

Notice of Meeting **PLANNING COMMITTEE**

Date and time
of Meeting **THURSDAY, 13TH MARCH, 2008 AT 6.00 P.M.**

Venue **COMMITTEE ROOM NO. 2, CIVIC OFFICES**

Agenda

PART I

- 1. Apologies for absence.**
- 2. Minutes.**
- 3. To receive declarations of interest under the Council's Code of Conduct.**
(Note: Members seeking advice on this item are asked to contact the Monitoring Officer at least 48 hours before the meeting).
- 4. Report of the Vale of Glamorgan Conservation Advisory Group held on 27th February, 2008.**

Report of the Director of Legal, Public Protection and Housing Services –

- 5. Site Inspections – 21st February, 2008.**

Reports of the Director of Environmental and Economic Regeneration -

	<u>Page No.</u>
6. Building Regulation Applications and other Building Control matters determined by the Director under Delegated Powers	1
7. Planning Applications determined by the Director under Delegated Powers	12
8. Appeals	20

9.	Trees	23
	(i) Trefnant, Penyturmpike Road, Dinas Powys: Application No. 2008/00197/TPO	25
	(ii) Higher End, Penmark.	28
10.	General Planning Matters:	
	(i) Future Format and Constitution of Conservation Area Advisory Group	33
	(ii) Mount Road, Dinas Powys: Proposed 30 m.p.h. Speed Restriction Order	57
11.	Planning Applications:	
	2007/01121/FUL Former nursery land adjacent to Cemetery Road, Barry	62
	2004/01809/FUL Land adjacent to proposed Rhoose Station, Rhoose	77
	2006/01807/OUT Land to south side of the railway line Rhoose Point, Rhoose	103
	2006/01000/OUT 90 Fontygary Road, Rhoose	128
	2007/00546/FUL Upper House Garage, Turkey Street, Llantwit Major	137
	2007/01635/FUL Holm House, Marine Parade, Penarth	148
	2007/01684/FUL Parkside Residential Home, 1-2 Park Road, Penarth	154
	2008/00027/FUL 4 & 6 St. Nicholas Road, Barry	160
	2008/00068/FUL Pen-y-Bryn, Bottom Farm, Llanmaes	172
	2008/00094/FUL Land and buildings at Crofta Farm, Ystradowen	178
	2007/01753/RG3 The Innovation Quarter, Hood Road, Barry	187

12. Any items which the Chairman has decided are urgent (Part I).

PART II

THE PUBLIC AND PRESS MAY BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ACCORDANCE WITH SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972.

13. Any items which the Chairman has decided are urgent (Part II).

John Maitland Evans
Chief Executive

7th March, 2008

Agendas/Planning
08-03-13

**ENVIRONMENTAL
AND ECONOMIC
REGENERATION**

11 MAR 2008

RECEIVED

ACK:
NO:
ACTION BY: LB
RECEIVED
D.E.E.R

Local Government (Access to Information) Act 1985

Inspection of background papers - In the first instance enquiries should be made of Mr. C. Hope 01446 (709855).

E-Mail: chope@valeofglamorgan.gov.uk

To the Members of the Planning Committee:

Chairman: Councillor A.D. Dobbinson;

Vice-Chairman: Councillor Ms. R.M. Birch;

Councillors: R.J. Bertin, Mrs. M.E.J. Birch, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, F.T. Johnson, G.C. Kemp, A.G. Powell, Mrs. A.J. Preston, Mrs. M. Randall, W.C. Vaughan, S.T. Wiliam, A.J. Williams and M.R. Wilson.

PLANNING COMMITTEE

MINUTES of a meeting held on 21st February, 2008.

Present: Councillor A.D. Dobbinson (Chairman); Councillors R.J. Bertin, Mrs. M.E.J. Birch, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, F.T. Johnson, G.C. Kemp, A.G. Powell, S.T. Wiliam, A.J. Williams and M.R. Wilson.

