impact upon the availability of public parking in the marina. The highway engineer has not objected to the proposed access through the car park and the proposed parking for eight cars and the ability to turn on site would satisfy the requirements of the Parking Guidelines.

In relation to the impact of the proposal, it is a relatively large scale three storey building. In terms of the appropriateness of its scale, the nearest properties being the town houses in Plas Glen Rosa and the apartment block of The Meridian are of similar scale. Therefore the scale of the building in relation to the street scene of Penarth Portway and the opposing properties is considered acceptable. Furthermore when viewed from the westerly approach into the Marina along the Portway, the impact of the building will be further reduced by an existing screened landscaped area comprising of a bunded grassed area with mature trees. In relation to the design and materials, the building is modern and reflects the design of the more recently constructed apartment blocks found within the marina. Whilst the design is more modern than that of the nearest residential properties (Plas Glen Rosa and The Meridian), the design is nevertheless considered acceptable.

To conclude there are not considered to be any overriding reasons to refuse this application and subject to compliance with the following conditions the following recommendation is made.

Consideration of this application was deferred at the previous Committee meeting on 14th June to enable Committee Members to inspect the site. It is currently anticipated that this site inspection will take place on 12th July, 2006.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 345/P/02A received on 28th February, 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason

To ensure that visual amenities of the area are safeguarded.

4. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 345/P/02A and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety.

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

Reason:

To safeguard local visual amenities.

6. The permission hereby granted does not permit the storage or display of any boats or other associated items outside the building hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

9. The use of the offices shall not be approved by this consent until samples of the roof materials, guttering/down pipes, fascias/soffits, balustrading, window colour and render colour have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

To ensure that the visual amenities of the area are safeguarded.

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.

Rocketfine Limited, P.O. Box 294, Tarporley. , CN6 9WQ
A. T. Lloyd-Haydock, 45, Preston New Road, Blackburn, Lancs. , BB2 6AE

Land to the rear of Daniel Street, Barry

Erection of housing development, flats and associated site works (6 houses and 26 flats = total 32 units)

SITE DESCRIPTION

The site relates to an area of land situated behind residential properties and which was formerly used as allotment land but which use ceased some time ago and the site is now overgrown. The land has a boundary with Robins Lane and Westbury Close. Land drainage runs through the site.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to erect 26 No. flats in 2 No. blocks and 6 No. linked houses in two blocks (3 No. per block).

The block of 20 No. flats will have a footprint of approximately 41 metres by 7.3 metres with 2 side wings of 19.2 metres by 7.3 metres. This part of the development will be approximately 13.5 metres high to its highest point with the two wings being approximately 12.5 metres high comprising three storey accommodation. These flats will create 12 x 2 No. bedroom units, 6 x 3 No. bedroom units and 2 x 4 No. bedroom units.

The development will lie within 1 metre of the southern boundary of the site with a rear service lane which runs to the rear of Daniel Street. Parking for 15 No. cars is located to the rear of the flats, accessed via a passage through the flats, and a further 29 No. spaces are located to the front and to the western side of the flats.

The smaller block of 6 No. flats is located to the northern side of the site backing onto the dwellings at Westbury Close. The block has a footprint of approximately 17.4 metres x 6.9 metres with parking bays and is of three storeys in height being approximately 10.5 metres to ridge. 1 x 1 No. bedroom and 5 x 2 No. bedroom units are proposed. 8 No. parking spaces are indicated to the side of the flats with 4 No. spaces being double parking spaces i.e. not capable of independent use.

The 6 No. dwellings will be two storey in height but with room in the roof to accommodate a third bedroom. The height of the dwellings will be 9.4 metres. 9 No. car parking spaces are indicated to the front of the dwelling and to the side rear of the dwellings near to the cul-de-sac turning to Westbury Close.

No disabled parking spaces are indicated and no useable amenity space is provided to serve the 20 No. flats.

The block of 6 No. flats has a rear amenity area measuring approximately 22 metres in width by 3.6 metres in depth located to the north-west of the building and 2 No. smaller areas 7 x 2 metres approximately and 4 x 5 metres approximately to the front of the building. The largest rear garden to the dwellings is approximately 6 x 4 metres and the smallest is 3.6 x 4 metres.

A cycle path between the development and Westbury Close is indicated but part of the route is indicated as lying outside the application site (rear garden of No. 17 Westbury Close).

A single access point off Robins Lane will serve the development site.

Materials of construction are indicated as being to match the surrounding area.

Whilst not included within the site edged red the submitted layout plans state that Price Avenue will be closed off.

PLANNING HISTORY

93/01179/FUL – Planning consent granted for 17 No. residential units including 4 x 1 No. bed units.

90/00639/OUT – Planning consent refused for a block of flats for reasons that the scheme represented an unsatisfactory form and layout having regard to access, neighbouring privacy and amenity and a public sewer crosses the site.

91/01272/OUT – Granted consent for residential development subject to access off Westbury Close and the provision of rights of way across the site.

Most recently planning consent was dismissed at appeal on 11th January, 2005 (ref: 04/01125/OUT) for 17 No. units due to overloading of the public foul sewerage system if the development was approved.

CONSULTATIONS

Dwr Cymru/Welsh Water - See Appendix A.

The Head of Visible Services (Highways Development) - See Appendices B1, B2, B3.

Environment Agency - See Appendix C.

Council Ecologist - See Appendix D.

The Head of Legal and Regulatory Services (Environmental Health) – See Appendix E.

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

Barry Town Council – See Appendix G.

REPRESENTATIONS

Five letters of representation received, 3 in number, are attached as Appendix H or reproduced below:

No. 19 Westbury Close, Barry – “I have studied the plans for the above proposed development and note with great concern that they include 26 No. flats in three storey buildings one of which will totally overlook and overshadow my property. This I feel will lead to a total lack of privacy and on this basis I am objecting to the above planning application.”

REPORT

The site lies within the residential settlement boundary defined for Barry in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site is an allocated housing site in the Unitary Development Plan under Policy HOUS1(4). Policies HOUS2 (Additional Residential Development) and HOUS8 (Residential Development Criteria – Policy HOUS2 Settlements) are applicable. The latter lists six criteria which a development should meet to be considered acceptable. This includes the scale, form and character of a development in relation to its environs, no adverse effect on amenity or character of existing or neighbouring environments, car parking and amenity space to meet the Local Planning Authority's adopted standards and adequate community and utility services exist or are reasonably accessible and can be readily and economically provided.

The development seeks to build a combination of flats and houses and includes three storey development. The area around the site is predominately two storey development but with bungalows at Cae Glas.

In considering the layout, the development appears to represent an over development of the site. The provision of parking meets the Local Planning Authority's standards, however the layout of the spaces to the rear of the larger flat block is substandard and the access way between the flats is approximately two metres too narrow to facilitate two way movement. As a consequence of the alterations to the car parking and allowing for the overall development layout the scheme can be considered to provide little, if any, amenity space. The large block of flats would have a small strip of land between the rear of the flats and the car parking of approximately 1.8 metres in depth. The dwellings have a useable floor area of approximately 111²m and between 24²m and 14²m of rear garden amenity space i.e. between 87²m and 97²m deficient per unit. The small block of flats has approximately 79²m and requires approximately 360²m to meet the standards.

The scale and form of the flat development is such that it is considered to significantly and adversely impact on the character of development in the area and on the amenities of the nearest residents. The three storey scale of these buildings and the overbearing nature of the blocks in relation to the more modest two storey scale development is such that the scheme is considered to severely diminish the amenities of adjoining residents.

The development includes habitable room windows at very close range not only overlooking the relatively private rear gardens of dwellings but also, in respect of Daniel Street properties, there are habitable room windows in the development within 13m of the rear of the existing dwellings. Having regard to criteria contained in Policy ENV27 of the Unitary Development Plan the scheme is considered to have failed to pay regard to criteria (i), (ii) and (v) in full. The overlooking at relatively close range of the currently private rear garden area is compounded by the scale of the development and its height relative to the established development. The development has failed to pay regard to the Supplementary Planning Guidance on securing good design in development to protect privacy and amenity of existing and future occupiers.

In relation to the access no overriding objection is raised by Highway Development to the access off Robins Lane and at Appendix B2 they indicate that if the development is to be approved then Price Avenue should be closed off as indicated.

In relation to movement through the site from Westbury Close, it is noted that a cycle path/pedestrian link is indicated. The alignment of this as annotated runs outside the site and thus if it were to be provided within the site edged red its realignment would result in the loss of at least 2 No. on site parking spaces alongside the 6 No. dwellings. This is not objected to in highway terms.

In relation to on-site drainage, Engineering Projects comments at Appendix F are that development will be limited in relation to proximity to the watercourse crossing the site. There will also be a need to restrict surface water flows to Greenfield run-off, a point noted in the supporting text at paragraph 4.4.13 to Policy HOUS1.

In relation to foul drainage, the comments of Dwr Cymru/Welsh Water at Appendix A are noted. The application in 2004 (ref: 04/01125/OUT) which was dismissed at appeal was refused because at that time it was unlikely that any upgrading works would be completed within the lifetime of the project. The upgrading works are scheduled for completion by 1st April, 2007 and thus a Grampian condition restricting connection to the foul sewer before that date is considered to be reasonable within the timescale of this development and therefore a refusal on drainage grounds is not sustained in this case.

The site is overgrown and there are trees within the site, however recent clearance of some trees has taken place. These trees were not subject to a Tree Preservation Order and thus if a scheme were to be approved for development landscaping of that development would be a requirement of any planning consent.

Having regard to Policy ENV27 the Council's adopted Supplementary Planning Guidance on Amenity Standards and Policy HOUS8 it is considered that 32 No. units on the site and in the manner proposed in this scheme constitute over development. The scheme is poorly considered in relation to the impacts it will have on the character of development in the area and on the overbearing nature of the flat development in relation to nearby existing residential properties and the privacy and amenities of those occupiers.

The following recommendation for refusal is, therefore made.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed residential development represents an insensitive overdevelopment of the site, which fails to either reflect or respect the character of development in the area, while also amounting to an overbearing and unneighbourly form of development, adversely affecting the privacy amenities of nearby residents by reason of the height, size, scale and form of the proposed buildings. Accordingly, the development is considered to amount to a poor form of design, contrary to the objectives of TAN(W)12 - Design, to advice in Planning Policy Wales, to Policies HOUS8 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's Adopted Supplementary Planning Guidance on 'Amenity Standards'.

Dr. M. L. Ham, 2, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan. , CF64 4HE

John Rosser RIBA 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan. , CF64 4HE

Elm Grove House, 12, Elm Grove Road, Dinas Powys

Full demolition of existing two storey house and single storey extension together with existing single storey detached garage

SITE DESCRIPTION

The application site comprises an existing semi-detached dwellinghouse located on Elm Grove Road at the junction with Elm Grove Lane. The site is located in a highly prominent location within the Dinas Powys Conservation Area, on the corner of Elm Grove Road and Elm Grove Lane.

The site is approximately 1 hectare in size, but is constrained both by the visibility splays (adopted highway) required at the adjacent road junction, and by a number of trees protected by Tree Preservation Order.

DESCRIPTION OF DEVELOPMENT

This application seeks Conservation Area Consent for the full demolition of the existing two storey semi detached dwelling, single storey extension and existing detached garage.

This application has been submitted in association with application ref: 06/00256/FUL for the demolition of the existing two storey semi detached dwelling, single storey dwelling and existing detached garage and reconstruction of new two storey building, which will follow the footprint of the existing semi-detached house and a smaller scale two storey, hipped roof extension attached to the gable end elevation of the main rebuilt element.

PLANNING HISTORY

There have been a number of applications submitted on the site and surroundings over the years. Those of particular relevance to the current application include:

93/00431/FUL – Land to the south of current application site for two detached dwellings. Refused 2nd September, 1993 on grounds of being detrimental to the character of the Conservation Area and over development and inappropriate development contrary to H18 of the Structure Plan.

93/00996/FUL – Land to the south of the current application site for one dwelling. Approved subject to conditions on 16th November, 1993.

03/01192/FUL – New two storey four bed detached dwelling. Refused 30th January, 2004 on the grounds of adverse affect on the character of the Conservation Area; detract from neighbouring residential amenities; and insufficient information in relation to the impact on Tree Preservation Order trees.

03/01207/FUL – Alterations and extension to the existing dwelling. Approved 30th January, 2004.

04/00030/FUL – Demolition of annexe and outbuilding, refurbishment of existing dwelling and construction of two storey extension to accommodate 2 No. apartments for the elderly. Refused 2nd July, 2004 on the grounds of adverse impact on the character of the Conservation Area; detract from neighbouring residential amenities; and adverse impact on Tree Preservation Order trees.

04/01761/FUL – Demolition of existing house and outbuildings. New build of 4 No. apartments and new boundary wall. Refused permission on the 24th March, 2005.

05/00223/CAC – Full demolition of the existing two storey house and single storey extension together with existing single storey detached garage. The dwelling is to be rebuilt on the existing footprint of the house (excluding single storey extension). Refused permission on the 24th March, 2005. An appeal was submitted but withdrawn.

05/01302/FUL – Demolition of Elmgrove House and construction of two new apartments built to footprint and height of existing building. Construction of two storey extension of two apartments. Application withdrawn.

05/01551/CAC – Demolition of dwelling and detached garage. Application withdrawn.

06/00256/FUL - Demolition of Elm Grove House and construction of two new apartment built to footprint and height of existing building. Construction of two storey extension of two apartments. Construction of 1800mm high boundary wall. Application not yet determined.

CONSULTATIONS

Dinas Powys Community Council were consulted on the application and raised an objection to the demolition of one of the oldest residential properties in Dinas Powys situated in the heart of the old village in a Conservation Area.

The Vale of Glamorgan Conservation Advisory Group at their meeting of 12th April, 2006 recommended that the application should be refused. “The Group recognised the contribution that the existing historic building makes to the character of the area and expressed concern at the lack of a condition survey to accompany the present proposal, which would confirm (or otherwise) the state of the repair of the building and its potential for retention as well as the impact on the adjacent property. The Group also expressed its previous concerns regarding the unsatisfactory form, scale and architectural composition of the proposals.

The Director of Legal and Regulatory Services (Environmental Health : Pollution Section) – Were consulted and have responded with no comment to make.

REPRESENTATIONS

Adjacent occupiers were notified and a site notice was also posted. To date a total of six letters of objection have been received of which one is attached as Appendix A. The letters also make reference to the associated full application for the redevelopment of the site. However the objections in relation to the demolition are summarised below:

- The demolition of the historic building within a prominent position within the Conservation Area.
- The property is capable of repair and refurbishment.
- The building has been rendered uninhabitable and allowed to deteriorate.

REPORT

Members of the Committee will note from the planning history that this is the sixth application submitted by the applicant, together with the associated planning application for the complete demolition of the property and the redevelopment of the site under ref: 06/00256/FUL. The previous applications ref: 05/01302/FUL and 05/01551/CAC were withdrawn.

In relation to the consideration of the acceptability of the demolition of the main house and ancillary building the following policies are considered relevant as contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy ENV17 - Protection of Built and Historic Environment

The environmental qualities of the built and historic environment will be protected. Development which has a detrimental effect on the special character, appearance or setting of:

- (i) A building or group of buildings, structure or site of special architectural or historic interest, including listed buildings and conservation areas;
- (ii) Scheduled Ancient Monuments and sites of archaeological and/ or historic interest;
- (iii) Designed landscapes, parks or gardens of historic, cultural or aesthetic importance;

will not be permitted.

Policy ENV20 - Development in Conservation Areas

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 [inter alia]:

- (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.

Policy ENV21 - Demolition in Conservation Areas

The demolition of buildings in Conservation Areas will be strictly controlled, including boundary walls, fences, railings and gates where they make an important visual contribution to the quality of the street scene. In particular:

- (i) Listed building consent for the demolition of a listed building or building / structure within its curtilage will only be given in exceptional circumstances;
- (ii) The demolition of an unlisted building or structure within a Conservation Area will be permitted where full planning permission has been granted for the proposed new use or development; and
- (iii) Proposals for the demolition of a building in a Conservation Area should be accompanied by proposals for the appropriate re-use of local indigenous materials which reflect the character of the Conservation Area.

National Planning Policy

National Policy advice on the Historic Environment is contained in Planning Policy Wales (March 2002) and Welsh Office Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas', which emphasise the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of Listed Buildings, with paragraph 6.5.15 of PPW stating that "if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a Conservation Area, or its setting, there will be a strong presumption against the grant of planning permission".

It is acknowledged that National guidance in the form of Planning Policy Wales (March 2002), places an increased emphasis on the re-use of suitable previously developed land and buildings, and advocated maximising the use of such land in urban areas. It also stresses, however, (para. 1.2.1) that the planning system is there to "regulate the development and use of land in the public interest" and to "reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, ...thereby contributing to sustainable development".

Considerations

The application site is considered to form a key location at the entrance to the central part of the Dinas Powys Conservation Area, at a point of transition between newer and more traditional development. By reason of the site's size, the open character of the site, and its prominence in the streetscene, accentuated by the levels within the site, the site and property is considered to be both highly prominent in the streetscene, and to contribute significantly to the character and appearance of the Conservation Area in this location.

Although it is acknowledged that this contribution is somewhat diminished at present as a result of the recent removal of windows and other work at the property, as well as the generally untidy appearance of its front curtilage, nevertheless, the property remains one which, within its spacious site, merits preservation. Indeed, the service of a Section 215 Notice sought to ensure that the fabric of the building is repaired such that it may continue to benefit the Conservation Area for the foreseeable future.

Justification for the Demolition of the Building

In assessing schemes where demolition is involved paragraph 33 of Circular 61/96 indicates that "the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish Listed Buildings Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment". This should be read in conjunction with Policy ENV21 of the adopted UDP.

The Council consistently applies such guidance and emphasises that development proposals affecting such sites should first start with the premise of recycling and reusing old buildings in a sensitive manner. In support of the application, a report has been submitted by a Structural Engineer (Ashley Rogers Associates) dated 14th December, 2004, which is the same report submitted under previous applications, undertaken following a visual appraisal of exposed areas from ground level.

Essentially, the report outlines that works have been undertaken to the inside of the property, but that externally the current shell remains much as prior to commencement of work (3.1), and that ...the main shell appears static at the time (4.2), The report concludes, however, that "the shell of the property has been revealed to be generally in poor condition" (5.1).

As identified by paragraph 92 of Circular 61/96, the criteria for demolition considerations include:

- The condition of the building.
- The cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
- The adequacy of efforts made to retain the building in use; and
- The merits of the alternative proposal.

Notwithstanding that a structural report has been submitted which addresses in part concerns about the structural stability of the building, and its ability to accommodate additional works required, nevertheless the Council is of the opinion that the applicants submissions, to date, have singularly failed to have appropriate regard to such matters.