Also present: Councillors H.J.W. James and Mrs. M. Kelly Owen.

829 APOLOGIES FOR ABSENCE –

These were received from Councillors Ms. R.M. Birch, Mrs. A.J. Preston, Mrs. M. Randall and W.C. Vaughan.

830 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 17th January, 2008 be approved as a correct record.

831 DECLARATIONS OF INTEREST –

The following Members declared interests as shown below and vacated the room during consideration thereof:

Councillor A.M. Ernest	Planning Application: 2005/01267/FUL – Applicant is family friend Planning Application: 2007/01635/FUL – Member of the same business association Planning Application: 2007/01684/FUL – Close member of family lives in the vicinity
Councillor Mrs. V.M. Hartrey	Planning Applications 2007/01769/RG3, 2008/00018/RG3 and 2008/00069/RG3 – Cabinet Member
Councillor F.T. Johnson	Planning Application 2008/00069/RG3 – Former Member of Millennium Trust Committee

832 VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP –

The following report of the meeting held on 24th January, 2008 was submitted.

Present: Councillor Ms. R.M. Birch (Chairman); Councillor A.D. Dobbinson (Vice-Chairman), Mr. D. Black (Llanwit Major Chamber of Trade), Mr. M. Flynn (RTPI), Ms. P. Goodwin (Pride in Barry), Mr. G.H. Haynes (Cowbridge and District Local History Society), Councillor Mrs. E. Jervis (Wenvoe History Group), Mr. A.H. Jones (Barry Preservation Society), Mrs. H. March (Llantwit Major Local History Society), Mr. L. Millar (Cowbridge Charter Trust), Mr. G. Robertson (Penarth Society), Mr. R. Simpson (Council for the Protection of Rural Wales) and Mrs. S. Taylor (Llancarfan Society).

Officers: Mr. M. Goldsworthy, Mr. N. Lloyd and Mrs. K. Bowen.

(a) Apologies for absence -

These were received from Councillor G. W. Bates (Colwinston City Council) and Mrs. J. Williams (The Victorian Society).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 3rd January, 2008 be accepted, subject to:

- Minute (b) - It being noted that for accuracy the Group had requested that a report be presented to this meeting outlining why a number of applications had not been referred to the Group for consideration. The officer present informed the group that he had prepared written details of the reasons why the requested applications had not been referred to the Group which he would table under agenda item 3.
- Minute (f) - Future format and constitution of Conservation Advisory Group. The group had requested a further report be submitted to a future extended meeting of the Group no later than the end of January 2008 to present options relating to the future constitution, form and agenda of the Group in the light of the consultant's findings.

(c) Information Feedback -

AGREED - T H A T the following feedback on applications previously considered by the Group be noted:

2007/01370/FUL	4, Old Port Road, Wenvoe Two storey side extension, single storey front and rear extensions, first floor side extension and roof extension incorporating roof lights in front roof slope, and detached garage. The application was approved by the Group and by the Planning Committee.

2007/00217/FUL	Wesley Hall Site, Station Road, Dinas Powys Provision of 14 no. 2-bed apartments and 1 no. 3 bedroom house with on site parking and provision of access road. The Group recommended refusal. The Planning Committee approved the application subject to a Legal Agreement.
2007/01129/FUL	The Old Cinema, Herbert Terrace, Penarth Retention of A1 use into 3 units at ground floor. Addition of 34 studio flats on three upper floors with ancillary (refuse, plant, lobby) at ground floor. Addition of Washington Gallery extension at first and second floor. The application was approved by both the Group and Planning Committee subject to a Legal Agreement.
2007/00529/FUL	Woodlands Lodge, Bonvilston Two storey extension. The application was refused by both the Group and the Planning Committee.

Members had also requested that a report be presented on why the following applications had not been referred to the Group for consideration:

(i) 46, Eastgate Cowbridge

1996/00962/FUL: Garage with accommodation over to the rear highway reported to Group 12th November, 1996, works had commenced at that time and as such application was valid at 2007 when a further application was made as an amendment reducing scale of development. Therefore not reported to the Group.