In particular, the submissions have placed insufficient weight on the merits of retaining the traditional building, or addressing the impact of such a building in the conservation area. Indeed, the report pays no regard to its location in the Conservation Area. Furthermore, no exercise has been undertaken in which all relevant information, including a detailed structural report, incorporating those costs involved in refurbishment, are balanced against the alleged benefits of redeveloping the site in its entirety. Indeed, it is also necessary to consider the nature of the alternative proposal, but to balance all of the above against the costs involved in achieving a sensitive development using the traditional building as part of a wider scheme to extend accommodation on the site.

In this respect, whilst the Council acknowledge that the building does suffer from some structural disrepair, and recent demolition in part, nevertheless it does not appear incapable of refurbishment or repair. In any event, insufficient evidence has been submitted to justify or prove conclusively that the demolition of the property is the only viable alternative, with insufficient examination having been given by the appellants to the presumption in favour of retaining such buildings, and the need to address those tests in the Circular identified above, including its importance in the Conservation Area.

For the above reasons, it is considered that there is insufficient evidence to substantiate the need for complete demolition and redevelopment of the site. Furthermore, the submitted structural report does not provide evidence to support any argument that the existing building is beyond economic repair. Notwithstanding this and despite discussions between the Local Planning Authority and the applicant and agent, in relation to the deficiencies in the structural report a revised or amended report has not been submitted and remains the same report as originally submitted. Therefore in the absence of an approved scheme for redevelopment of the site (ref: 06/00256/FUL) the demolition of the building would fail to preserve or enhance the character and appearance of the Conservation Area.

The following recommendation is therefore made.

RECOMMENDATION

REFUSE

1. In the opinion of the Local Planning Authority the proposed development would result in the loss of a building that currently makes a positive contribution to the character of this part of the Dinas Powys Conservation Area. Furthermore, inadequate justification has been submitted in support of the need for demolition nor has any proposed redevelopment scheme been approved for the site. Accordingly, the demolition of the building would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Policies ENV17 (Protection of Built and Historic Environment), ENV20 (Development in Conservation Areas) and ENV21 (Demolition in Conservation Areas) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales March 2002 and WO Circular 61/96.

E. R. & D. L. Jenkins, Briar Hall, Llantarnam Gardens, Newport Road, Torfaen, NP44 3HN

E. R. & D. L. Jenkins, Briar Hall, Llantarnam Gardens, Newport Road, Torfaen. , NP44 3HN

HM land registry title number WA594793, land at Trehill, St. Nicholas

2 no. detached residences

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

The application was advertised on 7th February, 2006.

SITE DESCRIPTION

The application relates to an undeveloped area of open land on the north western fringe of St. Nicholas. Cottrell Park golf course is located to the north west of the site.

DESCRIPTION OF DEVELOPMENT

This is a full planning application seeking to construct 2 No. detached residential properties on the site. Both properties have four bedrooms. Access to Plot 1 is proposed off the lane whilst Plot 2 would be accessed via the private drive serving existing residential properties to the south of the site.

PLANNING HISTORY

97/01117/FUL – Planning application for a detached dwelling was refused on 11th December 1997 but a subsequent appeal was allowed on 2nd June 1998.

99/00885/FUL – Full planning permission was granted on 27th January 2000 for a dwelling on the site.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council object to the application which would constitute over development of the site. The Community Council has been consulted on the revised plans recently submitted and any comments received will be reported at Committee.

Glamorgan Gwent Archaeological Trust - Has no objection to the application.

Vale of Glamorgan Conservation Advisory Group - Considered that the development of the site would have an adverse effect on the Conservation Area, being out of keeping with the character of the Conservation Area.

The Head of Visible Services (Highways Engineers) - Has requested that revised plans be submitted regarding the proposed access arrangements.

REPRESENTATIONS

Neighbouring occupiers have been consulted. The occupiers of Charnwood, The Old Manse and Gates End House have objected to the application (see letters attached as Appendix A). Neighbours have been re-consulted on the amended plans and any comments received will be reported at Committee.

REPORT

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site lies within the St. Nicholas residential settlement boundary. The eastern part of the site is located within the St. Nicholas Conservation Area. The site also immediately adjoins the Ely Valley Special Landscape Area to the north.

Policy HOUS2 states that housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS8 will be permitted within the settlement boundaries of rural settlements including that of St. Nicholas.

Policy HOUS8 of the Unitary Development Plan states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets a number of criteria, including that the scale, form and character of the proposed development is sympathetic to the environs of the site and the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments.

Policy HOUS11 states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Two planning permissions have previously been granted to construct a single dwelling on the site, although these permissions were never implemented and have both now time expired. The site is located within the settlement boundary, and so the principle of constructing two houses on the site is considered acceptable.

The main issues with regard to the proposal are considered to be firstly the scale and extent of development, having regard to the Council's adopted Supplementary Planning Guidance 'Amenity Standards', and secondly, the impact of the proposal on the appearance and character of the conservation area, in light of Policies ENV17 and ENV20 of the Unitary Development Plan.

Further to concerns being expressed by this Department regarding the scale and design of the development, the plans have been revised as follows:

- The proposed dwelling on Plot 1 has been increased slightly (by just under a metre) in terms of its width to 23.2 metres but reduced in terms of its depth compared to the originally submitted plans. The height of the dwelling has also been reduced by a metre (now 9 metres). However, more importantly, the design of the proposed dwelling has been significantly simplified. The original plans for Plot 1, which proposed a very flamboyant design involving a mix of styles have now been withdrawn. The dwelling on Plot 1 would now match the style of the dwelling on Plot 2, albeit slightly larger. A separate garage/outbuilding previously proposed on Plot 1 has been omitted from the scheme.
- The size of the proposed dwelling on Plot 2 has been reduced by 2.2 metres to a width of 21.3 metres and in depth by approximately a metre to 13 metres. The roof structure has been simplified and the height of the proposed dwelling has also been reduced by 0.3 metres to 8.5 metres.

The Council's approved standards on amenity space require 1 square metre of amenity space per 1 square metre of floor area. The property on Plot No. 1 would have a total floor area of approximately 486 square metres, whilst the garden area would be approximately 531 square metres. The proposed dwelling on Plot No. 2 would have a floor area of approximately 402 square metres, whilst the garden area would be only approximately 410 square metres. It is considered that sufficient garden area would be provided to serve the two properties.

The eastern part of the site is located within the St. Nicholas Conservation Area. The design of the existing properties to the south of the site does little to contribute to the architectural and historic context of St. Nicholas, which is variable and centred around the historic buildings largely situated along the A48 frontage. However, the existing properties are of reasonably pleasant appearance that do nothing to harm the character and appearance of the area.

Whilst the proposed dwellings remain significant in terms of their scale, the design now proposed is more traditional in style and would have a less unsettling impact upon the character of the area. On balance, it is considered that the proposed development would preserve the character of the area and would therefore accord with Policies ENV17 and ENV20 of the Vale of Glamorgan Unitary Development Plan 1996-2011.

In terms of privacy implications, a bedroom window on the front elevation of the proposed dwelling on Plot No. 2 would be sited within 18 metres of a bedroom window in the property opposite (Trehill Manor), but given the orientation of the respective dwellings it is considered that no undue loss of privacy should occur.

There are concerns regarding the point of access to Plot No. 1, which has the potential to result in vehicular conflict with vehicles exiting the existing private drive. However, subject to agreement with the applicant to revise the proposal to create the access off the existing private drive, this is an issue that can be easily resolved by condition.

There is a large Ash tree on the site that is protected by a Tree Preservation Order. No tree survey has been submitted with the application but it is reasonably clear that the construction of the dwelling on Plot No. 2 will require the tree to be felled. However, the tree is old and in relatively poor condition and so whilst its loss would be regrettable it is not considered that the application could be resisted on the grounds of the loss of this tree. A condition is recommended to require the planting of a replacement tree on the site.

To conclude, the proposed dwellings, by virtue of their scale, height and design would preserve the character of the conservation area and would not unduly affect the amenities of neighbouring residents.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 1, 2, 3, 4, 5, 6, 7, 8 received on 26th June, 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the scale of development.

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

Reason:

To enable the Local Planning Authority to control the scale of development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no additional windows shall be inserted in the western elevation of the dwelling on Plot 2 hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers.

6. The first floor windows serving the bathroom and the guest bedroom in the western side elevation of the proposed dwelling on Plot No. 2 shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the dwelling on Plot No. 2 and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded.

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

Reason:

To ensure an orderly form of development.

8. Notwithstanding the submitted plans, prior to the commencement of development, revised plans shall be submitted to and agreed in writing with the Local Planning Authority showing the proposed vehicular access to Plot No. 1 to be served off the existing private drive. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the approved details and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision of parking and turning facilities to serve the development and in the interests of highway safety.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

12. In pursuance of Condition Nos. 10 and 11, a replacement tree shall be planted in the first planting season following occupation of the dwellings or completion of the development, whichever is the sooner in accordance with full details which shall have first been submitted to and agreed in writing with the Local Planning Authority.

Reason:

To compensate for the loss of a protected tree.

13. Full details of windows, including roof lights, eaves, doors, rainwater goods and all external finishes and materials shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out strictly in accordance with these details.

Reason:

To preserve the character of the Conservation Area.

NOTE:

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

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

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

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

Mr. P. Khehra, 192, Bedwas Road, Caerphilly. , CF83 3AU

Mr. P. Khehra, 192, Bedwas Road, Caerphilly. , CF83 3AU

Land at Twyn yr Odyn, Wenvoe

Erection of stables (horses)

SITE DESCRIPTION

The application relates to a currently unused agricultural field, approximately 0.63 ha in area, located at the rear of Hill Terrace, Twynyrodyn. The field currently has no vehicular access, with the former access at the north-western corner having been blocked off by the construction of the adjoining Millennium Memorial.

DESCRIPTION OF DEVELOPMENT

A full application for the construction of an 8 metre x 4.5 metre timber stable for two horses, close to the eastern boundary of the field, plus the creation of a new vehicular access to St. Lythan's Road.

PLANNING HISTORY

05/00702/FUL - Stable for five horses plus new access. Refused 24th June, 2005.

03/00002/OUT - Outline application for two dwellings. Refused 3rd April, 2003.

01/00639/FUL - (Adjoining site) construction of millennium memorial. Approved 17th August, 2001.

CONSULTATIONS

Wenvoe Community Council - In two letters they object with 'grave concerns' about highway safety and consider that the stables would not be compatible with the adjoining pigeon loft. Their letters are attached as Appendices A and B.

The Director of Legal and Regulatory Services (Environmental Health) - Were consulted 15th February, 2006. No comments received.

REPRESENTATIONS

Neighbours were notified 15th February, 2006 and on amended plans 27th April, 2006. The application was also advertised on site on 15th February, 2006. Nine letters of objection have been received from local residents, objecting on the grounds of highway safety, possible pollution from the stables and disturbance to pigeons in an adjoining loft. Two of those letters are attached as Appendices C and D, with the remainder retained on file for Members' inspection on request.

REPORT

The stable is to be of timber construction with a painted steel roof, located in the eastern part of the field close to a pigeon loft and various domestic outbuildings on adjoining land. The stable will be visible only from the vicinity of those buildings, from where it will not be a visually intrusive feature.

The field area is adequate for the two horses proposed, and the proposal meets the objectives of Policy ENV9 (Development Involving Horses) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The site lies within a Special Landscape Area defined under Policy ENV4 (Special Landscape Areas) of the Unitary Development Plan. Within such areas, development will be permitted if it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the area. In this case, the stable will be closely related to an existing group of buildings and will be seen only as a distant feature from the highway. Any other location within the site would be more prominent and intrusive, and it is considered that the proposed location meets the objectives of the policy.

The concern of the owner of the pigeon loft regarding disturbance to his birds has been taken into consideration, but as his loft is in a location close to other buildings with a variety of uses it is considered that any additional disturbance from activity at the stable would not be unreasonable.

The proposed new access has been considered carefully. The original access to the field was at its north-west corner, but this has been obstructed by construction of the memorial and cannot be reinstated. As amended, the application is for a new access midway along the northern boundary of the site and opposite the turning to the Horse & Jockey pub and various dwellings, with a 12 metre length of hard-surfaced track leading to a new gate. The Council's highway engineers consider that the crossroads that would be created is not acceptable due to crossing and converging traffic causing potential hazards. However, the applicant has demonstrated that adequate (2.4 metre x 45 metre) visibility would be achieved toward the sharp bend to the east, although part of the similar visibility splay to the west would be over part of the base of the memorial mound, outside the applicant's control. The highway engineers advise that improved visibility could be achieved, and the danger of the crossroads overcome, by moving the access 15 metres to the east towards the sharp bend. However, this would entail the removal of an approx 35 metre length of hedgerow, which would significantly affect the rural nature of this part of the road and which would cause harm to the character of the Special Landscape Area and would not therefore be acceptable in visual terms.

In view of the likely low traffic generation created by the two stables and the impossibility of the former access to the site being reinstated, it is considered that, notwithstanding the comments of the highway engineers, the current proposal represents the best solution to achieving a new access to this otherwise landlocked site.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 1st February, 2006 other than where amended by plans reference 2TK6/TO/03 received on 25th April, 2006.

Reason:

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

3. Prior to the stables hereby approved being brought into beneficial use, the new access shown on plan ref. 2TK6/TO/03 shall be laid out and surfaced in a bound material that shall be first approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

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.

A.G. Williams, 4a, Geraints Close, Cowbridge, Vale of Glamorgan.
David Darby, ARICS, Henywen, Llandough, Nr. Cowbridge, Vale of Glamorgan.
CF71 7CR

East of 4a, Geraints Close, Cowbridge

Erection of retirement bungalow and domestic garage

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

The application was advertised on 3rd May, 2006.

SITE DESCRIPTION

The application site comprises an area of undeveloped land which lies outside the curtilage of the existing dwelling. A public footpath traverses the site, and there is an existing stream to the south.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the erection of a retirement bungalow and domestic garage. All matters other than siting, design and means of access are reserved for subsequent approval. The submitted details indicate the siting of a detached single storey, pitched roof dwelling to the east of the existing house with a detached, single storey, pitched roof double garage positioned to the rear of the existing house on the outside of the existing southern boundary. The proposed dwelling will have an 'L' shaped footprint measuring approximately 10.8m along its longest length by 4.6m on the shortest width. It will accommodate a lounge, kitchen, utility room, bathroom and 2 No. bedrooms. Whilst external appearance has been reserved the submitted details show facing brickwork with grey interlocking tiles to the roof. The proposed single garage will measure approximately 6.1m x 3m with illustrative finishes of smooth render and dark grey tiles. Vehicular access to the dwelling will be via the existing driveway that serves Nos. 4 and 4a Geraints Close. This is accessed directly onto the head of the cul-de-sac.

PLANNING HISTORY

89/01203/OUT – Outline application for two dwellings (adjacent site). Refused on 21st November, 1989 on the grounds of overdevelopment of a restricted site and adverse impact on neighbouring occupiers. A subsequent appeal was dismissed on 15th May, 1990.

91/00051/OUT – Erect dwelling and demolish existing garage (adjacent site). Refused 19th March, 1991 on the grounds that the proposed dwelling would appear as a cramped and discordant feature. A subsequent appeal was allowed subject to conditions on 31st October, 1991.

93/01160/RES – New dwelling (adjacent site). Approved 1st February, 1994. Proposal has subsequently been implemented.

03/01627/FUL – Erection of a domestic dwelling (land forming part of current application site). Refused on 5th March, 2004 on the grounds of unacceptable backland which was not considered to constitute rounding-off due to (i) the urban intrusion beyond the residential settlement boundary adversely affecting the landscape setting of the Thaw Valley and Cowbridge with Llanblethian Conservation Area; (ii) insensitive and unneighbourly backland development which would fail to preserve and safeguard the privacy and amenities of neighbouring occupiers; and (iii) intensification of the use of an existing sub-standard access and traffic movements through the cul-de-sac, with conflict of movements between the proposed occupiers and existing users of the Public Footpath No. 46 Llanblethian.

CONSULTATIONS

Cowbridge with Llanblethian Town Council – “No objections”.

Environment Agency Wales – The Agency has no objection to the proposed development but wishes to make the following comments:

“The Authority has no knowledge of flooding in this vicinity. However, you are also advised to consult with your Engineers Department, who may hold records/additional information, prior to the granting of planning consent.

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing electrical services into buildings at a high level so that plugs are located above possible flood levels. Additional guidance can be found in the Environment Agency Floodline Publication ‘Damage Limitation’. A free copy of this is available by telephoning 0845 988 1188. Reference should be made to the Office of the Deputy Prime Minister publication ‘Preparing for Floods’.

It is recommended that you consult with the Local Authority’s Engineers Department in order to establish that should any surface water drainage from this site be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) that such discharge will not cause or exacerbate any flooding in this catchment.

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

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

Sewerage

Conditions

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

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

There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to 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 to ensure no detriment to the environment.

No land drainage run-off will be permitted, either directly or indirectly, 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 the Dwy Cymru/Welsh Water's Network Development Consultants on Tel: 01443 331155.

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

Vale of Glamorgan Conservation Area Advisory Group – Refusal. The Group felt that the proposal would not enhance or preserve the character and visual amenity of the Conservation Area.

Public Rights of Way Officer – "I refer to your memo of 15th February, 2006 concerning the above application for planning consent.

The property is affected by Public Footpath No. 46 Llanblethian which crosses the area of the application. The route of the path has recently been defined at the request of the present applicant, and new fencing erected to reflect the edge of the public footpath. With this in mind there is clearly insufficient room to construct a garage in the location shown on the current planning application, between the path and the rear fence of No. 4a. Neither is there scope for a diversion of the path in this location due to the proximity of Eye Well.

I believe that the proposed new house could be accommodated within the site as shown, and would therefore not raise any objections on public footpath grounds, however I would have to object to the proposal on the grounds that the garage cannot be accommodated as shown in the application."

Later comments are as follows:

"I refer to your memo of 12th April, 2006 concerning the above revised application for planning consent.

The revised site boundary has no material effect on my previous comments of 4th April, 2006. The hedgeline, footpath and proposed garage are still shown in the same locations as before, and the garage cannot be accommodated as shown.

My objection stands.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 15th February, 2006. In addition the application was advertised on site and in the press as affecting a public right of way on 28th February, 2006. Letters of objection have been received from the occupiers of Nos. 1, 2, 3 & 5 Geraints Close. In summary the objections relate to overdevelopment, increased traffic and access problems, conflict with public footpath, intrusion into the countryside and affect on wildlife. Whilst all the representations are available on file for Committee Members inspection the letter from the occupiers of No. 2 Geraints Close is reproduced at Appendix A as being generally indicative of the points raised.

The applicants' agent has submitted a letter in support of the proposal which is reproduced at Appendix B.