(ii) Limesgate Cottage, Cowbridge

2006/00783/FUL: Alterations to the house reported to Group on 29th June, 2006. A recent application for timber decking extension of terrace by 1m was received but as there was insufficient scale to be reported, the application was not referred to the Group.

(iii) Three Oaks, Llanblethian

2000/00698/FUL: Although the site was outside the Conservation Area an application for a new build dwelling replacing the existing bungalow with a larger 4-bedroom dormer bungalow was received and was reported to the Group for consideration on 19th July, 2000.

Further amended schemes were also received but not reported to the Group as the principle had been established for the re-development of the larger dwelling and loss of original dwelling outside Conservation Area.

(iv) The Chantry, Church Road, Llanblethian

2007/00216/FUL: Application for demolition of a flat roof single storey extension to the side and extension and replacement with a one and half storey pitched roof extension (not new build dwelling) of a dwelling not in the Conservation Area. It had been considered not necessary to report the application to the Group.

Mr Haynes raised a number of concerns in relation to the determination of why applications were not put to the Group and he and any other Member who required further information were requested to address any matters to the department in writing and officers would advise accordingly.

(d) Applications in Conservation Areas -

(i) Penarth

2007/01631/FUL

Received on 23rd November, 2007

*Miss. Kate Westlake, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL
John Wootton Architects, Greyfriars House, Greyfriars Road, Cardiff,
CF10 3AL*

Westbourne School, Hickman Road, Penarth

Demolition of various buildings in courtyard and creation of a new purpose built sixth form centre with external intensive roof for outdoor studies.

The application had been before the Committee previously and Members had requested further information on the proposals. The Group was now presented with a detailed design document together with examples of the materials that would be used at the site. Members considered it was a very contemporary scheme and having considered the further documentation,

RECOMMENDED - APPROVAL.

(ii) Penarth

2008/00021/FUL

Received on 4th January, 2008

*Grant Maunder, GM2 House, Plymouth Road, Penarth, CF64 3DQ
Loyn & Co. Architects, 21 Victoria Road, Penarth, CF64 3EG*

GM2 House, Plymouth Road

Erection of 4 storey mixed use building, plus semi basement parking for 17 cars. Accommodation to comprise 14 apartments, 3 mews houses and a commercial unit.

The Group was advised that a previous application had been refused and dismissed at appeal in 2007. The appealed decision included that the appeal proposal represented an attempt to over-develop the small and constrained site and that the over-development would be detrimental to the visual amenity of the area. The inspector also stated that it may well be that the site could accept a more assertive building with some benefit to the townscape but not a building of the form and mass that was proposed as this would be in such close proximity to the boundary of the Conservation Area.

The current application before the Group noted that the architect had tried to reduce mass by placing a clear glass atrium within the proposals. Although Members of the Group considered that it was an admirable building that was proposed, in their opinion it was still out of context. The building was too self-assertive and did not make any concessions within its surroundings and as a result they did not consider that it would enhance or preserve the area.

RECOMMENDED - REFUSAL. *The Group felt that the scale and design detail were inappropriate to be adjacent to the Conservation Area.*

(iii) Colwinston**2008/00017/FUL**Received on 3rd January, 2008

Mr. C. Archard, Yew Tree Cottage, Colwinston, CF71 7NS
Grove Associate Architects, Mr. Jim Grove, 81 Eastgate, Cowbridge,
CF71 7AA

Yew Tree Cottage, Colwinston

Application to extend an existing house to provide one additional bedroom, a bathroom and a sun-room / library.

An application had been received in 2007 for extension and alterations to the dwelling which had been refused by the Group on the basis that the design and scale would not preserve or enhance the character of the existing cottage, and in turn would fail to preserve or enhance the character of the Conservation Area.