REPORT

The site is located adjacent to, but outside of, the defined residential settlement boundary for Cowbridge and immediately adjacent to the Cowbridge with Llanblethian Conservation Area. The site is also traversed by Public Footpath No. 46 Llanblethian. As such the following policy background is relevant to the consideration of the application.

The adopted development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). Policy HOUS2 of the UDP allows for small scale residential development, including the 'rounding off' of Cowbridge but this is subject to the criteria contained in Policy HOUS8 which includes:

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; AND
- (vi) ADEQUENT COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy ENV 20 refers to Development in Conservation Areas and states:

PROPOSAL 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 AREAS. SUCH PROPOSALS WILL NEED TO REFLECT:

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

The supporting text recognises also that the landscape adjoining Conservation Areas form the context for Conservation Area and complement the quality of the built environment. "The loss of these areas may be severely detrimental to many of the Conservation Areas."

Indeed the site is located within the Upper Thaw Valley Special Landscape Area where Policy ENV4 of the Unitary Development Plan permits new development only where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area.

Policy ENV10 refers to the Conservation of the Countryside and states:

MEASURES TO MAINTAIN AND IMPROVE THE COUNTRYSIDE, ITS FEATURES AND RESOURCES WILL BE FAVOURED, PARTICULARLY IN THE GLAMORGAN HERITAGE COAST, AREAS OF HIGH QUALITY LANDSCAPE, AND AREAS SUBJECT TO DEVELOPMENT PRESSURE AND/OR CONFLICT SUCH AS THE URBAN FRINGE.

Policy ENV27 of the Unitary Development Plan refers to the Design of New Developments 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 SPACE.
- (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.

Policies ENV1 and HOUS3 refer to new development in the countryside and are considered relevant if the proposal fails to accord with the requirements of Policy HOUS2. Policy ENV1 states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Whilst Policy HOUS3 states:

SUBJECT TO THE PROVISIONS OF POLICY HOUSE2 THE ERECTION OF NEW DWELLINGS IN THE COUNTRYSIDE WILL BE RESTRICTED TO THOSE THAT CAN BE JUSTIFIED IN THE INTERESTS OF AGRICULTURE AND FORESTRY.

In addition to the above policies the Council had adopted Supplementary Planning Guidance on Amenity Standards and the Cowbridge with Llanblethian Conservation Area Appraisal. The area is identified as an important open space, with the landscape pastures of the Thaw Valley important to the rural setting of Cowbridge and Llanblethian. The appraisal contains a "Sensitive Development Test" and design principles which requires that the development take account of the wider setting of the site. The SPG on Amenity Standards contains guidance on not only the level and quality of private garden space but also requires consideration of privacy and the visual impact of development.

National Guidance is contained within Planning Policy Wales March 2002. Paragraph 9.3.4 requires local planning authorities to ensure that the proposed development does not damage an area's character and amenity.

It will be noted from the planning history that a similar proposal for a new dwelling on this land was refused in March 2004. The current application differs from that refusal in that it has been submitted in outline. Those details that have been submitted with the current application indicate that the means of access onto Geraints Close remains the same, but the siting of the dwelling and garage have been amended. The new dwelling is now shown sited immediately to the south of the property 4 Geraints Close, with the new garage sited to the south of 4A Geraints Close. It is noted that the applicant's agent contends that circumstances have changed since the refusal in 2004. This argument is strongly refuted and it is considered that there has been no material change in planning circumstances to warrant a reversal of the earlier refusal.

It is noted that the site still lies outside of the residential settlement boundary for Cowbridge as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011. Once again whilst the site is also outside of the Conservation Area it does lie immediately adjacent to it. As with the previous refusal, it is considered that the character of the site is such that it is related more to the undeveloped countryside of the Thaw Valley and the rural part of the Conservation Area, which it adjoins, than the urban housing to the north. The site lies to the north of an existing stream located in an area known as the Eye Well which has significance in the history of the town. There are also historical links with the public footpath that traverses the site. It is noted that the proposal will affect this Public Footpath No. 46 Llanblethian. The Council's Public Rights of Way Officer has objected to the proposal on the grounds that the garage cannot be accommodated as indicated and would therefore affect the public right of way. Neither is there scope for a diversion of the path in this location due to the proximity of the Eye Well. Thus it is considered that the revised siting of the bungalow and garage does not overcome the previous objections to the proposal on the grounds of the adverse impact on the setting of the Thaw Valley and adjacent Conservation Area. It is considered that the proposal will still result in the intrusion of urban development into this rural setting, which currently clearly defines the boundary between built development and the undeveloped open landscape of the Thaw Valley. The proposal will therefore adversely affect not only the undeveloped landscape setting of the Thaw Valley but also the wider character of this part of the Cowbridge with Llanblethian Conservation Area which is primarily semi-rural in nature.

A second reason for refusal on the earlier application related to the impact on neighbouring amenities. It is considered that the revised siting has done nothing to overcome those concerns. The proposal will still result in the intensification of the use of the cul-de-sac at Geraints Close. In addition, the vehicular access to the site is still via the existing entrance onto the cul-de-sac which is already shared between Nos. 4 and 4A Geraints Close. The proposal will entail the extension of the driveway beyond the two existing houses. It is considered that the proposed bungalow still amounts to unacceptable "tandem" type development, being sited to the rear of No. 4 and access to the side of both Nos. 4 and 4A Geraints Close. It is considered that this will result in general noise and disturbance to the occupiers of those properties from the movement of people and vehicles.

Another reason for refusal on the previous application related to highways. Whilst the applicant's agent contends that the proposal will utilise the existing access without alteration, and that one section of the Highways Department responsible for cross over details only has not objected, nevertheless, the Council's Highway Engineer, who is responsible for comments on highway issues relating to planning applications, has confirmed that there is a highway objection to the development. He has maintained his objections to the previous application on the following grounds:

Firstly the existing access is considered to be sub-standard and lacks adequate visibility to accommodate the proposed intensification of use. As such the restricted visibility resulting from the garage to No. 3 Geraints Close would create hazards to pedestrian and vehicular safety. The second grounds for objection relate to inadequate width of the driveway which does not meet the minimum requirements of 4.5 m. Any intensification of use of the existing substandard access will create increased pedestrian and vehicle hazards alongside congestion within the cul-de-sac to the detriment of highway safety.

In conclusion, it is considered that the proposal still represents an unacceptable intrusion of residential development beyond the defined residential settlement boundary for Cowbridge which will have an adverse impact on the character of both the landscape setting of the Thaw Valley and the adjacent Cowbridge with Llanblethian Conservation Area. In addition the proposal represents an unneighbourly form of backland development which would detract from the residential amenities of neighbouring occupiers and highway safety.

As such the proposal cannot be considered to constitute an acceptable or appropriate form of "rounding off" of the settlement boundary.

Finally, in a separate point it is noted that there is already an unauthorised extension of the residential curtilage which intrudes into the Special Landscape Area and requires separate enforcement action to be authorised given its harm to the character of the locality.

The report on this application was deferred at the previous Committee meeting on 14th June, 2006 to enable Committee Members to inspect the site. It is currently anticipated that this site inspection will take place on 11th July, 2006.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse the planning application, the Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure:

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

REFUSE

1. The proposal, by reason of its siting, form and character would represent an unacceptable form of backland development which is not considered to constitute the rounding off of the edge of the Cowbridge settlement boundary, for the following reasons:
 - (i) The proposal represents an unacceptable urban intrusion beyond the residential settlement boundary which would adversely affect the undeveloped, unspoilt rural landscape setting of the Thaw Valley

and the adjacent Cowbridge with Llanblethian Conservation Area.

- (ii) The proposal represents an insensitive and unneighbourly form of backland development which would fail to preserve and safeguard the privacy and amenities of neighbouring occupiers.
- (iii) The proposal will result in the intensification of the use of the existing sub-standard access and of traffic movements through the cul-de-sac to the detriment of highway and pedestrian safety.

The proposal therefore also amounts to new development in the countryside, which cannot be justified in the interests of agriculture and forestry.

For these reasons the proposal is contrary to the aims and objectives of Policies HOUS2, HOUS3, HOUS8, ENV1, ENV4, ENV10, ENV20 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

Dr. M. L. Ham, 2, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan, CF64 4HE

John Rosser RIBA 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan. , CF64 4HE

Elm Grove House, 12, Elm Grove Road, Dinas Powys

Demolition of Elm Grove House and construction of two new apartments built to footprint and height of existing building. Construction of two storey extension of two apartments. Construction of 1800mm high boundary wall

SITE DESCRIPTION

The application site comprises an existing semi-detached dwellinghouse located on Elm Grove Road at the junction with Elm Grove Lane. The site is located in a highly prominent location within the Dinas Powys Conservation Area, on the corner of Elm Grove Road and Elm Grove Lane.

The site is approximately 1 hectare in size, but is constrained both by the visibility splays (adopted highway) required at the adjacent road junction, and by a number of trees protected by Tree Preservation Order.

DESCRIPTION OF DEVELOPMENT

This is a full application for the full demolition of the dwelling and associated outbuildings and the redevelopment of the site for 4 No. two bed apartments. The proposal involves the construction of a new two storey building, which will follow the footprint of the existing semi-detached house. The new works will include:

- (a) A new two storey, pitched roof building on the footprint of the existing dwelling, measuring approximately 12.2m x 9.1m, with an eaves height of 5.2 metres and ridge height of approximately 8m. The building will provide a single pitched roof porch on the front elevation with French doors on the ground and first floors of the rear elevation. The accommodation will comprise of a ground and first floor flat.
- (b) A smaller scale two storey, hipped roof building attached to the gable end elevation of the main rebuild development, measuring approximately 8.8m x 9.1m, and set at a lower ground level with a lower ridge height of approximately 7.2m. The building will incorporate a central gabled eaves dormer on the front elevation and on the rear elevation a central eaves dormer with a set of French doors and a smaller pitched roof gabled dormer on either side. As with the main structure the building will accommodate a ground and first floor flat.
- (c) A new stone boundary wall around the road frontages of the site constructed to 1.8m in height for its length along Elm Grove Road and into Elm Grove Lane up to the existing vehicular entrance. New piers will be provided at either side of the entrance and the new wall would continue to a height of 1.2m for the remainder of the boundary with Elm Grove Lane.

- (d) The provision of 5 No. on-site car parking spaces within the front forecourt area.

The external finishes of the new building will be render with a natural slate roof.

PLANNING HISTORY

There have been a number of applications submitted on the site and surroundings over the years. Those of particular relevance to the current application include:

93/00431/FUL – Land to the south of current application site for two detached dwellings. Refused 2nd September, 1993 on grounds of being detrimental to the character of the Conservation Area and over development and inappropriate development contrary to H18 of the Structure Plan.

93/00996/FUL – Land to the south of the current application site for one dwelling. Approved subject to conditions on 16th November, 1993.

03/01192/FUL – New two storey four bed detached dwelling. Refused 30th January, 2004 on the grounds of adverse affect on the character of the Conservation Area; detract from neighbouring residential amenities; and insufficient information in relation to the impact on Tree Preservation Order trees.

03/01207/FUL – Alterations and extension to the existing dwelling. Approved 30th January, 2004.

04/00030/FUL – Demolition of annexe and outbuilding, refurbishment of existing dwelling and construction of two storey extension to accommodate 2 No. apartments for the elderly. Refused 2nd July, 2004 on the grounds of adverse impact on the character of the Conservation Area; detract from neighbouring residential amenities; and adverse impact on Tree Preservation Order trees.

04/01761/FUL – Demolition of existing house and outbuildings. New build of 4 No. apartments and new boundary wall. Refused permission on the 24th March, 2005.

05/00223/CAC – Full demolition of the existing two storey house and single storey extension together with existing single storey detached garage. The dwelling is to be rebuilt on the existing footprint of the house (excluding single storey extension). Refused permission on the 24th March, 2005. An appeal was submitted but withdrawn.

05/01302/FUL – Demolition of Elmgrove House and construction of two new apartments built to footprint and height of existing building. Construction of two storey extension of two apartments. Application withdrawn.

05/01551/CAC – Demolition of dwelling and detached garage. Application withdrawn.

06/00106/CAC - Demolition of the existing dwelling and single storey extension together with the existing detached single storey garage. Application not yet determined.

CONSULTATIONS

Dinas Powys Community Council were consulted on the application and raised an objection to the demolition of one of the oldest residential properties in Dinas Powys situated in the heart of the old village in a Conservation Area.

The Vale of Glamorgan Conservation Advisory Group at their meeting of 12th April, 2006 recommended that the application should be refused. The Group recognised the contribution that the existing historic building makes to the character of the area and expressed concern at the lack of a condition survey to accompany the present proposal, which would confirm (or otherwise) the state of the repair of the building and its potential for retention as well as the impact on the adjacent property. The Group also expressed its previous concerns regarding the unsatisfactory form, scale and architectural composition of the proposals.

The Head of Visible Services (Highways Development) - Was consulted on the application and has stated that there are no highway grounds to sustain an objection to the development, provided that the developer submits the required details for approval and subsequently provides the measures prior to beneficial occupation of the development. These details, listed below, should be made conditional to the planning approval.

- (i) The proposed boundary wall to the east of the development site adjacent to Elm Grove Lane is shown to be located within land, which is adopted highway. Therefore the applicant is required to extinguish the land under Section 116/17 of The Highways Act 1980 or Section 247 of The Town and Country Planning Act 1990 before commencement of any works at the site.
- (ii) Six resident parking bays and one visitor parking bay are required to be provided and laid out in accordance with the Highway Authorities Parking Guidelines before the development is brought into beneficial use and be therefore maintained and retained at all times for the purpose associated with the development.
- (iii) The turning and manoeuvring area within the development site is required to be maintained and retained at all times to enable vehicles to exit the site in forward gear.
- (iv) The access to the development is required to be set back by a further 1.0m from the location shown on the submitted site layout plan (Drawing No. 062/PA43) and the adjoining boundary walls splayed at a 45° angle to provide visibility splays of 2.4m x 23.0m in both directions along Elm Grove Lane.
- (v) The existing visibility splays from junction of Elm Grove Lane are required to be maintained. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.

The Director of Legal and Regulatory Services (Environmental Health : Pollution Section) – Were consulted and have responded with no comment to make.

REPRESENTATIONS

Adjacent occupiers were notified and a site notice was also posted. To date a total of three letters of objection have been received of which one is attached as Appendix A. The letters of objection are summarised below:

- The demolition of the historic building within the Conservation Area.
- Insufficient parking and increased traffic generation.
- The proposed extension would result in over development of the site.

REPORT

Members of the Committee will note from the planning history that this is the sixth application submitted by the applicant, and associated Conservation Area Consent application for complete demolition of the property and detached garage under ref: 06/00106/CAC. The previous applications ref. 05/01302/FUL and 05/01551/CAC were withdrawn.

The proposal has been further revised in an attempt to reduce the impact of the appearance of the previously refused scheme. However, the proposal as in the previous applications continues to include the demolition of the original dwelling and its replacement with a similar but modern replacement.

The Vale of Glamorgan Adopted Unitary Development Plan 1996-2011

The adopted development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 which includes the following Policies:

Policy ENV17 - Protection of Built and Historic Environment

The environmental qualities of the built and historic environment will be protected. Development which has a detrimental effect on the special character, appearance or setting of:

- (i) A building or group of buildings, structure or site of special architectural or historic interest, including listed buildings and conservation areas;
- (ii) Scheduled Ancient Monuments and sites of archaeological and/ or historic interest;
- (iii) Designed landscapes, parks or gardens of historic, cultural or aesthetic importance;

will not be permitted.

Policy ENV20 - Development in Conservation Areas

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 [inter alia]:

- (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;

Policy ENV21 - Demolition in Conservation Areas

The demolition of buildings in Conservation Areas will be strictly controlled, including boundary walls, fences, railings and gates where they make an important visual contribution to the quality of the street scene. In particular:

- Listed building consent for the demolition of a listed building or building / structure within its curtilage will only be given in exceptional circumstances;
- The demolition of an unlisted building or structure within a Conservation Area will be permitted where full planning permission has been granted for the proposed new use or development; and
- Proposals for the demolition of a building in a Conservation Area should be accompanied by proposals for the appropriate re-use of local indigenous materials which reflect the character of the Conservation Area.

Policy ENV27 - Design of New Developments

Proposals for new development must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it [inter alia]:

- (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;
- (iv) Minimises any detrimental impact on adjacent areas; and
- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features

Policy HOUS9 - Residential Development Criteria – Policy HOUS2 Settlements

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

- (i) The scale and form of the proposed development is sympathetic to the environs of the site;
- (ii) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion;

- (iii) The proposal does not have an unacceptable impact on good quality agricultural land (grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (iv) When appropriate and feasible the provisions of Policy REC3 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.

Supplementary Planning Guidance

In addition to the adopted Unitary Development Plan, the Council has adopted the following relevant Supplementary Planning Guidance:

The 'Amenity Standards' SPG seeks to explain the Council's amenity standards for residential development in a clear and easily interpreted manner, and ensure that all new residential development contributes towards a better environment and quality of life for residents, without adversely affecting the amenity enjoyed by residents.

The particular policies of the SPG of relevance to this application are as follows:

Policy 1 - 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.

Policy 3 - 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.

Developers should aim to ensure that new development is designed to minimise its impact upon both the amenities of surrounding properties and the street scene...Developers should aim to avoid siting new dwellings close to existing residential boundaries.

Crucial to the issue of privacy and amenity is the manner in which new development is incorporated into existing residential areas. Developers should aim to ensure that new development is designed to minimise its impact upon both the amenities of surrounding properties and the street scene.

The 'Trees and Development' SPG is also of relevance insofar as it provides guidance to developers on such matters, and requires the submission of tree surveys with applications.

National Planning Policy

National Policy advice on the Historic Environment is contained in Planning Policy Wales March (2002) and Welsh Office Circular 61/96 'Planning and the Historic Environment: Historic Buildings and Conservation Areas', which emphasise the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of Listed Buildings, with paragraph 6.5.15 of PPW stating that "if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a Conservation Area, or its setting, there will be a strong presumption against the grant of planning permission".

It is acknowledged that national guidance in the form of Planning Policy Wales (March 2002), places an increased emphasis on the re-use of suitable previously developed land and buildings, and advocates maximising the use of such land in urban areas. It also stresses, however, (para. 1.2.1) that the planning system is there to "regulate the development and use of land in the public interest" and to "reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, ... thereby contributing to sustainable development".

The housing section of PPW subsequently advises, at paragraph 9.2.12, that:

Sensitive design and good landscaping are particularly important if new buildings are to be fitted successfully into small vacant sites in established residential areas.

It further advises at paragraphs 9.3.3 and 9.3.4 that:

- 9.3.3 Insensitive infilling or the cumulative effects of development or redevelopment...should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.
- 9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Other national guidance of relevance is TAN12 – Design. This emphasises the importance of design in the quality of our environments. Paragraph 4.12 states that "Detailed planning permission should be granted only when the fundamental design principles of an application are clear and when adequate evidence of the design quality of the proposal has been provided".

Considerations

The application site is considered to form a key location at the entrance to the central part of the Dinas Powys Conservation Area, at a point of transition between newer and more traditional development. By reason of the site's size, the open character of the site, and its prominence in the streetscene, accentuated by the levels within the site, the site and property is considered to be both highly prominent in the streetscene, and to contribute significantly to the character and appearance of the Conservation Area in this location.

Although it is acknowledged that this contribution is somewhat diminished at present as a result of the recent removal of windows and other work at the property, as well as the generally untidy appearance of its front curtilage, nevertheless, the property remains one which, within its spacious site, merits preservation. Indeed, the service of a Section 215 Notice seeks to ensure that the fabric of the building is repaired such that it may continue to benefit the Conservation Area for the foreseeable future.

Justification for the demolition of the building

In assessing schemes where demolition is involved paragraph 33 of Circular 61/96 indicates that "the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish Listed Buildings...Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment". This should be read in conjunction with Policy ENV21 of the adopted UDP.

The Council consistently applies such guidance and emphasises that development proposals affecting such sites should first start with the premise of recycling and reusing old buildings in a sensitive manner.

In support of the application, a report has been submitted by a Structural Engineer (Ashley Rogers Associates) dated 14th December, 2004, which is the same report submitted under previous applications, undertaken following a visual appraisal of exposed areas from ground level.

Essentially, the report outlined that works have been undertaken to the inside of the property, but that externally the current shell remains much as prior to commencement of work (3.1), and that ...the main shell appears static at the time (4.2). The report concludes, however, that "the shell of the property has been revealed to be generally in poor condition" (5.1).

As identified by paragraph 92 of Circular 61/96, the criteria for demolition considerations include:

- the condition of the building;
- the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use,
- the adequacy of efforts made to retain the building in use; and

- the merits of the alternative proposal.

Notwithstanding that a structural report has been submitted which addresses, in part, concerns about the structural stability of the building, and its ability to accommodate additional works required, nevertheless the Council is of the opinion that the submissions, to date, have singularly failed to have appropriate regard to such matters.

In particular, the submissions have placed insufficient weight on the merits of retaining the traditional building, or addressing the impact of such a building in the conservation area. Indeed, the report pays no regard to its location in the Conservation Area. Furthermore, no exercise has been undertaken in which all relevant information, including a detailed structural report, incorporating those costs involved in refurbishment, are balanced against the alleged benefits of redeveloping the site in its entirety. Indeed, it is also necessary to consider the nature of the alternative proposal, but to balance all of the above against the costs involved in achieving a sensitive development using the traditional building as part of a wider scheme to extend accommodation on the site.

In this respect, whilst the Council acknowledges that the building does suffer from some structural disrepair, and recent demolition in part, nevertheless it does not appear incapable of refurbishment or repair. In any event, insufficient evidence has been submitted to justify or prove conclusively that the demolition of the property is the only viable alternative, with insufficient examination having been given by the appellants to the presumption in favour of retaining such buildings, and the need to address those tests in the Circular identified above, including its importance in the Conservation Area.

Impact of Proposals on Conservation Area

When considering the development proposals, it is necessary to give considerable weight to the character and appearance of the Conservation Area, and to the contribution of the appeal site and property to such character. In this respect, it is considered that the application site is both extensive, and highly prominent, being visually significant on the approach to the heart of the village.

Whilst the existing building is not of outstanding architectural merit, nevertheless it has historical value in the growth of the village and makes a positive contribution to the character and appearance of this part of the Dinas Powys Conservation Area. In this respect, it is notable that land to the south of the site was originally garden land to Elm Grove House but has now been developed for housing (which was granted a Civic Trust award in the 1970s). Such modern development has not, however, detracted from the essential character of the Conservation Area, as it retained the significant curtilage of the appeal property which both adds to the spaciousness of the conservation area and to the appearance of the property.

The impact of the building is heightened by the fact that the property and immediate locality has retained its traditional appearance and character. Although clearly in need of refurbishment and repair, given sensitive treatment the Council consider the property and site could continue to play a key role in defining the character of the area, and thus enhancing the setting of the Conservation Area. Indeed, the recent approval of alteration/ extension works in 2003 (ref: 03/01207/FUL) has demonstrated as such, including the retention of the existing single-storey projecting wing which adds character to the property.

As detailed above, the Council has objections to the general principle of the demolition of this property in a prominent location in the Conservation Area. Rebuilding a property is, in any event, generally discouraged since it can devalue the importance of the original properties within an area. Looking at the specifics of the proposed redevelopment, however, there are a number of areas of concern which, it is contended, would ensure that the redevelopment scheme would fail to meet the statutory objectives of preserving or enhancing the character of the Conservation Area.

With respect to the size and scale of the proposal, it is noted that it is intended to rebuild the original property to match the existing in terms of its footprint, albeit with alteration to fenestration details. In addition to the 'original', however, it is proposed to construct a two-storey extension which would project into the site by some 8.9m, thereby almost doubling the width of the existing Elm Grove House frontage.

Although the size of the proposal has been reduced in comparison with the previous refusals the foot print of the extensions remains much the same. Nevertheless, it is considered that the replacement of the existing with a building substantially larger in size and scale, would unacceptably intrude into the existing open character of the site, when viewed above the proposed boundary wall, such that it would appear as a discordant and visually intrusive feature within the street scene, and thus cause demonstrable harm to the character and appearance of the Conservation area.

In addition to the objections in terms of the size and scale of addition, the Council is also of the opinion that various elements of the overall design approach serve to add up to a 'confused' and 'fussy' appearance, which fail to respect the simplicity of the host building, and draw unwanted attention to the 'extension'. The bonnet-hipped roof, while seeking to mirror that on the adjoining property, would nevertheless do little to reduce the visual bulk of the extension, while failing to respect the gabled character of the host building. Similarly, the proposed central eaves level dormer windows to both elevations, would also be at odds with the established character of the existing building, and that of the wider conservation area.

Each of these matters serve to reinforce the conclusions reached above in terms of the unacceptable nature of the proposed redevelopment.

It is acknowledged that the scheme has been improved since its original submission through the incorporation of a new stone boundary wall around the boundaries, which would screen the proposed parking areas beyond.

Irrespective of the above, however, the Council has concluded that the proposed redevelopment remains insensitive in its approach both to the immediate setting of the original building and the wider Conservation Area. When viewed in the context of the surrounding development, it is thus concluded that the enlarged new building would fail to respect the local character of buildings and open spaces, and the need for development to minimise its impact on the surrounding area. It would therefore neither preserve or enhance the character or setting of this part of the Conservation Area.

Taking account of this established character, it is considered that the proposals thus fail to satisfy the tests embodied within the adopted Unitary Development Plan, and the adopted Supplementary Planning Guidance, which establish the framework against which the Council seeks to ensure that new development preserves or enhances the character and appearance of such areas. In particular, they require that new development satisfactorily reflect the design, character, materials and setting of those buildings that establish the character of the area, stating that any new development which is unsympathetic or out of character with the locality will not be permitted.

Impact upon existing trees within the site

The three Yew and one Giant Sequoia trees within the site are protected by Tree Preservation Orders, and are each considered to contribute significantly to the character and appearance of the Conservation Area in this location. The Tree Preservation Orders were placed upon the site as a result of their amenity value, as well as a result of an implied threat to their health and amenity value.

When dealing with development on sites where protected trees are located, the Council's approved SPG relating to trees requires accurate tree surveys to be undertaken, along with the submission of a full specification for tree works. The level of detail accompanying the application, however, falls short of such standards, with the impact on the two yew trees at the front of the site in particular being difficult to properly assess. This point was emphasised by the Tree Officer's comments in relation to previous applications which would have had the same impact on the protected trees. The impact upon the health and longevity of the two Yew trees at the front is of particular concern with the current proposals, given that they are likely to be affected by the manner of development on the site, particularly any proposed changes in ground levels and means of enclosure in that part of the site. The position of these trees has also not been accurately indicated on the submitted plans. Indeed, the plans now indicate that two of the three Yews would be removed, which is at present not considered to be justified.

In particular, he has stated that the proposed new boundary wall and the car parking are all within the safety zone for the trees and it is likely that work may affect the root system, and that insufficient information has been provided in order to fully assess the impact on the protected trees. He further provides advice on his requirements that the two Yews would require a 4m protection zone, within which no excavation/ deposition/ changes in levels should occur.

Until such time as such matters are properly considered and information provided to demonstrate that the future health and amenity of the trees in question would not be adversely affected, then the Council maintain an objection to the proposals.

In conclusion, it is considered that this revised scheme, although representing a slight improvement over previous proposals in terms of design, has not overcome the principal objection to the previous applications, which relate to the loss of the existing building. Indeed it is considered that the demolition of the existing dwelling will cause greater harm and the proposal will neither preserve nor enhance the character of this part of the Dinas Powys Conservation Area. In view of the above, the following recommendation is made.

RECOMMENDATIONS (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposed development would result in the loss of a building that currently makes a positive contribution to the character of this part of the Dinas Powys Conservation Area and would consequently fail to preserve or enhance the character of the Conservation Area. Inadequate justification has been submitted in support of the need for demolition and the development is considered to be contrary to Policies ENV17 (Protection of Built and Historic Environment), ENV20 (Development in Conservation Areas) and ENV21 (Demolition in Conservation Areas) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and national guidance contained in Planning Policy Wales March 2002 and Welsh Office Circular 61/96.
2. In the opinion of the Local Planning Authority the proposed replacement building due to its size, scale, form and design, plus the loss of this open area of land, would appear as a discordant and visually intrusive feature within the street scene which would adversely affect the appearance and character of this part of the Dinas Powys Conservation Area. Thus the proposal will neither preserve nor enhance the character of the Dinas Powys Conservation Area contrary to Policies ENV20 (Development in Conservation Areas), ENV27 (Design of New Developments) and HOUS8 (Residential Development Criteria - Policy HOUS2 Settlements) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011); Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002 and Policy TAN12 - Design.
3. Insufficient information has been provided to allow the Local Planning Authority to fully assess the impact of the proposal on the existing Redwood and Yew trees protected by a Tree Preservation Order, contrary to the advice in the Council's Supplementary Planning Guidance on Trees and Development. In the opinion of the Local Planning Authority the proposal would result in the unjustified loss of, or potentially would be likely to prejudice the long term health and viability of the trees thereby adversely affecting the appearance and character of this part of the Dinas Powys Conservation Area contrary to Policies ENV20 (Development in Conservation Areas), ENV27 (Design of New Developments) and HOUS8 (Residential Development Criteria - Policy HOUS2 Settlements) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011); Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

Russell Young, 6, Caebach Close, Culverhouse Cross, Cardiff. , CF5 4TH
Russell Young, 6, Caebach Close, Culverhouse Cross, Cardiff. , CF5 4TH

Ty Canol, Craig Penllyn

New detached dwelling house and associated site works

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 for the construction of a 4/5 No. bedroom detached dwellinghouse and associated site works. Initially the applicant had reserved all matters for detailed approval, however the Council formally requested that details of siting, design and means of access be submitted at this stage which should include levels information along with parking provision and scale and form of the proposed dwelling. Additional drawings have been submitted which show the footprint of a new dwelling, approximately 11metres x 8.5 metres, sited immediately to the north of the neighbour Rose Dew. A new vehicular access will be created to the south of the existing dwelling on the site with a new driveway, turning area and parking space to the front of the proposed dwelling. No levels or design details have been provided.

PLANNING HISTORY

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

05/01701/OUT – New 4/5 Bedroom dwellinghouse. Withdrawn 9th January, 2006.

06/00283/OUT – Demolish existing cottage and outbuildings and construct two detached houses. Withdrawn 19th June, 2006.

CONSULTATIONS

Penllyn Community Council – Comment as follows:

“Members wish to register their objection on the grounds that the application as detailed would not meet the requirements of the Visibility Standards for Roads (TAN 18) ref Planning Guidance (Wales) Technical Advice Note (Wales) 18 –

The proposed access arrangements illustrate inadequate visibility splays to meet the highway circumstances. Considering vehicle speeds at this point of the highway the minimum acceptable minor road distance (x) would be 2.4 metres with a major road distance (y) of 90 metres for plot 1.

The proposed access for plot 2 has impeded visibility to the south due to the garage adjacent to Rose Dew (the adjoining property) virtually abuts against the edge of the carriageway.

Members ask that there be no reduction of the highway standards for visibility.”

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

Dwr Cymru/Welsh Water - Were notified on 16th March and 11th May, 2006. No comments have been received to date.

Glamorgan Gwent Archaeological Trust – Comment as follows:

“The Regional Sites and Monuments Record shows that the building associated with the proposed development plot, Ty Canol, used to be a slightly smaller structure forming part of a complex of buildings orientated along the axis of the road running into Craig Penllyn from the south. The first edition OS map of the 1880's shows the building with a slightly smaller footprint than at present with the property detached from the surrounding application (garden) area by a property boundary. The third edition OS map of the early 1900's shows an extension having been attached to the eastern face of the building and the gardens open to it, reflecting its current layout.

As noted in the application for the development of the site to the north (planning application ref: 06/00283/OUT), there are no recorded archaeological features shown on the Sites and Monuments Record within the proposed development area and therefore we do not have any objections to the granting of planning consent to the current planning application on archaeological grounds.

The record is not definitive, however, any features may be disturbed during the course of the work. In this event, please contact this division of this Trust. Nevertheless, as the archaeological advisers to your Members, we have no objection to the determination of this application”.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 16th March, 2006 and re-notified of additional details on 11th May, 2006. Letters of objection have been submitted by the occupiers of “Argoed”, “Rose Dew”, “White Cottage”, and “Rosevine Cottage” and “Treffnwy”, Penllyn. Whilst all of the representations are available on file for Committee Members inspection, the letter from the occupier of “Rosevine Cottage” Penllyn is reproduced at Appendix A as being generally indicative of the points raised which in the main relate to access, parking and amenity.

The applicants' agent has submitted a letter in support of the scheme which is reproduced at Appendix B.

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 Adopted Unitary Development Plan 1996-2011 (UDP). 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 HOUS8.

Policy HOUS8 states:

SUBJECT TO THE PROVISIONS OF POLICY HOUS2, DEVELOPMENT WILL BE PERMITTED WHICH IS WITHIN OR CLOSELY RELATED TO THE DEFINED SETTLEMENT BOUNDARIES PROVIDED THAT IT MEETS ALL THE FOLLOWING CRITERIA:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (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; AND
- (vi) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy ENV27 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 Standards 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.

This is a resubmission following the withdrawal in January this year of a similar application for development on the site. That scheme proposed a siting to the rear of the plot on the higher levels of the site. This was considered unacceptable as it failed to respect the existing form of development in the immediate locality and would have appeared as an intrusive feature within the unspoilt and undeveloped rural landscape. The previous proposal was also considered unacceptable in relation to highway safety and impact on neighbouring amenity.

It is considered that the revised siting is more in keeping with the form of development in the vicinity and is less likely to have an adverse impact on the street scene, however the spacing between the properties is still restricted and a new dwelling is likely to appear as a cramped and contrived layout in relation to the existing house Ty Canol which is orientated at right angles to and on the frontage of the site with the road. In addition, the earlier objections in relation to vehicular access and impact on neighbours have not been overcome.

Whilst the re-siting of the proposed new dwelling closer to the road frontage will mean it should have less of an impact in visual terms, nevertheless it will be closer to the existing houses Ty Canol and Rose Dew. It’s positioning is such that it represents an unneighbourly form of development. Whilst it may be possible to avoid overlooking of Rose Dew, this would not be the case in relation to the existing house Ty Canol. Any windows in the frontage of the proposed dwelling would overlook the front of the existing house. In addition, the positioning of the access, driveway and parking immediately to the front of the existing dwelling will significantly detract from its outlook.

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.”

In addition Policy 3 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.”

It is noted that details of design and levels were requested to be submitted but only very minimal information on levels has been provided. Notwithstanding this, it is considered very likely that the positioning of the proposed dwelling would have an overshadowing and overbearing impact on neighbours, in particular the bedroom window referred to by the occupier of Rose Dew, plus the existing Ty Canol and its extension approved to the rear of that property.

On the issue of highways, it is noted that the proposed scheme has amended the vehicular access and positioned it at a central point between the existing house Ty Canol and the garage of the neighbouring property Rose Dew. A vision splay of 2.4m x 11.5m is shown to the south with 2.4m x 12m to the north. The applicant's agent has submitted supporting information in relation to the matter of access which has been reproduced at Appendix B. Notwithstanding this, the Council's Highway Engineer has re-affirmed the highway objections to the development. Visibility splays of 2.4 x 33m are required and cannot be achieved on the site. The proposal would therefore be detrimental to highway safety.

There are no objections to the proposal from either the Environment Agency or Glamorgan Gwent Archaeological Trust. Dwr Cymru/Welsh Water have not commented to date but have previously offered no objections.

In conclusion, it is considered that this revised scheme still represents an unacceptable form of residential development. The proposal will appear cramped in terms of its siting, with the existing houses and will have an adverse impact on both neighbouring residential amenities and highway safety.

In view of the above following recommendation is made.

RECOMMENDATION

REFUSE

1. In the opinion of the Local Planning Authority the proposal represents an unacceptable and insensitive form of infill development that would fail to preserve and safeguard the privacy and amenities of neighbouring occupiers, and would be detrimental to highway safety, contrary to Policies HOUS2 and HOUS8 - Residential Development criteria, and ENV27 - Design of New Development in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

Mr. Adrian Rowe, Maytrees, Cross Common Road, Dinas Powys, Vale of Glamorgan.
The Design Group Three, 53, Corporation Road, Grangetown, Cardiff. , CF11 7AI

Maytrees, Cross Common Road, Dinas Powys

Two storey side extension, alteration to roof and construction of roof dormers

SITE DESCRIPTION

The application site relates to an existing gabled one and a half storey bungalow, located at the junction of Cross Common Road and Longmeadow Drive in the settlement of Dinas Powys. The property appears to be interwar, with a pebble dash finish to the elevations and brown concrete interlocking rooftiles.

DESCRIPTION OF DEVELOPMENT

This application is for a two storey side extension, alteration to the roof and construction of dormers.

The two storey extension comprises a gabled extension on the front elevation of the dwelling in place of the existing front projecting gable and will extend 1 metre in length by an increased width of 2.2 metres. The gable extension will have an eaves height to match the existing eaves level and a ridge height of 6.3 metres, 0.5 metres above the existing ridge. A similar gable is proposed on the rear elevation although it will only increase the height of the wall plate and will not increase the footprint of the dwelling.