The current application was an alteration on the existing extension which had been considerably redesigned, detailing that the alterations would be mainly to the rear of the property. A mansard type roof would also be used and the architect had stated that this was to ensure that no ridge would be seen from

the roof. The Chairman also advised the Group that a letter had been received from Colwinston Community Council which advised that the Council had considered the application and had no observations to make.

RECOMMENDED - APPROVAL.

(e) Future Format and Constitution of Conservation Area Advisory Group -

A report by external consultants had been presented to the Group on 26th July, 2007 concerning Conservation Area management in the Vale of Glamorgan. The Group had recommended that a further report be submitted to a future Extended meeting of the Group to present options relating to the future constitution, form and agenda of the Group in light of the consultant's findings. At its meeting on 3rd January, 2008 Members requested an update on progress that had been made to date to the next meeting advising of the programme to be undertaken in relation to the draft document.

The Group was advised that an internal discussion document had been prepared which would form the basis of a report which would be submitted to the Council's Cabinet and Planning Committee by the end of February 2008 with the intention that the report be released for consultation and consideration by the Conservation Group at its meeting on 16th April, 2008.

AGREED - T H A T *it be noted the Vale of Glamorgan Conservation Group would receive a consultation report in respect of the future, format and constitution of the Conservation Advisory Group at its meeting on 16th April, 2008.*

RESOLVED – T H A T the report be noted.

833 CONSULTATION BY THE SOUTH WALES REGIONAL AGGREGATES WORKING PARTY ON THE DRAFT REGIONAL TECHNICAL STATEMENT ON AGGREGATES (REF) –

On 23rd January, 2008, Cabinet's views had been sought on the Consultation Draft of the Regional Technical Statement on Aggregates (RTS) for the South Wales region.

Minerals Technical Advice Note 1: Aggregates, issued by the Welsh Assembly Government in March, 2004, had a primary objective of seeking to ensure a sustainably managed supply of aggregates that were essential for construction by striking the best balance between environmental, economic and social costs. To achieve that objective, the RTS had been prepared by the Regional Aggregates Working Party to provide a strategic basis for aggregates supplied for Local Development Plans in the South Wales region until 2021. As appropriate, Mineral Planning Authorities would then be

expected to include allocations for aggregates provision in the area as part of the Local Development Plan process.

In accordance with the objectives of MTAN1, the RTS sought to:

- maximise the use of secondary and recycled materials and mineral wastes
- safeguard minerals that may be needed in the long term
- acknowledge that where the principles of sustainable development could be achieved, the extension of existing aggregate quarries was likely to be appropriate
- ensure that where there was a need for new areas of aggregates supply, these should come from locations of low environmental constraint and take into account transport implications
- maintain the supply of marine aggregates consistent with the requirements of the interim Marine Aggregates Dredging Policy.

Following a detailed analysis of the current supply scenario, including the availability and levels of production of the various types of primary, secondary and alternative aggregates the RTS had identified several key findings. In summary, these were:

- (a) secondary and recycled aggregates use in South Wales had already reached the MTAN1 target for 2009 of 25% of all aggregates produced. Many sources had now reached the maximum potential for supply, with the major remaining under-used secondary aggregate resources being pulverised fuel ash as produced at Aberthaw Power Station.
- (b) Marine aggregates would continue to make a vital contribution to sand supply in the region for the medium term, but important decisions would have to be made in the next five years concerning the implications of transferring operations to deeper water, more distant from ports. Whilst licensing of dredging operations was the responsibility of the Welsh Assembly Government, the future availability of marine aggregates may have implications for pressure to permit land-based sand extraction.
- (c) Primary aggregates (entirely Carboniferous limestone in the Vale) would continue to account for the largest proportion of aggregate tonnage for the foreseeable future. However, the distribution of resources did not closely match the location of the main areas of consumption, with relative shortage of material in the south and east of the region.
- (d) An examination of resources in the region using the IMAECA (Implementing the Methodology for Assessing the Environmental Capacity for Aggregates) Study carried out on behalf of the Welsh Assembly Government suggested that the Carboniferous limestone outcrop (which is in any event not extensive) was particularly

constrained in terms of environmental capacity for future aggregate extraction.