The proposal will provide an extended kitchen and dining room at ground floor and an additional bedroom with en-suite at first floor. The first floor accommodation will be served by a dormer on both the west and south facing roof planes.

The plans indicate that materials and finishes will match the existing dwelling.

PLANNING HISTORY

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

CONSULTATIONS

Dinas Powys Community Council - Were consulted on the application and raised no objection.

REPRESENTATIONS

Neighbouring residential properties were consulted 30th March, 2006 and to date one letter of representation has been received from the occupier of Derlwyn located opposite the application dwelling. The letter raises an objection to the application on the grounds that the proposed upper windows would overlook the garden which is currently bounded by a high hedge and fence and the line of sight would also directly be into a bedroom and partly into the lounge.

REPORT

In terms of assessing this application for an extension to a domestic dwelling, the most relevant policy is Policy ENV27 – Design of New Developments contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011. 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.

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

The proposal will result in the creation of a 4 No. bedroom dwelling, where the Parking Guidelines would require the provision of 3 off-street spaces to serve such a dwelling. The existing dwelling has off street parking for two vehicles. However a parking layout for three vehicles is shown on the site plan. Therefore, subject to a condition requiring the third parking space being laid out, there is no objection to the application on parking grounds.

The dwelling is located in a prominent position at the junction of Cross Common Road and Longmeadow Drive. The neighbouring dwellings are of a mix of ages, styles and materials, where the majority are two storey dwellings. The nearest dwelling is No. 15 Cross Common Road, which is a dormer bungalow and is located at a higher level than the application dwelling.

In terms of impact on the amenity of No. 15, the proposed gable on the eastern (rear) elevation of the application dwelling will be above the covered over driveway of the adjacent dwelling and the gable only contains a small high level window which is shown to be obscured and serving the bathroom. Whilst the gable would be visible from the neighbouring property for the reasons given, it would not be overbearing or result in any loss of privacy.

The main element of the extension is the proposed gable extension on the south (front) facing elevation. Whilst the gable will increase the scale and massing of the front elevation, the extended dwelling will still retain its character as a bungalow and given the mix of dwellings within the area would not appear incongruous in the street scene. In terms of overlooking, it is noted that the occupiers of Derlwyn have objected on the grounds of loss of privacy as a result of the habitable windows at first floor level. Whilst the scheme does indicate habitable windows in the front facing gable and the provision of dormers, the extended dwelling would be some 30 metres from the habitable windows of Derlwyn and some 20 metres at its nearest from the front garden of the opposing property. Furthermore Derlwyn is only served by windows at ground floor level facing the application dwelling. Therefore given the viewing distance and the mature 2 metre high hedge and mature trees screening Derlwyn, it is not considered that the level of privacy of the occupiers of the dwelling would be impacted upon.

The extension will result in the loss of some amenity space to the front of the dwelling, however the remaining level of amenity is usable and would satisfy the Council's standards in respect of amenity space for the extended dwelling.

In view of the above, an approval is recommended subject to materials and finishes matching the existing dwelling.

Consideration of this application was deferred at the previous Committee meeting on 14th June to enable Committee Members to inspect the site. It is currently anticipated that the site inspection will take place on 12th July, 2006.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on A03 and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety.

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

Reason:

To safeguard the privacy of adjoining occupiers.

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. and Mrs. D. Bluck, C/o Agent

Mr. P. Blackburn, 24, Litchard Terrace, Bridgend, Mid Glamorgan. , CF31 1PL

Garden curtilage of Tudor Lodge, Llysworney

New detached bungalow with conservatory

SITE DESCRIPTION

The application site relates to the garden curtilage of a large detached dwelling known as Tudor Lodge located some 300 metres to the south of the village of Llysworney. The dwelling has a principal access onto the main Llantwit Major to Llysworney Road (B4268) and a secondary access onto Llantwit Major Road to the east (B4270) leading to Cowbridge.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of a detached bungalow with conservatory.

The proposed bungalow will be sited some 70 metres to the east of the main house, within the approved residential curtilage of the main dwelling. The main bungalow will measure a length of 21.1 metres by a width of 8.9 metres with an average eaves height of 3 metres and ridge height of 6.5 metres. The roof will be hipped on its eastern elevation and gabled on the western elevation onto which a hipped roof conservatory 6.1 metres wide by a depth of 6.3 metres will be constructed. The total floor space of the bungalow and conservatory is some 220²m. The accommodation will provide 3 bedrooms with en-suite, cloakroom, kitchen, utility room, study, dining room, lounge and conservatory.

The bungalow will have gable eaves details over the main doorways on the front elevation. The bungalow will be finished in sand/cement render with dash finish, blue/black Eternit slates, hardwood mahogany stained windows and brown UPVC fascias, soffits and rainwater goods.

PLANNING HISTORY

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

05/00823/FUL – Single storey agricultural storage shed. Application withdrawn 28th June, 2005.

01/00867/FUL – Stable block to replace existing stable block. Approved 14th September, 2001, subject to conditions.

99/00972/FUL – Upgrade existing field gate onto B4270 as secondary access/exit and new access drive. Approved 24th November, 1999, subject to conditions.

CONSULTATIONS

Llandow Community Council - Were consulted on 10th April, 2006 and to date no comments have been received.

Glamorgan Gwent Archaeological Trust - Were consulted and have stated that there are no known archaeological sites within the immediate application area.

The Head of Visible Services (Highways Development) - Has made the following comments:

“Based on the submitted plans the access to the proposed development will be provided from the existing access that currently serves Tudor Lodge, which is located within the boundary of the development site. As the access is substandard in terms of visibility, the development proposals would represent an intensification of use, which would be detrimental to highway safety.

Therefore, in the absence of the required visibility splays (2.4m x 90.0m) being provided along the adjacent carriageway the Highway Authority object to the development proposals”

Environment Agency Wales – Were consulted on the application, and have responded with a “standard advise” guidance note for developers.

Dwr Cymru/Welsh Water - Were consulted on the application and have no comments to make as the applicant intend to use private drainage faculties.

REPRESENTATIONS

A site notice was posted and to date no letters of representation have been received.

REPORT

The application site whilst located within the residential curtilage of Tudor Lodge, is nevertheless classified as falling within the countryside as the dwelling does not fall within a residential settlement boundary.

The proposal therefore relates to the construction of a new bungalow in the countryside and as such the relevant policy in assessing this application is Policy ENV1 (Development in the Countryside) contained in The Vale of Glamorgan Adopted Unitary Development Plan 2006 - 2011 (UDP). This Policy 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; and
- (iv) development which is approved under other policies of the plan.

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

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

The proposal should also be judged against national guidance concerning the erection of new dwellings in the countryside. The relevant guidance contained with Planning Policy Wales (March 2002) is as follows:

(para. 2.5.7) Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, but new building in the open countryside away from existing settlements or areas allocated for development in UDPs must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

(para. 9.2.18) In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment... In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside away from existing settlements recognised in UDPs, or from other areas allocated for development, must be strictly controlled... "Many parts of the countryside have isolated groups of dwellings. Sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."

(para. 9.3.6) New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

Considerations

A supporting letter has been submitted by the agent, stating that the proposed bungalow will be sited on the site of the previous approved stables (for which there is an extant consent for their construction approved under ref: 01/00867/FUL). The letter adds that a medical requirement exists for the application, as the applicants' son suffers from cystic fibrosis and requires twice daily treatment and medication, provided by his mother and together with his fiancée there is a requirement to be in close proximity to his parents for his continuous care and medication.

Whilst the letter states that the bungalow will solely be for the benefit of the applicant and family members, given the distance of the bungalow from the main house, the level of accommodation proposed and the fact that it can be accessed independently for the main house via the second access, the bungalow is not considered as ancillary accommodation but a self contained dwelling capable of accommodating a family fully independent of the main house. Therefore whilst the medical circumstances and justification put forward for the application are noted, this does not have sufficient material weight to override both national and local planning policies which seek to strongly resist such unjustified development in the countryside.

The proposed bungalow would fall within the curtilage of Tudor Lodge, which was approved under ref: 83/0591/FUL for an extension of the house and extension of the residential curtilage. However, the character of the site and its immediate surroundings does appear physically separate from what was the original curtilage to the house and the site has an open rural character except for the track and large detached garage which has recently been constructed on the land. The proposed bungalow would be served by the existing track which would provide direct access either from the main house or the secondary access onto Llantwit Major Road.

In terms of the actual impact of the bungalow, it is noted that the bungalow would replace a stable block for which extant planning permission exists. The approved stable block measures 20 metres in length by a depth of 6 metres and a ridge height of 4.5 metres. The proposed bungalow is therefore larger and higher than the proposed stable block and furthermore the introduction of the residential character of the bungalow as opposed to the utilitarian and agricultural appearance of the stables, would further increase the impact of the proposal over and above the stables. Further impact in relation to the use of the bungalow would be the intensification of the use of the site by way of car parking, the formation of garden to be used by the occupiers of the bungalow and other residential trappings.

The bungalow itself would not be immediately visible from the nearest road network, however given that the site is on rising ground, it is likely that the bungalow would be visible from the village of Llysworney to the north.

In terms of access arrangements, it is noted that the Head of Visible Services has objected to the intensification and use of the existing access that currently serves Tudor Lodge detrimental to highway safety, given the absence of the required visibility splays (2.4m x 90.0m). However it is noted that a secondary access onto Llantwit Major Road (ref: 99/00972/FUL) was approved to provide an alternative safer access to the main house. Accordingly, it is not considered that there would be any overriding highway objections to the use of the secondary access to serve the bungalow. However the proposed use of the secondary access would nevertheless intensify the level of activity at the site as a whole, and it is likely that the existing dwelling will still use the principal access onto the main road (to Llysworney).

It is considered that the proposed bungalow would not constitute infill development and given that it is located some 300 metres away from the settlement of Llysworney neither is it considered as rounding off. In view of the distance of the application site from the nearest settlement of Llysworney and given the absence of any direct public footpath links to the village, the proposed dwelling would also be highly dependant on car use. As such the proposal is not considered to be located in a sustainable location.

In light of the above, this application for the construction of a detached bungalow in the countryside would both breach and undermine policies which seek to guard against unacceptable and unjustified development in the countryside. Whilst a justification for the bungalow has been submitted it is not of sufficient material weight to justify departing from such a policy presumption. The following recommendation is therefore made:

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an unjustified form of residential development in the countryside contrary to Policies ENV1 (Development in the Countryside) and HOUS3 (Dwellings in the Countryside) of the Vale of Glamorgan Adopted Unitary Development Plan 2006-2011 (UDP).

Holton Road Developments Ltd., C/o 124, High Street, Barry, Vale of Glamorgan.
, CF62 7DT
Peter Jenkins Architects, 124, High Street, Barry, Vale of Glamorgan. , CF62 6DT

Cardiff Road Business Park, Cardiff Road, Barry

New office units

SITE DESCRIPTION

The site relates to an area of overgrown land situated between established residential development and the existing Cardiff Road Business Park Industrial area.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to erect an office unit over 2 storeys with accommodation comprising 140²m of office space with ancillary accommodation of toilets and kitchen. The building will have a silver grey standing seam roof with silver grey flat metal composite panel walls.

Car parking for 6 No. cars is indicated with access through the industrial estate.

PLANNING HISTORY

Planning consent has been granted for the developments currently built on the site including, most recently, the industrial unit currently occupied by Howdens.

04/01781/FUL – For development as now proposed, this application was refused as the developer had failed to provide any information regarding flood risk assessment and concerns regarding overloading of the public sewerage system.

CONSULTATIONS

Barry Town Council – See Appendix “A”.

The Head of Visible Services (Highway Development) – See Appendix “B” as these comments apply to the current scheme which is identical to that referred to in application ref: 04/01781/FUL.

Environment Agency – See Appendix “C”.

Dwr Cymru/Welsh Water – See Appendix “D”.

The Director of Legal and Regulatory Services (Environmental Health) – Comments awaited.

Health and Safety Executive – Comments awaited.

REPRESENTATIONS

Site notice was posted and consultations with adjoining owners were undertaken on 27th April, 2006 but no comments have been received to date.

REPORT

The site lies outside the settlement boundary for Barry, as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. However, the site lies within close relationship to relatively recent industrial development. The scheme now seeks consent for office units on the land. Policy EMP3 relating to new business and industrial development, is considered to be of relevance, despite the site's location outside the defined settlement boundary.

Policy EMP3 criteria includes reference to the development not lying within the countryside. Whilst as stated above, this site is not within the settlement boundary, it is visually and physically very closely related to, and in part used for informal parking by, the established industrial units. The Local Planning Authority would therefore need to consider whether development of this site for commercial purposes would prejudice the Countryside Protection Policies of the Unitary Development Plan. It is considered that given that the development falls within close proximity to and appears to have been considered as land within the boundaries of the Cardiff Road Business Park, in historical terms the site has been included within the application site boundaries for development of the Business Park.

The design and layout of the scheme is acceptable subject to establishing site levels. In coming to this conclusion, regard has been given to the relationship of the site to the nearby residential dwellings at Morlais Street. Policy ENV27 is also of relevance and relates to design of development. In this respect, the scheme is considered acceptable. However, an important material consideration relates to site and slab levels, particularly having regard to the comments made by the Environment Agency. Any significant elevation above the existing levels of development of the adjacent unit, to overcome on-site flooding potential, would not be acceptable, given the relationship of the site to adjoining residential units.

Due to the site's location in a flood risk area, the Environment Agency had objected to application ref: 04/01781/FUL in the absence of a Flood Consequences Assessment. The current application has been accompanied by such an assessment and the comments of the Environment Agency have indicated that the assessment is considered acceptable. The findings of that assessment indicate that existing site levels vary between 6.25 and 5.05 with the estate road set at 6.00 and that the development set at a finished floor level of 6.25m AOD will not pose a flood risk for the rest of the area as "additional run-off from the Park owing to the development is insignificant and loss of potential flood storage is negligible". (Para. 4 – Assessment of Consequences of Flooding February 2006).

Subject to control over the use of the building and its curtilage, the provision of the parking spaces as detailed in the plans and the provision of landscaping, it is considered that the development is acceptable.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

4. Notwithstanding the submitted details, further details of parking on-site for disabled and bicycle parking and on-site turning area shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for the whole site including the access, turning area and disabled and bicycle parking shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for the development is provided on site to serve the development.

5. The development shall be used only for the purpose(s) specified in the application and for no other purpose whatsoever, including any other purpose in Class B1 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site.

6. The site shall be used only for the purpose(s) specified in the application and for no other purpose, whatsoever, including any other purpose in Class A, Part 3 of the schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

To control the precise nature of the use of the site.

7. The landscaping referred to in Condition No. 2 above shall pay particular regard to planting at the boundary with the residential development on Morlais Street.

Reason:

To safeguard the privacy and amenities of adjoining occupiers.

8. Prior to the commencement of any site levelling or excavation full sections of the site showing existing ground levels, finished floor levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the agreed details.

Reason:

To ensure that the development does not adversely affect the amenities of adjoining occupiers or the visual amenities of the area generally.

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. R. G. Thomas, Highfield Farm, Colwinston, Vale of Glamorgan. , CF71 7NL
Mr. R. G. Thomas, Highfield Farm, Colwinston, Vale of Glamorgan. , CF71 7NL

Field No. OS SS9475-0496, Colwinston

Conversion from agricultural redundant traditional Glamorgan limestone barn to a residential dwelling

SITE DESCRIPTION

The application site relates to a single detached stone barn located at Colwinston. The barn is a stand alone building located on the eastern side of a large field currently used for grazing. The barn is served by an existing field access served off a single width adopted road which leads to Claypit Farm and Highfield Farm. The barn lies some 150 metres to the north of a group of dwellings located at a road junction, although the barn is some 350 metres to the north of the main settlement of Colwinston, which is defined by a settlement boundary.

The barn is a single storey building and measures 19 metres by a maximum depth of 5.5 metres, with a height of 2.3 metres to eaves level and 4.4 metres to ridge level. The building comprises of a double open fronted bay on the eastern facing elevation (fronting the lane) with the remaining elevations in random stone. Openings are limited to a single door and high level window on the lane elevation of the barn. The south facing gable of the building appears to have recently been rebuilt in concrete blockwork.

Whilst the barn stands in an isolated position within a field, it should be noted that recent works have been undertaken to enclose and define the barn within its own enclosure by way of a stock proof post and wire fence where the area of the land between the barn and the lane have been scraped back and the material banded against the fence.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the residential conversion of the barn to provide a two bedroom dwelling, with kitchen, lounge and bathroom.

The external alterations relate to the softwood double glazed units with lower level boarding infill to the existing double openings and replacement door and window in the eastern elevation. The western facing elevation (facing the field) will be served by two additional windows and 3 rooflights. The southern rebuilt gable elevation will be rendered. The existing slate roof will be relaid with natural slate and clay cappings and existing stone walls will be repointed where necessary.

The curtilage shown to be used in connection with the residential use of the barn is the same as the enclosure already erected around the barn which measures a width of 22 metres by a depth of 15.5 metres. The western boundary facing the field is shown to be supplemented by a thorn hedge. The curtilage to the front of the dwelling is shown to be used for informal car parking.

PLANNING HISTORY

The site has been subject to the following planning applications.

05/00868/FUL – Conversion of barn to domestic dwelling. Application withdrawn 22nd August, 2005.

CONSULTATIONS

Colwinston Community Council - Were consulted and have stated that the application which represents the development of a residential property on open agricultural land should be opposed. The enclosure of the barn in question is regarded as a device to create a qualifying curtilage and if accepted, would create an unwise precedent. The Community Council is further concerned that if the proposed conversion was to go ahead, the resulting establishment could be held to provide a precedent for subsequent infill development.

Dwr Cymru/Welsh Water - Has been consulted on the application and have raised no objection to the application. However given the sensitive setting of the site on a 'major' aquifer, which is considered to be a potentially sensitive location with respect of controlled waters they have request the imposition of conditions of any planning permission issued.

The Head of Visible Services (Highways Department) – Was consulted on the application and has raised no objection to the proposal subject to the following requirements being satisfied:

“Further to the resent site visit in relation to the above application, I would comment that the development proposals are acceptable in principal. However, it is requested that visibility from the access along the adjacent highway is improved by relocating the existing hedgerow to the back of the 2.4m x 33.0m visibility envelope.”

The Director of Legal and Regulatory Services (Environmental Health) - Was consulted and has responded with no comment to make.

The Public Rights of Way Officer – Was consulted and made the following comments.

“The property is affected by a public footpath shown on the Definitive Map as No. 10 Colwinston, which crosses the field to the west of the barn and emerges onto the road near the southern end of the barn. There is at present no visible access at this point where there is a barbed wire fence. It is possible that a gate near the northern end of the barn is being used by the public to gain access while the correct legal route is obstructed.

As previously mentioned in my comments on ref: 05/00868/FUL, the proposed development should take the path into account, either by the incorporation of full and easy public access along the present legal definitive route, or by the making of a formal footpath Diversion Order. The current proposal includes a stile in the western boundary, and an undefined "footpath access" in the eastern boundary, but the proposal shows the straight line joining these two points being obstructed by the building itself, and any route around the edge of the building further obstructed by the construction of a bund surmounted by a stockproof fence and a thorn hedge.

My previous comments to the earlier application appear to have been noted, and access points in the boundary provided, but the treatment of the path within the development site has still been ignored. If this proposed development were to proceed it would require a formal diversion of the public footpath to remove it from the development site altogether.

Consequently, I again raise no objection to the proposal in principle providing the Public Right of Way issue is properly resolved either within the application site or the path diverted to a route just outside the site boundary. I would ask that any consent granted should be conditional on the resolution of the issues as described above."

The Council's Ecologist was consulted and has made the following comments:

"Bats

I confirm that I am happy with the bat survey submitted in respect of this application which detected no usage by bats and that no mitigation measures for bats are required.

However, since the survey highlighted potential for above-ridge-board usage by bats it is recommended that the following be included as an informative in any consent.

"All British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In the event that bats or bat roosts are found to be present, works must stop and advice must be sought from the Countryside Council for Wales, (CCW)".

Barn Owls

A large decaying ash tree just to the north of the barn adjacent to the highway has been reported to be a barn owl nesting site.

The bat and barn owl survey detected no usage of the barn by barn owl. However a little owl was seen in the barn by the surveyor and an accumulation of little owl pellets / faeces indicating recent owl use.

To mitigate for any potential loss of barn owl roosting sites within the barn it is recommended that a barn owl box be erected on the new barn conversion. The box should be positioned high up, avoiding potential predation by cats, and should avoid a west / south westerly aspect.

It is also recommended that the following be included as an informative in any consent:

“The mature, decaying ash to the north of the barn adjacent to the highway has been reported to be a barn owl nesting site. In addition to the standard protection afforded to nesting birds, barn owls have extra protection under Schedule 1 of the Wildlife and Countryside Act 1981. In the event that any tree works are proposed, advice should first be sought from the Countryside Council for Wales, tel. 029 20 772400”.

Swallows and Other Nesting Birds

The survey detected use of the barn by both little owl and swallow and there is potential that it may be used by other nesting birds.

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

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

It is also recommended that the applicant be advised of the usage of the barn by nesting swallow and be asked to consider incorporating an access and swallow nest site into the roof space of the new barn.

Great Crested Newt

It is noted that at least four ponds are shown on GIS mapping which lie within 500m of the application site, which is the recognised foraging range for a great crested newt. Should these ponds support breeding populations of great crested newt, there is the possibility that great crested newt could be using the application site as terrestrial habitat. Great crested newts are widespread in the Vale of Glamorgan.

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

It is recommended that the following good practice guidelines be included as an informative in any consent as a precautionary measure to minimise potential impacts on great crested newts, assuming potential presence on the application site:

- In the event that great crested newt is found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales, (CCW) (tel. 02920 772400).
- Take particular care when disturbing materials/dense vegetation at ground level which could be being used by sheltering/hibernating great crested newts.
- Keep grassland on/surrounding the development site short wherever possible to discourage newts from entering the site.”

REPRESENTATIONS

Neighbouring residential properties were consulted and a site notice was also posted. To date seven letters of representation have been received all of which raise an objection to the application. The grounds of objection are summarised below:

- Increased traffic and congestion.
- Development located in an isolated position in the countryside.
- The enclosure of the redundant barn with fencing and the mounds pre-empt and attempts to influence planning permission.
- Impact on the habitat of birds and wildlife.
- Deficiency of the existing drainage system within the village.
- The proposal would set a precedent for further development.

REPORT

In policy terms, the application site falls well outside the settlement of Colwinstion and as such is classified as falling within the countryside. The relevant policy in assessing the proposal is Policy ENV8 – Small Scale Rural Conversions contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

This policy states that proposals which involve small scale rural development including conversions of rural buildings to new uses will be permitted if they comply with relevant criteria. In the case of the conversion of a rural building to residential use, the following criteria contained within the above policy are applicable:

- (iii) the building is structurally sound and the conversion can be achieved without substantial reconstruction of the external walls, or extension to the building. However, each proposal will be assessed as a matter of fact and degree, depending on the particular circumstances of the case;
- (iv) conversion work can be undertaken without unacceptably altering the appearance and rural character of the building;

- (v) where residential use is considered acceptable, amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape;
- (vi) vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside;
- (vii) satisfactory parking provision can be made within the curtilage of the site;
- (x) the proposal is not incompatible with activities carried out on adjoining land. Applicants may be requested to enter into a legal agreement to control the activities of other land in their ownership;
- (xi) utility and infrastructure services can be provided without unacceptable visual intrusion and without detriment to the environment;

An assessment should also be made with regard to Policies ENV27 (Design of New Developments) and Policy ENV11 (Protection of Landscape Features) contained in the above referenced adopted plan and the adopted Supplementary Planning Guidance on the Conversion of Rural Buildings.

Planning Policy Wales March 2002 also contains relevant guidance in relation to the re-use and adaptation of existing rural buildings. Paragraph 7.6.10 states that residential conversion of rural buildings which have ceased to be used for industrial or commercial purposes, including agriculture, may have a minimal economic impact and may be detrimental to the fabric and character of historic buildings. Especially in areas where the creation of local employment is a priority, local planning authorities may include policies within the UDP which do not allow residential re-use unless:

- the applicant has made every reasonable attempt to secure suitable business re-use and the application is supported by a statement of the efforts which have been made; or
- residential conversion is a subordinate part of a scheme for business re-use; or
- the resulting housing will contribute to an identified need for affordable housing for local need.

Notably the guidance states in paragraph 7.6.11 that if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply.

Considerations

By way of background Members of Planning Committee should be aware that a near identical application was submitted under application ref: 05/00868/FUL. That application proposed the same conversion to the barn, with a much larger curtilage to serve the barn which measured a width of 30 metres by a depth of 21.5 metres, of which some 6 metres extended beyond the rear elevation of the barn into the field. The proposal also included an alteration to the existing access with a splayed rebuilt stone wall leading to a hard surfaced driveway and turning area.

Following discussions with the applicant with regard to national and local planning policies, he was advised that that the barn was sited in a large field being visible from Colwinston with no yard or enclosure around it and given its low level and limited size was considered to sit unassumingly in the rural landscape. It was considered that the provision of a large curtilage around the barn as proposed would result in undue incursion into the agricultural field and the impact of the suburban style enclosure was considered to warrant refusal of that application on that ground alone.

Furthermore, it was not considered that the size of the curtilage could be reduced or revised to a point where its impact could be minimised to a degree where it could be considered acceptable. Following further discussion, the application was withdrawn.

Therefore, in assessing the current application, regard should be given as to whether the principal concerns of the previous application can be overcome. The current application remains the same as the previous application except that the size and scale of the proposed curtilage has been reduced. The curtilage around the barn is now defined tightly and is some 1.5 metres from the rear and side elevations of the barn.

Members of the Planning Committee should note that the curtilage proposed has already been defined on site by a post and wire fence and earth bunding. These works have been undertaken between the withdrawal of the previous application and the submission of the current application. However the provision of an enclosure and the scraping back of the topsoil, are works which in this case are considered to fall outside planning control.

The applicant has therefore attempted to create an enclosed yard associated with the barn in an attempt to overcome the concerns in relation to the provision of a curtilage within the open field and the suburban impact of the use of the land as garden. The applicants supporting letter states that the stockproof fencing and earth banks are in fact a reinstatement of its original use as shown on the submitted plan of 1893. Whilst the site may well once have been partly enclosed as indicated on the historic map, this enclosure has long since been removed and therefore the barn has not within recent history been enclosed.

Whilst the reduction on the size of the curtilage does reduce the impact of the proposal, the enclosure and its domestic nature and use would nevertheless still impact on the character of the barn and the field within which it is sited.

Accordingly an enclosure around the existing building would be considered to cause harm on the rural character of the area and would be visible from the village of Colwinston to the south. Furthermore the impact of the introduction of the residential use into the field would also be highly visible from the Public Footpath (No. 10 Colwinston) which crosses the field immediately to the south of the barn in an east-west direction, where a section of the footpath would be accessed through the curtilage of the converted barn.

It should be noted that Section I of the adopted Conversion of Rural Building Supplementary Planning Guidance states:

“The spaces surrounding rural buildings are generally restricted by the nature of their original use. Unless unobtrusive and sufficient amenity space can be provided around a building without conflict with surrounding uses, the proposal will not be favourably considered. The provision of adequate amenity space should avoid the creation of a suburban style curtilage around the building, and the subdivision of open courtyards should be avoided particularly where the courtyard serves a group conversion. Proposals to incorporate any agricultural land into the curtilage of the dwelling will require planning consent for a material change in use of the land.”

It is maintained that the revised curtilage would not provide unobtrusive amenity space and furthermore, the limited space which is available to the front of the barn would only comprise of a parking area and no private or usable amenity space for the occupiers would be provided. In view of the limited amenity space, if this application were to be approved there would no doubt be continued pressure from future occupiers to extend the residential curtilage to the rear of the barn in order to provide usable and private amenity space.

In terms of the conversion of the barn, the works proposed will not require any extensions to the barn and generally only relate to internal works and alterations to the existing elevations. The main additional external works relate to the provision of two additional windows and roof lights on the rear elevation facing the field, which would domesticate the simple rural character of the barn where all existing openings are limited to the eastern (front facing) elevation.

In terms of the proposed access, whilst it will utilise the existing agricultural field access, there is a requirement to improve existing visibility to provide a 2.4 by 33 metre visibility splay in both directions. Given that the existing lane is fronted by hedgerows the provision of such a splay will require the removal of a total of some 66 metres of hedgerow. Such removal of a natural landscape feature, (even if replanted within the visibility splay) would be wholly detrimental to the rural character of the area and not in keeping with the simple agricultural field accesses found in the locality.

For the above reasons given the proposed change of use of the barn to a dwelling, provision of residential curtilage and access would be considered contrary to both local and national planning policy, causing demonstrable harm to the countryside within which it is located. It would therefore fail to accord with the objectives of Policy ENV8 – Small Scale Rural Conversions contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The loss of the hedgerow would also result in the loss of an important natural landscape feature contrary to the aims and objectives of Policy ENV11 - Protection of landscape features, contained in the above referenced adopted plan.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed residential conversion of the barn would not retain its rural character and wider landscape setting and the provision of residential curtilage and enclosure on undeveloped agricultural land, would result in undue incursion into the rural landscape which would be highly visible from the adjacent Public Footpath (No. 10 Colwinston). The provision of a new access would also require the removal of a well established, dense and continuous hedgerow and would result in the loss of an important landscape feature . The proposal is therefore contrary to Policies ENV8 (Small Scale Rural Conversions) and ENV11 (Protection of Landscape Features), contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and the approved Conversion of Rural Building Supplementary Planning Guidance and to guidance contained in Planning Policy Wales (March 2002).

Mrs. N. Bosworth, Great House Cottage, Welsh St. Donats, Vale of Glamorgan.,
CF71 7SS

Phillip Wynne Architect, 51, Eastgate, Cowbridge, Vale of Glamorgan. , CF71 7EL

143, Pontypridd Road, Barry

Demolition of existing bungalow and erection of four flats

SITE DESCRIPTION

The application site relates to a detached dormer bungalow at No. 143 Pontypridd Road, Barry. The site is approximately 735m² and lies within the designated residential settlement boundary of Barry.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish the existing bungalow and erect a two-storey block of flats. The rectangular building has a hipped roof and is 16.4m wide by 8.2m deep and 5.3m to eaves level and 7.9m to ridge height. It is to be constructed of facing brickwork walls with a fibre cement slate roof. Other features include four entrance porches with hip roofs at ground floor level on the front and side elevations.

The building will accommodate four flats (two flats per floor) and each flat will include two bedrooms, a bathroom, a lounge/dining room and a kitchen. It is also proposed to demolish an existing dwarf wall at the front of the property to allow for 8 No. parking spaces at the front of the building. A new wider crossover is proposed at a more central point at the front of the property.

PLANNING HISTORY

05/00953/FUL - Demolition of an existing bungalow and erection of 4 No. flats.
Refused 29th September, 2005 for the following reasons:

- "1. The proposal by reason of its scale and siting, is considered to represent an overbearing and unneighbourly form of development causing unreasonable loss of amenity to the occupiers of the adjoining dwellings, contrary to Policy HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's approved Supplementary Planning Guidance on 'Amenity Standards' 1999.
2. The proposal by reason of its scale and location, is considered to represent an overdevelopment of the site that fails to provide adequate and safe on-site parking provision and turning areas for both the proposed and existing properties or usable outdoor amenity space for future occupiers, contrary to Policy HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the approved South Wales Parking Guidelines and the approved 'Amenity Standards' Supplementary Planning Guidance Note (1999).

3. The proposed building by reason of its design, scale and location, is considered an obtrusive and incongruous form of development that fails to preserve or enhance the visual amenities and character of the area, contrary to Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales 2002.

90/01381/FUL - Construct double garage attached to existing house. Approved 25th January, 1991.

87/01111/FUL – Rear of No. 143 Pontypridd Road, Construction of 1 No. 5 bedroom house and garage; detached double garage and garden store. Refused 24th November, 1987.

86/01162/FUL - Landscape and surface existing waste ground fronting property. Approved 27th January, 1987.

CONSULTATIONS

Barry Town Council - Were consulted on 10th May, 2006. “Very Strong objection:

This proposal represents an inappropriate and insensitive form of infill development, which would seriously damage the character of this spacious high quality residential area to the detriment of local visual amenity contrary to Policies HOUS8 and HOUS11 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The design of the block of flats is bland and unimaginative contrary to Policy ENV27 of the Unitary Development Plan.

The development is considered to be unneighbourly particularly in respect of the proximity of the block to the boundary shared with No. 13, St. James Crescent and the fears of overlooking from the windows of principal first floor habitable rooms.”

The Head of Visible Services (Highway Development) - Was consulted on 10th May, 2006. “Further to the recent site inspection undertaken in relation to the above application, the Highway Authority would raise an objection to the proposals based on the following.

Access to the development site is proposed from Pontypridd Road, located immediately adjacent to St. James Crescent, which is likely to cause conflicts for vehicles entering and exiting both the proposed development site and St. James Crescent.”

Dwr Cymru/Welsh Water - Were consulted on 10th May, 2006. They responded with their standard advice and guidance on foul water, surface water and land drainage run-off.

Environment Agency Wales - Were consulted on 10th May, 2006. They responded with a copy of their standard advice and guidance for developers.

REPRESENTATIONS

Neighbouring occupiers were notified on 10th May, 2006. The occupiers of Trewern (No. 86b, Pontypridd Road), Copper Beach (No. 86d, Pontypridd Road) Trystings (No. 147, Pontypridd Road), Nos. 86, 88, 139 and 145, Pontypridd Road have objected to the proposal on the following grounds:

- The scheme is similar to the previously refused proposal.
- The demolition of a well presented bungalow.
- The scheme is not in keeping with surrounding properties.
- The lack of public facilities in the area.
- The application is intended as a profit making exercise.
- The lack of parking provision for visitors and the exacerbation of parking problems in the area to the detriment of highway and pedestrian safety close to the junction with St. James Crescent.
- The lack of a suitable turning area to allow access to and egress from the site in forward gear.
- The overdevelopment of the site and the shortage of outdoor amenity space for future occupiers of the flats.
- The impact of overlooking windows on the privacy of neighbouring occupiers.
- The design and scale of the development is out of keeping with the area and the established character of the houses and bungalows in the area.
- The setting of a precedent.
- The negative effect on property prices in the area.
- The building is overbearing and unneighbourly.
- The proposed parking area at the front of the property will detract from the visual amenity of the street.
- The application site includes an area at the front of the property that is not within the ownership of the applicant (this issue was clarified during the course of the initial application).

A resident's petition against the previous application (ref: 05/00953/FUL) is also re-submitted against this new application. Three letters that are generally indicative of the points raised are attached as Appendix A to this report. All other letters are retained on file for the inspection of Members.

REPORT

The application seeks consent to demolish the detached dormer bungalow and erect a two-storey block of flats. The site lies within the identified Residential Settlement Boundary of Barry.

The proposal can be assessed against Policies HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, HOUS11 – Residential Privacy and Space and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines and Planning Policy Wales (March 2002).

The main issues relate to the acceptability of replacing a single dormer bungalow with a block of four two bedroom flats in this location, the size and scale of the proposed development in this location, the provision of amenity space and parking and the impact on the amenities and privacy of neighbouring and future occupiers.

The application site is currently occupied by an 'L' shaped dormer bungalow with integral double garage at No. 143, Pontypridd Road. It is surrounded by detached and semi-detached bungalows and houses on all sides.

The previous submission was for a similar two-storey rectangular building with hip roofs. The major differences between the refused scheme and the current scheme include the reduction in the overall height of the development (from 8.8m to 7.9m at ridge level), the reduction in the depth of the building (from 13.5m to 8.2m), the slight reduction in the width of the building (from 17m to 16.4m), the proposed relocation and widening of the existing crossover to a central point on the frontage and increase in the depth and area of the garden to the rear (from 8m to 12m deep and from 168m² to 252m² in area).

It is still considered that the design, scale (total height of 7.9m) and prominent location of the proposed building at the corner of Pontypridd Road and St. James Crescent are not in keeping with the character of the residential area, contrary to Policies HOUS8 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Policy HOUS8 states:

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

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS 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.

It is considered that the scale, form and character of the proposed block of four flats is not sympathetic to the environs of the site, particularly to the detached bungalow to the south-west, the pair of semi-detached properties to the north-east and the modern detached dwelling to the north-west, contrary to criterion (i) of the policy. The proposal for four separate units of accommodation each with 2 No. bedrooms is also likely to be detrimental to the amenities of neighbouring occupiers in terms of noise, visual intrusion and traffic congestion contrary to criterion (ii) of the above policy.

In addition to this, paragraph 9.3.4 of Planning Policy Wales 2002 states that "Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas".

The proposed block of flats almost fills the entire width of the plot with only a gap of 2-2.4m retained between it and the boundaries of the site. The design of the proposed building is not in keeping with the character and features of existing dwellings in the area and is alien to this part of Barry. The plot would be overdeveloped and dominated by the proposed development and the sense of open space and residential form will be destroyed, contrary to Policy HOUS8 of the Unitary Development Plan and the provisions of the 'Amenity Standards' Supplementary Planning Guidance. In addition to this, the large parking area at the front of the property will detract from the appearance of the streetscene and its layout does not allow for easy access by pedestrians to the front or sides of the building.