Cabinet had

RESOLVED – T H A T subject to the views of Planning Committee:

(1) The conclusions of the draft Regional Technical Statement in respect of the South Wales region as a whole and the Vale of Glamorgan in particular be endorsed.

(2) That a copy of the report be forwarded to the Secretary of the South Wales Regional Aggregates Working Party as the Council's comments on the Regional Technical Statement.

Reasons for decisions

(1) To formulate a formal view on the draft Regional Technical Statement for Aggregates, which when finalised would form an important basis for the preparation of the Local Development Plan.

(2) To ensure that this Council's comments are taken into account in the preparation of the final version of the Regional Technical Statement.

Planning Committee, having considered the decision of the Cabinet,

RESOLVED – T H A T the resolution of the Cabinet be noted.

834 SITE INSPECTIONS (DLPPHS) –

RESOLVED – T H A T the attendance of the following Councillors at the sites indicated below on 17th January, 2008 be noted:

Apologies for absence were received from Councillor R.J. Bertin, F.T. Johnson and Mrs. M. Randall.

(a)	Montgomery Road, Barry	Councillor A.D. Dobbinson (Chairman); Councillor Ms. M.E. Alexander, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton and Mrs. V.M. Hartrey
(b)	47 Redlands Road, Penarth	Councillor A.D. Dobbinson (Chairman); Councillors Mrs. M.E.J. Birch, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. A.J. Preston and M.R. Wilson
(c)	Old Cinema, Herbert Street, Penarth	Councillor A.D. Dobbinson (Chairman); Councillors P. Church, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey and Mrs. A.J. Preston

(d)	Wesley Hall Site, Station Road, Dinas Powys	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey and Mrs. A.J. Preston.

835 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) –

RESOLVED –

(1) T H A T the determination of building applications as listed in the report be noted.

(2) T H A T the service of notices under the Building (Approved Inspectors Etc.) Regulations 2000 as listed in the report be noted.

836 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) –

RESOLVED – T H A T the report on the following applications determined under delegated powers be noted.

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural	N - Non permittal (OBS - objections)
Condition Imposed : Appeals	Q - Referred to Secretary of State for Wales
J - Determined by NAFW	(HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	V - Variation of condition(s) approved

2007/00529/FUL	R	Woodlands Lodge, Bonvilston	Two storey extension
2007/01347/FUL	A	11, Ash Lane, Eglwys Brewis	Detached workshop/storage shed

2007/01361/FUL	A	Dalton House, Peterston Super Ely	2 storey rear extension providing hobby room (ground floor) and additional bedroom with ensuite (first floor)
2007/01370/FUL	A	4, Old Port Road, Wenvoe	Two storey side extension, single storey front & rear extensions, first floor side extension & roof extension incorporating roof lights in front roof slope, and detached garage
2007/01469/FUL	A	Highlight Park Medical Practice, Highlight Park, Stirling Road, Barry	Form new entrance door in existing window opening with entrance canopy over
2007/01488/FUL	A	19, Elm Grove Road, Dinas Powys	Conversion of loft space into living accommodation
2007/01501/FUL	A	4, Harbour View Road, Penarth	Ground floor extension to rear to enlarge kitchen, form dining area, enlargement of bedroom to roofspace incorporating new dormer
2007/01515/LBC	A	Plymouth House West, Dimlands Road, Llantwit Major	Complete refurbishment of property
2007/01531/FUL	A	1, Ilminster Close, Barry	Garage extension to side of property
2007/01561/FUL	A	6, Milburn Close, Rhooose	Construction of car port
2007/01563/FUL	A	6, Paget Road, Penarth	Rear ground floor extension, proposed garage to rear of garden. Alteration to front elevation to provide bi-fold doors at first floor with Juliet balcony and new decking area at rear
2007/01576/FUL	A	Cnapan, 41, Broadway, Cowbridge	Proposed conservatory to rear and railings, gates and pier caps to front