The four flats have a gross floorspace of approximately 66m² each and the site can provide a total of 252m² of private outdoor amenity space to the rear of the site. It is recommended within the approved Amenity Standards SPG that developers should aim to provide a minimum of 20m² of amenity space per person. This would equate to at least 160m² (based on two people living in each flat) and, as all the future occupiers will have access to the private rear garden, the provision of 252m² of garden space is sufficient to satisfy the minimum requirement for a scheme of this size based on 3 persons per flat.

The block of flats should be provided with 10 No. on-site parking spaces to satisfy the South Wales Parking Guidelines with two spaces for the future occupiers of each flat and two spaces for visitors. Therefore, the proposal to accommodate 8 No. parking spaces at the front of the plot is not sufficient to satisfy parking guidelines and any visitors to the site will be forced to park along Pontypridd Road and St. James Crescent (that are already over subscribed) to the detriment of highway safety, particularly at the nearby highway junction. The compact nature of the site does not allow for easy vehicular movements and this is likely to have a negative impact on highway safety in and around the site. The proposed re-positioning of the crossover entrance into the site to a more central location brings it closer to the junction between Pontypridd Road and St. James Crescent and the Highway Authority has objected to this as it is likely to cause conflicts for vehicles entering and exiting both the proposed development site and St. James Crescent.

The scale and proximity of the building to the neighbouring properties at the side (No. 145 Pontypridd Road) and rear (No. 13, St. James Crescent) would result in an overbearing and unneighbourly form of development. However, the length of the garden to the rear boundary has been increased to 12m and this will reduce its potential to overlook the adjoining rear gardens, in accordance with Paragraph 5.11 of the Amenity Standards SPG that states that "...developers should aim to ensure that new dwellinghouses have a minimum rear garden length of 10m." The scheme will, however, have an adverse impact on the amenities of the adjoining occupiers, contrary to advice contained within Policy 3 of the Amenity Standards SPG which states that "Developers should aim to ensure that the development is designed to minimise its impact upon ... the amenities of surrounding properties and the streetscene", and, "Developers should aim to avoid siting new dwellings close to existing residential boundaries".

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

RECOMMENDATION (W.R.)

REFUSE

1. The proposed block of flats, by reason of its scale and siting, would constitute an overbearing and unneighbourly form of development which would cause unreasonable loss of amenity to the occupiers of the adjoining dwellings, contrary to Policy HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's approved Supplementary Planning Guidance on 'Amenity Standards' 1999.
2. The proposed block of flats and new access, by reason of its scale and location, is considered to represent an overdevelopment of the site that would fail to provide adequate and safe vehicular access and egress for both the proposed and existing properties, contrary to Policy HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the approved South Wales Parking Guidelines.

3. The proposed block of apartments by reason of its design, scale and location, would appear as an obtrusive and incongruous form of development which would fail to preserve or enhance the visual amenities and character of the area, contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained within Planning Policy Wales 2002.

RWE NPower, Aberthaw Power Station, The Leys, Aberthaw, Vale of Glamorgan.,
CF62 4ZW
J. H. Morris (Environmental Manager), RWE NPower, Windmill Hill Business Park,
Swindon., SN5 6PB

Access junction to Aberthaw Power Station on the B4265

Junction improvement works - Visibility (hedgerow removal), speed restriction, signing, kerbing and roadmarking. A new fence will be erected replacing the hedge

SITE DESCRIPTION

The application relates to a 200 metre length of the B4265 road, lying immediately to the west of the 'Four Cross' junction and some 400 metres to the east of the Gileston crossroads.

DESCRIPTION OF DEVELOPMENT

This is a full application by RWE npower for visibility improvements on the inside of a bend, designed to improve highway safety at the turning for West Aberthaw and Aberthaw Power Station.

PLANNING HISTORY

None on site but the application is closely related to current developments and proposals at the power station and the nearby quarry, and in particular is relevant to the consideration of application ref: 05/01811/FUL, for the disposal of pulverised fuel ash from the power station in the quarry, which is the subject of a separate report to this Committee.

CONSULTATIONS

St. Athan Community Council - Were consulted 1st June, 2006. Comments awaited at the time of preparing this report.

REPRESENTATIONS

Six of the closest residents on the Four Cross – West Aberthaw road have been notified directly, as has the Esso Four Cross Service Station at the junction. The application has also been advertised by a site notice at the junction. One letter has been received, from a resident of West Aberthaw, which does not comment directly on the merits of the application but draws attention to the general highway safety issues arising from the access to the power station. That letter is attached as Appendix A.

REPORT

The proposal involves the removal of a 170 metre length of hedgerow on the inside (northern side) of the bend and its replacement on the same line by a 1.3 metre high timber post and rail fence, designed to give 100 metre forward visibility around the bend compared to the current 60 metres, which can currently cause difficulties when vehicles are waiting to turn right into either the petrol station or the power station. This will be supported by a 40 mph speed limit for a distance of approx 450 metres to the west and 300 metres to the east of the junction.

The application has been submitted by RWE npower, the power station operators, in response to concerns by the Council's highway engineers over highway safety at the Four Cross junction arising from the increased number of heavy goods vehicles that would use the junction carrying ash from the station to Aberthaw Quarry and returning empty that would arise if the concurrent application for ash disposal in the quarry is approved. That proposal envisages up to 100 arrivals and 100 departures per day on a seven day week basis, and also involves a new protected right turn facility off the Rhoose bypass to the east of the Burton Hill turn. In my separate report to this Committee on that application, the need for this improvement is noted and a condition is recommended prohibiting commencement of ash transport to the quarry before a scheme of improvements is approved and implemented at the Four Cross junction.

The scheme has been designed in collaboration with the Council's highway engineers, who have no objection to the works proposed and are satisfied that they will overcome the concerns regarding the ash disposal scheme, subject to the scheme being carried out at no cost to the Council and to the introduction of a 40 mph speed limit. The highway engineers comment that the hedgerow in question would be removed under the Council's outstanding scheme for the Gileston Old Mill highway improvement identified under Policy TRAN2(ii) of the adopted Unitary Development Plan. A separate report is submitted to this Committee regarding the necessary Traffic Regulation Order.

A survey of the length of hedgerow to be removed has been carried out by the applicants, which concludes that it does not meet the ecological criteria for importance under the Hedgerow Regulations 1997. No replacement hedgerow is proposed, as this would impinge on the visibility splay to be created. Nevertheless, the Council's Ecologist notes that the hedgerow to be removed offers potential habitat for nesting birds, and recommends that a continuous line of hedgerow is maintained along the northern side of the highway by the planting of a new species-rich hedgerow on the line of the new visibility splay. This will also soften the visual impact of the otherwise incongruous gap in the hedgerow.

It is concluded that the highway safety improvements to be gained will outweigh any short-term loss of hedgerow, and that the application should be approved subject to a replacement hedgerow being planted.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Notwithstanding the submitted plans, in the first planting season following the completion of the development a replacement hedgerow shall be planted on the line of the new visibility splay in accordance with details of species and density to be first submitted in writing to and approved in writing by the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of visual amenity and to ensure satisfactory maintenance of the new hedgerow.

3. Removal of the length of hedgerow affected by the works hereby approved shall be carried out only during the months of September to February inclusive.

Reason:

In the interests of the protection of nesting birds.

NOTE:

1. **The developer is reminded that under Section 1 of the Wildlife & Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.**

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. P. Lewis, Brecon House, 7, Highwalls Road, Dinas Powys, Vale of Glamorgan., CF64 4AG
Mr. P. Lewis, Brecon House, 7, Highwalls Road, Dinas Powys, Vale of Glamorgan., CF64 4AG

Brecon House, 7, Highwalls Road, Dinas Powys

Retention of timber summerhouse

The development is situated within/adjoining the Dinas Powys Conservation Area.

The application was advertised on 21st June, 2006.

SITE DESCRIPTION

The site relates to the rear garden of a two storey stone fronted detached dwelling in Highwalls Road located within the Dinas Powys Conservation Area.

DESCRIPTION OF DEVELOPMENT

The application seeks retrospective consent to retain a single storey timber summer house with slate roof with multiple paned windows to each side elevation, and a garden and elevation window and sliding double doors to the elevation looking onto the rear of the dwelling. It measures 5.7 metres width x 5.0 metres depth x 3.7 metres maximum height. These dimensions allow for the 'chalet' style roof overhang.

PLANNING HISTORY

None since 1980.

CONSULTATIONS

Dinas Powys Community Council - Was notified on 31st May, 2006, and in their response dated 5th June, 2006, they "strongly object to what amounts to a second dwelling in a back garden development". They also have concerns that the structure is out of keeping with other properties in the Conservation Area.

REPRESENTATIONS

The neighbouring occupiers at No. 5 Highwalls Road and the Dinas Powys Scouts Headquarters building were notified, as was the Clerk to Dinas Powys Community Council (as a neighbour) as the Lee Hall adjoins the site.

A letter of representation has been received from the occupier of No. 5 Highwalls Road (see Appendix 'A').

REPORT

The relevant policies mainly relate to Policy ENV 27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and also Supplementary Planning Guidance – Amenity Standards. The adopted Unitary Development Plan also contains Policies (ENV20) that seek to protect the character of Conservation Areas.

It is considered that the main issues to be assessed are the impact on the Dinas Powys Conservation Area and on local residential amenities.

In terms of local amenity, the timber summerhouse is only barely visible from one public viewpoint, the only visible area being the uppermost section of the slate roof, which can just be seen parallel with the top of the drive alongside the Dinas Powys Scouts Headquarters building. As the great majority of dwellings/buildings within this part of the Dinas Powys Conservation Area (Highwalls Road/Britway Road) have slate roofs, any visual impact is considered to be minimal. The structure is low level and set far back into the rear garden which is further surrounded by a mixture of 1.8 metre high timber panel fencing and a timber panel/stone wall and is therefore well screened from neighbouring gardens. Two sides of the summerhouse are bordered by the side elevations of public buildings, Lee Hall (associated with the Parish Hall) and the Dinas Powys Scout Headquarters hall. Given that the summerhouse is 18 metres from the rear elevation of Brecon House, it is considered that the structure does not significantly intrude upon neighbours privacy.

Concern has been raised with regard to the proposed use of the summerhouse. In particular, there is a single window in the gable end which could be suggestive of a loft. However, the maximum height of the building is 3.7 metres and, therefore, the structure could not realistically be used in any permanent habitable use. To address these concerns the applicant was contacted and has confirmed that the intention is to treat the summerhouse for enjoyment and relaxation purposes and for its occasional use for working from home.

In summary, the summerhouse by virtue of its size, siting and use of acceptable materials is not considered to detract from the Dinas Powys Conservation Area and is considered unlikely to have any significant impact upon the privacy or amenity of adjoining residential neighbours.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The timber summerhouse hereby approved shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose whatsoever.

Reason:

To safeguard local 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.

Mr. and Mrs. R. Preston, Kings Hall Court, St. Brides Major, Vale of Glamorgan.,
CF32 0SE
D. Newton Williams B.Arch. FRIBA., The Cottage, 34, Esplanade Avenue,
Porthcawl, Mid Glam., CF36 3YU

Kings Hall Court, St. Brides Major

Proposed detached garage and store

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

The application was advertised on 14th June, 2006.

SITE DESCRIPTION

The site relates to a residential property in St Brides Major.

DESCRIPTION OF DEVELOPMENT

This is a full planning application seeking to construct a garage and store at the property. The building would be sited within the yard to the rear (or east) of the main dwelling. It would have a pitched roof structure with a maximum height to ridge level of 4.3 metres. It would have a length of 8.5 metres and a width of approximately 6 metres. It is proposed to finish the building in a smooth cement render and a brick plinth with tiles to match the main dwelling.

PLANNING HISTORY

03/00396/FUL – Planning permission was granted on 7th July, 2003 to convert a barn at the property to a residential dwelling.

98/00630/FUL – A planning application to convert a barn at the property was refused on 3rd September, 1998.

98/00451/FUL – Planning permission was granted on 10th July, 1998 for a garage and store/workshop at the rear of the property. This application was never implemented and has now time expired.

CONSULTATIONS

St. Brides Major Community Council - Has been consulted but no comments have been received to date.

REPRESENTATIONS

Neighbouring occupiers have been consulted and the application has been advertised. No comments have been received to date.

REPORT

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The application has also been considered in the light of the Council's Supplementary Planning Guidance on Amenity Standards.

The site is located outside the settlement boundary of St. Brides Major, and is therefore located in the countryside, as defined by the Unitary Development Plan. The site is also located within the St. Brides Major Conservation Area. The application has therefore been assessed with regard to Policies ENV17 'Protection of Built and Historic Environment' and ENV20 'Development in Conservation Areas' of the Unitary Development Plan.

Planning permission has previously been granted for the same proposal, but this has time expired (see planning history above). The proposed garage/store is considered acceptable in design, and would have no adverse impact upon the appearance and character of the St. Brides Major Conservation Area. The garage would not adversely impact upon any neighbouring residential properties and the proposal raises no adverse highway implications.

Conclusion

The proposed garage/store is considered acceptable in terms of its impact upon the appearance and character of the St. Brides Major Conservation Area and therefore accords with Policies ENV17 and ENV20 of the Unitary Development Plan. The garage would not adversely impact upon any neighbouring residential properties and the proposal raises no adverse highway implications.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The garage/store shall be finished in materials in accordance with the details hereby approved.

Reason:

To protect the appearance and character of the St. Brides Major Conservation Area.

3. The garage and store hereby approved shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose whatsoever.

Reason:

To safeguard local 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.

John Dent, Major Projects, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU.
Acanthus Ferguson Mann, 18, Great George Street, Bristol, BS1 5RH. , , ,

Barry Municipal Building & Library

Amendments to 03/01435/REG3

The application was advertised on 12th November, 2004.

SITE DESCRIPTION

The application site is centred on the Grade II Listed Municipal Building fronting Kings Square in Barry and includes Central Park to the east and Wyndham Street car park to the north. The application site also includes the surrounding roads of Tynewydd Road, Holton Road and Wyndham Street.

The original municipal building consists of the Barry Town Hall and The Library and the building as a whole is a Grade II Listed Building and was completed in 1906. The building consists of a three storey Town Hall in the west wing and a separate library in the three-storey east wing. The two wings have formal south facing elevations onto King Square and are linked by a central clocktower. The library (east wing) was extended to the rear in the early 1970's by a flat roof extension. The west wing became vacant in 1981 and the east wing (the library) in October 2001. The rusticated ground floor is built on a stone plinth with stone window dressings and decorative cornices and red brick infill, with a natural slate roof.

Central Park is located to the east of the library and its northern boundary is formed by the rough escarpment (along the line of the former quarry) that forms the boundary with the existing surface car park on Wyndham Street.

Wyndham Street car park was formerly occupied by the Barry Accident and Surgical Hospital until its demolition in 1997, fronting Wyndham Street.

To date work has commenced on the refurbishment of the existing building, extension to the library and works to Kings Square and Central Park as previously approved under planning permission ref: 04/01754/REG3.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Major Projects Group of the Council, for an amendment to planning permission ref: 03/01435/REG3.

By way of background, planning permission ref: 03/01435/REG3 related to the following elements:

The repair, reuse and extension of the former Town Hall and library to provide a new headquarter library for the Vale of Glamorgan and associated offices. The east wing of the former library is to be used as an exhibition area and Council offices.

The enhancement of King Square.

The enhancement of Central Park.

The provision of a new, integrated surface car park to the south of Wyndham Street.

The provision of a relocated bus stop/lay-by area.

In detail the main external amendments proposed in this application are as follows:

Changes to Extension

- Relocation of entrance doors and piers due to the increase in the size of the new entrance hall to comply with Part M (disabled access requirements).
- Omission of flat roof canopy due to concerns regarding unauthorised access, vandalism and costs.
- Reduction in size of oriel window from 2.7m high 3.7m wide by 0.9m deep to 2.5m high, 3.4m wide by 0.5m deep, due to cost constraints.
- Reduction in the size of glazed lantern from 2m high, 2.2m wide by 3.3m deep to 1.8m high, by 2.3m wide by 3.2m deep, due to cost constraints.
- Adjustment of clerestory windows to suit the requirements for the air handling unit.

Changes to Existing Building

- Substitute the roof over the old library with a hipped roof and increasing the parapet height to achieve modern insulation.
- Dormer window on east facing pitch of roof (facing park) to accommodate an air supply fan.

External Works

- Reduction in height of entrance piers between the car park and Central Park from 2.7 to 2.5m.
- Redesign of Tynewydd Road layout due to highway requirements.
- Omission of water feature in Central Park.

PLANNING HISTORY

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

85/00132/FUL – Conversion of municipal buildings, renovation of library, provision of new car park, shops and ancillary buildings and landscaped areas. Approved 8th May, 1985, subject to conditions.

85/00132/LBC – Alteration and extension to Town Hall including demolition of existing library (retention of front façade). Approved 2nd July, 1985 subject to conditions.

85/00457/OUT – Extension of library, provision of new car park, shops, bowling pavilion and public toilets. Refused 11th March, 1986 subject to conditions.

85/00742/REG5 – Amendments to access, design layout and location of car park and supermarket. Approved 2nd September, 1985 subject to conditions.

85/01082/FUL – Conversion and extension to principal buildings, the provision of new car park, shops and landscaped area. Approved 19th December, 1986 subject to conditions.

85/01082/LBC – Alteration, extension and part demolition with retention of two facades. Approved 24th December, 1985 subject to conditions.

96/00297/FUL – Demolition, change of use, alterations, extensions and new build to form new library, retail units, food store, offices, café and public toilets and provision for access, servicing, parking, landscape. Approved 27th June, 1996 subject to conditions.

96/00296/LBC – Part demolition, alteration, extension and refurbishment and change of use to form library, public toilets and offices. Approved 6th January, 1997 subject to conditions.

98/01339/LBC – Part demolition, alteration, refurbishment and extension to provide new library, public toilets, café/bar. (Amended proposals for works to building as consented by 96/00296/LBC). Approved 17th January, 2000 subject to conditions.

99/00064/FUL – Amended proposals for redevelopment. Approved 19th March, 1999.

03/01424/LBC – Refurbishment, alteration and extensions. Approved by National Assembly for Wales.

03/01435/REG3 – Refurbishment, alteration and extension to Barry Municipal Building and Library, plus external works to King Square, Tynewydd Road and Wyndham Street Car Park, landscaping works to central park. Approved 8th January, 2004 subject to conditions.

04/01282/LBC – Replacement of 1970's first floor extension with slate hipped roofs inside parapet wall. Application approved by National Assembly for Wales.

2005/01320/LBC – Addition of dormer (lead roof) with painted softwood ventilation louvers to main roof. Replacement of sash windows with softwood louvres to north elevation. Application currently not yet determined by National Assembly for Wales.