2007/01577/FUL	A	10, Fitzhamon Avenue, Llantwit Major	Two storey side extension with single storey extension to the rear
2007/01579/FUL	A	43-44, Harvey Street, Barry	Conversion of existing building into 2 no. self- contained domestic units
2007/01580/FUL	A	1, Dyffryn Crescent, Peterston Super Ely	First floor extension over existing family room
2007/01581/FUL	A	3, Grange Avenue, Wenvoe	Single storey extension to rear to enlarge dining room and kitchen. Demolition of outhouse and garage
2007/01583/FUL	A	10, Fennel Close, Penarth	First floor extension over existing garage to form bedroom, facing brick and render to external walls, flat roof with part tiled roof
2007/01584/FUL	A	6, Eithinen Ber, Pencoedtre, Barry	Single storey extension to rear and side
2007/01587/FUL	A	Brynhyfryd, Bonvilston	Residential dwelling and detached garage (resubmission 2006/01033/FUL)
2007/01590/LAW	A	Penycae, Kymin Path, Penarth	Form entrance in rear wall of garage
2007/01595/FUL	A	1, Button Ride, St. Nicholas	New lounge to rear with flat grey grp roof, white upvc windows and door set on a red brick plinth
2007/01597/FUL	A	7, Glastonbury Road, Sully	Proposed ground floor extension to form day room/dining room. Proposed first floor extension over garage to extend bedroom and form en-suite
2007/01599/FUL	A	1, Cwrt Gwenllian, Barry	Erection of conservatory to rear (retrospective)

2007/01602/FUL	A	St. Andrews Major Church in Wales Primary School, St. Andrews Road, Dinas Powys	Provision of pergola with polycarbonate roof single storey over existing play area
2007/01603/FUL	A	A small area of The Green, Main Road, Peterston-Super-Ely between the adopted highway and the River Ely to the west of The White Bridge and opposite the mouth of Station Road	Rustic style bus shelter
2007/01604/FUL	R	Springfield, Westra, Dinas Powys	Modification and extension of existing bungalow into enlarged dormer bungalow/house
2007/01606/FUL	A	74, Minehead Avenue, Sully	Extension to front of property
2007/01607/FUL	A	18, Heol-yr-Ysgol, St. Brides Major	Installation of front porch
2007/01616/ADV	A	Outside 36, Holton Road, Barry	Advertising panel fully integrated into bus shelter
2007/01624/FUL	A	17, Dinas Road, Penarth	Proposed entrance porch
2007/01627/FUL	A	6, Badgers Brook Close, Ystradowen, Cowbridge	Conservatory to rear of property
2007/01638/FUL	R	4, New Barn, St. Athan	Two storey extension with separate double garage
2007/01650/FUL	A	2, Alwen Drive, Barry, Vale of Glamorgan	Conservatory to rear of property
2007/01689/FUL	A	54, Port Road East, Barry	Two storey side extension, single storey side extension (porch), rear single storey extension with balcony, alter garage into breakfast room
2007/01148/FUL	A	11, Rhodfa Sweldon, Barry	Erection of boundary wall