CONSULTATIONS

Barry Town Council – Were consulted and raised no objection.

Dwr Cymru/Welsh Water – Were consulted and the following comments have been received:

“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 separated from the site.

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

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

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

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru/Welsh Water’s Network Development Consultant. This is essential as only a small fraction of the car parking surface water discharge will be permitted to discharge into the public sewerage system.

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

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres of the line of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

Advisory Notes

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

Water Supply

Dwr Cymru/Welsh Water has no objection to the proposed development.

The proposed development is crossed by a trunk/distribution water main, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all time. I enclose our Conditions for Development near Water mains. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

The development of the site with our water main located as shown on the attached plan will involve certain conditions which would be strictly adhered to. These are:

1. No structure is to be sited within a minimum distance of 3 metres from the periphery of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.
2. Adequate precautions are to be take to ensure the protection of the water main during the course of site development.
3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.
4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.
5. The existing ground cover on the water main should not be increased or decreased.
6. All chambers, covers, marker posts etc are to be preserved in their present position.
7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.
8. No work is to be carried out before this Company has approved the final plans and sections.

These are general conditions only, and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development."

Environment Agency Wales - Have been consulted on the application and have responded with a standard informative guidance note for developers.

REPRESENTATIONS

An extensive consultation was undertaken of the adjoining occupiers of residential and commercial premises on Wyndham Street, Evelyn Street, Holton Road, Cora Street and Tynewydd Road.

To date two letters have been received and are attached at Appendices A and B. The first letter (Appendix A) raises concern in respect of the landscaping of The Square and re-siting of BT phone boxes which would not facilitate the introduction of tables and chairs in the Square in connection with the A3 use of the adjacent building at No. 117 Holton Road. The second letter (Appendix B) of representation from an occupier on Wyndham Street raises concern in relation to the condition and operation of the existing car park and the congestion/obstruction caused by drivers parking on double yellow lines, which are matters which fall outside the assessment of this application.

REPORT

Members of the Planning Committee will recall that the original application ref: 03/01435/FUL was reported to Planning Committee on 7th January, 2004 where it was resolved to grant planning permission, subject to conditions.

That report fully detailed and set out the relevant development plan and relevant supplementary documents including The Barry Development Guidelines Supplementary Planning Guidance, Barry Action Consolidation Strategy, and the Barry Town Hall Draft Strategic Brief. The application was considered to satisfy the guidance and policies contained within those documents.

Following commencement of works on site and the detailed design and construction, minor amendments to the approved scheme are now considered necessary to accommodate other legislative requirements, particularly in relation to the new Part M of Building Regulations Act (Access and Facilities for Disabled People). Other amendments have been made due to financial considerations.

The amendments proposed are considered to be relatively minor in relation to the scale of scheme as a whole. One of the principle changes is the removal of the flat roof over the replacement 1970's first floor extension with a slate hipped roof inside a parapet wall. This amendment to the original scheme was subject to a separate Listed Building Consent application (ref: 04/01282/LBC) which has been approved by the Welsh Assembly Government. The provision of a new hipped roof will reinstate the roof of the original library building as it stood prior to the roof alteration in the 1970's. As such the alteration to the roof will considerably improve the appearance of the building when viewed from Central Park.

The alteration to the roof plan of the main building relates to a small dormer located on the east facing roofplane on the northern side of the main roof. The proposed dormer is required to provide an enclosure for an extraction unit which will serve the second floor kitchen. The agent has stated that other options were considered to accommodate the extractor unit within the existing building fabric, however the most appropriate and in keeping solution was to place it within a louvered dormer. The dormer being site on the northern side of the main roof and on the eastern side of a small gable will not be visible from ground level and is very small in scale in relation to the main roof. The design and materials proposed will also be in keeping with the existing building. This amendment to the original scheme was considered to materially impact on the Listed Building and therefore a separate application has been submitted under ref: 2005/01320/LBC. The application has been forwarded to the National Assembly for Wales for determination, however to date no formal determination has been made.

The other amendments relate to resizing of windows and minor alterations/ adjustments and other amendments following discussions with other Council departments.

To conclude, it is considered that there are no reasons to refuse this application, where the amendments proposed are still considered to fall within the guidance and policies of the above referenced documents and relevant policies in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011. It should also be noted that all conditions attached to the original planning permission have been submitted and agreed. Accordingly, the following recommendation is made.

RECOMMENDATION

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

1. This consent shall relate to the plans registered on 28th October, 2004 other than where amended by plans reference 6802/PL125, 126, 129, 130 and 6802/E/125 received on 1st August, 2005.

Reason:

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

2. This consent shall be read in full conjunction with the details submitted in discharge of conditions attached to planning permission ref: 03/01435/FUL as agreed by the Local Planning Authority in a letter dated 20th June, 2006.

Reason:

To ensure a satisfactory form of development.

3. The car park hereby approved shall be made available for the parking of cars prior to the first beneficial occupation of the extended Municipal Buildings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure satisfactory provision of highway improvements in the interests of highway safety.

4. All planting, seeding or turfing comprised in the approved details of landscaping as approved under planning permission ref: 03/01435/REG3, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area.

5. Notwithstanding the submitted plans, this approval shall not relate to any external illumination of the building or to any externally illuminated advertisements, particularly in relation to the glazed box structure on the roof of the proposed west wing library extension.

Reason :

In the interest of visual amenity.

NOTE:

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

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

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

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

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

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

Emma Harvey, Vale of Glamorgan Council, D.E.E.R., Dock Office, Barry Docks, Barry, Vale of Glamorgan. CF63 4RT

Land adjacent to Rhoose Transport Interchange, Rhoose Point

Construction of new footpath

SITE DESCRIPTION

The application site is located on the western side of the recently constructed roundabout which serves the recently opened Rhoose Transport Interchange, located at the north western corner of the Rhoose Point Development site.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Operational Manager for Planning and Transportation Policy for the construction of a new footpath.

The proposed footpath is 1.8 metres wide and some 50 metres in length and will provide a direct link from the pavement to the south of the bus shelter and will follow the line of Public Footpath No.1 Penmark. The construction of the new footpath along the line of the Public Right of Way will reinstate a route over an easier gradient (maximum gradient of 1 in 8), than that followed by the new route created by the Diversion Order. The proposed works to reinstate the line of the footpath will require cutting and filling. The proposed new footpath will be finished in black top.

PLANNING HISTORY

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

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

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

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

05/00459/REG3 – New Transport Interchange in association with new railway Station. Approved 9th June, 2005 subject to conditions.

CONSULTATIONS

Dwr Cymru/Welsh Water - Were consulted on the application and have requested that a condition and advisory note be included in the granting of any planning permission whereby no land drainage run off is permitted either directly or indirectly, to discharge into the public sewerage system in order to prevent hydraulic overload of the public sewerage system. They also state that the proposed development is crossed by a public sewer and that no part of the building will be permitted within 3 metres of the centreline of the 375mm combined overflow and within 4.5 metres either side of the 900mm public surface water sewer; in order to protect the integrity of the public sewer and to avoid damage thereto.

Environment Agency Wales - Were consulted on the application and have no adverse comments to make. However they have stated that there is an ordinary watercourse indicated on the map of the area of proposed work, and have made the following comments:

“Pursuant to Section 23 of the Land Drainage Act 1991, the prior consent of the agency is required for the erection of any mill, dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect such a flow. Any culverting of a watercourse also requires prior written approval under the Local Authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.”

Network Rail – Were consulted on the application and responded with no objection, comments or conditions.

REPRESENTATIONS

Site notices were posted and the application was also advertised as affecting a public footpath. To date several letters of representation have been received, however these relate to procedural issues in relation to the removal of the site notices. Both sites notices were subsequently reinstated.

Committee Members will recall that immediately prior to the Committee meeting on 14th June, 2006 (when consideration of this application was deferred for a site inspection), an e-mail and correspondence had been received from local residents. A copy of the relevant e-mail is attached at Appendix A, and the letter referred to in that e-mail is fully set out at Appendix B. It should be noted that four separate copies of the Appendix B letter have been received, signed by four different residents in the area.

A letter has also been received from the Planning Inspectorate (Appendix C), addressed to the Council's Footpath Officer. This letter sets out the procedural issues which will be involved even if the Council decides to withdraw the Diversion Order.

REPORT

Committee Members will be aware that a planning application for a new Transport Interchange in association with new railway station at Rhoose was approved at Planning Committee on 8th June, 2005. That proposal formed the final element of the Council's ambition to implement the re-opening of the Vale of Glamorgan railway line for passenger services.

By way of background, a diversion of Public Footpath No.1 Penmark was subsequently approved at the Planning Committee on 6th July, 2005 to enable the construction of the transport interchange to take place and to divert part of the line of the existing public footpath. A Diversion Order has been made, but objections to that Order have been received. Consequently the matter is in the hands of the Welsh Assembly Government who have passed it to the Planning Inspectorate to decide whether or not it should be confirmed by Public Inquiry or otherwise.

Now that the roundabout has been constructed, it has become clear that the original line of the path can be retained, and access along it improved by some associated works, notwithstanding the fact that the diverted footpath has already been constructed.

The construction of the new footpath along the line of the public right of way will reinstate a route over an easier gradient than that followed by the new route created by the Diversion Order. The gradient of the new route was one of the objections to the diversion, and has also been the subject of some discussion generally since its construction. The carrying out of the proposal will therefore remove the need for part of the existing Diversion Order.

It should be noted that the Diversion Order related to a greater length of public right of way included in this current proposal, and extends to the north where it goes over the railway level crossing. The intention of the Diversion Order at this point was to move the path from an undefined point on the crossing to a defined section on its edge at the request of Network Rail. Withdrawal of consent for the Order will effectively restore this section of path to its original route along with the rest of the length of the path, and issues raised by this will need to be addressed separately.

In terms of the impact of the physical works to reinstate the line of the footpath, the works include cutting and filling although the footpath will be generally cut into the existing landscaped bank. The works proposed will not have any adverse impact on the existing landscaping around the roundabout.

It should also be noted the reinstated line of the public footpath will have a reduced gradient than the existing diverted route and thus will facilitate improved disabled access and better access for all users in line with Policies ENV28 (Access for disabled people), Policy TRAN3 (Rail Development) and TRAN 4 (Interchanges at Rail Stations) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

With regard to the correspondence received prior to the previous Committee Meeting, the e-mail (at Appendix A) expressed concern at the possible withdrawal of this current application from that Committee Agenda. This patently did not happen at the meeting on 14th June. At that meeting, after a short debate, the application was deferred for a site inspection.

With regard to the lengthy letter set out at Appendix B, it is considered that the site description and description of the development, as set out in the report, is satisfactory in that it provides Committee Members with a clear idea of what is proposed and where. The intended Committee site visit will also ensure that Members will have an extremely clear idea of what this scheme entails. I am also satisfied that the consultation exercise was all that was required in the circumstances of this proposal, given that the Council's Public Right of Way Officer has been fully involved in the processing of this application, given its relationship to the Diversion Order.

Some of the other matters raised in the letter e.g. the issues relating to the level crossing and possible drainage/pollution problems are not directly related to this planning application (which has a very limited and defined 'site edged red') and need not be considered in more detail in the context of this application. However, these and other issues raised in this letter have already been considered and debated separately with the writer within the general remit of the Rhoose Point development and associated previous applications and, indeed, in relation to the Draft Development Brief for land to the north of the railway line.

In conclusion, this application seeks to reinstate the line of the existing public footpath (Public Footpath No. 1 Penmark) and as such if this application is approved there will be no requirement for the existing public footpath diversion. Therefore the following recommendation is made.

Consideration of this application was deferred at the previous Committee Meeting on 14th June, 2006 to enable Committee Members to inspect the site. It is currently anticipated that this site inspection will take place on 11th July, 2006.

RECOMMENDATION

Should Members of the Committee resolve to grant planning permission, it is recommended that they also resolve to withdraw the consent for the Footpath Diversion Order in order to restore this section of path to its original route along with the rest of the length of the path.

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

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

Reason:

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

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

Reason

To ensure that visual amenities of the area are safeguarded.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

NOTE:

1. Pursuant to Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for the erection of any mill, dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect such a flow. Any culverting of a watercourse also requires prior written approval by the Local Authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.
2. Dwr Cymru/Welsh Water have stated that no land drainage run off is permitted either directly or indirectly, to discharge into the public sewerage system, in order to prevent hydraulic overload of the public sewerage system. The proposed development is crossed by a public sewer and that no part of the building will be permitted within 3 metres of the centreline of the 375mm combined overflow and within 4.5 metres either side of the 900mm public surface water sewer; in order to protect the integrity of the public sewer and to avoid damage thereto.

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

you can be advised how to best resolve the matter.

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

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

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

Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan., CF63 4RU
Head of Visible Services, Vale of Glamorgan Council, The Alps, Wenvoe, Vale of Glamorgan., CF5 6AA

Dunraven Bay, Vale of Glamorgan

Relocation/realignment of access road to Dunraven Bay to include associated groundworks and drainage - remediation and extinguishment of redundant access road

SITE DESCRIPTION

The application relates to the access road to Dunraven Bay, Southerndown.

DESCRIPTION OF DEVELOPMENT

An application under Regulation 3 of the Town and Country Planning General Regulations for the relocation and realignment of a 335 metre length of the highway, necessitated by concerns over the stability of the road close to the cliff edge.

PLANNING HISTORY

None relevant.

CONSULTATIONS

St. Brides Major Community Council – “My Council has no objection to the above planning application to realign the access road to Dunraven Bay which they believe to be long overdue.”

Countryside Council for Wales - Note that the existing road forms the inland boundary of the Southerndown Coast Site of Special Scientific Interest. However, they consider that the new road will have no implications for the Site of Special Scientific Interest and have no objections to the proposal. Their letter is attached at Appendix A.

Cadw (re the adjacent Dunraven Park Historic Garden) - Were consulted 1st June, 2006. Any comments received will be reported at Committee.

Glamorgan Gwent Archaeological Trust - Were consulted 1st June 2006. Any comments received will be reported at Committee.

REPRESENTATIONS

Occupiers of the two dwellings served by the road, and Slade Farm nearby, were notified on 1st June, 2006 and the application was advertised by two site notices on 5th June, 2006. A copy of the application has also been deposited for public inspection at the Glamorgan Heritage Coast Centre at Dunraven.

The occupier of Slade Farm comments that a substantial proportion of the spoil resulting from the excavation could be incorporated into a scheme for 5 holiday cottages on his land, subject of a separate current outline application ref. 06/00790/OUT. That application has been received recently and will be the subject of a report to a subsequent meeting of this Committee. His letter is attached as Appendix B. No other comments have been received.

REPORT

The existing access road to Dunraven Bay is a matter of concern due to its proximity to the cliff edge, which in this area is up to 30 metres high, where monitoring over several years has demonstrated that cliff erosion is now at the point where a single cliff fall could lead to the forced closure of the road on safety grounds.

On 1st February, 2006, Cabinet resolved (Minute No. C2287) to progress the realignment of the road, subject to available funding.

The current proposal is for the construction of a new 335 metre length of 5 metre wide highway, located up to 35 metres inland of the present road but linking to the existing road at its western end and terminating at the current entrance to the Dunraven Bay car park. The new route will be set back by between 30 and 45 metres from the cliff edge, located partly on currently unfenced open grassland and partly on land in agricultural use, part of which is used as an overflow car park in summer. Steep slopes in this area mean that extensive excavations will be necessary on the inland side of the road to achieve an acceptable gradient and to incorporate improved highway drainage.

In the interests of safety, it is proposed to close the existing road from the date of commencement of the works, with limited vehicular access being retained for the two dwellings, the Heritage Coast Centre and emergency services only via an existing private road through Dunraven Estates land to the east. Pedestrian access to the beach will be retained at all times from the cliff top car park some 400 metres to the west. The anticipated period of the work, from closure of the existing route to opening of the replacement, is expected to be between 12 and 14 weeks from the beginning of October 2006. The redundant length of highway will be extinguished in accordance with the requirements of appropriate legislation and its line will be restored using excavated material and soil relocated from the new route.

The route of the new road is extremely prominent from many viewpoints in Dunraven Bay and Dunraven Park. The works will involve a cutting of maximum 30 metres width and 10 metres depth, with side slopes at an angle of 1:2.5, and until the exposed rock faces revegetate this will have some detrimental effect on the appearance of the area. However, both the Council's Ecologist and the Countryside Council for Wales, have indicated that natural revegetation would be the preferred option in this area so as to avoid unintentional importation of undesirable plant species.

The site adjoins, but will have no direct effect on, the Dunraven Bay Site of Special Scientific Interest, which covers the cliff and the adjoining wave-cut platform at its foot. The Countryside Council for Wales has been consulted and has no objection to the proposal.

The Council's Ecologist notes that the site consists of semi-improved grassland, and that following the works the grassland should be allowed to re-establish naturally, with no seed or new planting being introduced. She also makes recommendations regarding the need to discourage any species protected under the Wildlife & Countryside Act from using the site prior to the commencement of work. These measures primarily relate to keeping the grass short following the summer hay cut prior to works starting, and to the need for a condition to be included in any permission requiring vegetation clearance to be carried out outside the March – August bird nesting season unless it can be demonstrated that nesting birds are absent.

Some 6,000 cubic metres of material are expected to be excavated from the line of the new road. Whilst some of this material will be used in reinstating the line of the old road there will be a considerable surplus which will require disposal. No firm disposal arrangement has yet been made, but the Council's highway engineers are pursuing various options to ensure that the material is used for a beneficial purpose, preferably locally, and not sent for landfill.

Whilst there will be some inconvenience to the two local residents during construction works, the realigned road should have no long term detrimental impact on residential amenity.

It is concluded that, whilst the proposal will have a marked impact on the character of the approach to the bay, if the works are not carried out it is highly likely that the road will have to be closed in any event in the near future due to continuing cliff erosion, which would result in no public vehicular access to this popular tourist venue. Whilst I have some reservations about the short-term visual impact of the proposal the long-term benefits of the new access road should outweigh such concerns and that deemed planning consent be granted subject to the following conditions. I therefore recommend that the scheme should be approved.

RECOMMENDATION

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

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

Reason:

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

2. Without the prior written agreement of the Local Planning Authority, no vegetation clearance associated with the approved development shall be carried out outside the months of September to February inclusive.

Reason:

In order to protect the habitat of any nesting birds on the site.

NOTE:

- 1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 2. The Council's ecologist recommends that following the summer hay cut in the season prior to commencement of development, the grassland on the application site should be kept very short to discourage use of the site by species protected under the Wildlife & Countryside Act 1981. In the event that Great Crested Newts are found to be present on the site, works must stop immediately and advice must be sought from the Countryside Council for Wales (Tel. 02920 772400).**

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

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

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

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