2007/01488/FUL	A	19, Elm Grove Road, Dinas Powys	Conversion of loft space into living accommodation
2007/01534/FUL	A	23, Cawnpore Street, Cogan, Penarth	Lean-to garage/store room to side of house
2007/01541/FUL	A	Meadow Lane, Penarth	Construction of a single detached residential dwelling
2007/01558/FUL	A	29, Adenfield Way, Rhoose	Attached single garage
2007/01559/FUL	A	28, Pontypridd Road, Barry	Two storey side and single storey rear extension
2007/01578/LBC	A	Barclays Bank, 62, High Street, Cowbridge	Install new external CCTV camera and light in order to enhance the security of customers using the bank and the existing external ATM
2007/01601/FUL	A	Cross Keys Public House, Elm Grove Road, Dinas Powys	New smoking shelter, external umbrella (fixed with screens and heater lamps)
2007/01615/FUL	A	Nos. 4, 5, 6, and 7, Romilly Buildings and 8, 9, 10 & 11, Market Street, Barry	Change of use of snooker club/bar, conservative party office and bank building to public house (Class A3)
2007/01618/FUL	A	Nos. 4, 5, 6 and 7, Romilly Buildings and 8, 9, 10 and 11, Market Street, Barry	Change of use of snooker club/bar, conservative party office and bank building to public house (Class A3)
2007/01619/FUL	A	Marks and Spencer, Culverhouse Cross, Cardiff	Shopfront alterations
2007/01626/FUL	R	Prisk Barns, Prisk, Cowbridge	Access road for agricultural and construction traffic purposes
2007/01629/FUL	A	7, The Precinct, Llantwit Major	Change of use from B1 Office to A1 Retail

2007/01632/FUL	A	9, Tan-y-Fron, Barry	Concrete block shed with flat roof, painted white
2007/01633/FUL	A	171, Plymouth Road, Penarth	Height increase of extension roof by 500 mm and additional French door to side elevation
2007/01644/FUL	A	Fresh Winds, Primrose Hill, Cowbridge	Change of use of garage to Granny's bedsit
2007/01646/FUL	A	Tadno, Twyncyn, Dinas Powys	Single storey rear extension, new garage and alterations
2007/01647/FUL	A	8, Cliff Street, Penarth	Demolition of existing side extension & making good where removed alteration of external door/window locations, addition of internal staircase
2007/01652/ADV	A	Barclays Bank, 2, Windsor Road, Penarth	Fascia, install new ATM header sign
2007/01653/FUL	A	Barclays Bank, 2, Windsor Road, Penarth	Installation of replacement ATM cash point machine
2007/01657/FUL	A	10, Cherwell Road, Penarth	Single storey side extension
2007/01658/LAW	A	High Peak, Penylan, Cowbridge	Existing Dwellinghouse
2007/01672/FUL	A	6, Dudley Place, Barry	Front Porch
2007/01675/FUL	A	Hendre, Sigginstone	Replacement of existing conservatory with a sun room
2007/01676/FUL	A	Hir Pob Aros, Cwrt Llanfleiddan, Llanblethian, Cowbridge	Additional accommodation & ensuite over existing garage
2007/01681/FUL	A	70, Church Meadow, Boverton, Llantwit Major	Retrospective conservatory

2007/01685/FUL	A	35, Llys Dwynwen, St. Illtyds Fields, Llantwit Major	Alteration to roofline and subsequent elevations of double storey extension with attic room, already granted permission previously ref 2006/01811/FUL
2007/01758/OBS	P	Part of River Ely, west and north of Victoria Wharf, Watkiss Way, Grangetown, Cardiff	Placement of mooring piles and pontoons to extend existing berthing
2008/00006/OBS	B	Resource centre and adjacent land Cowbridge Road/Waterton Road, Bridgend	New resource centre and residential development with access and associated site engineering works
2006/01524/FUL	A	The Barn, Glan-y-Mor, Wick	Change of use of granny annexe to short term holiday lets
2007/01202/FUL	A	Ty Colwyn, Colwinston	Front extension to ground floor to provide new kitchen and courtyard. Will include stonework wall with glazed, lean - to roof and glazed side elevation.
2007/01283/FUL	A	Springfield, The Westra, Dinas Powys	Demolish existing stable and store and construct new stable block with hay store. Form new rubber & sand flooring to the area taken up by the new stables
2007/01379/LAW	A	Ty Newydd, St. Brides Super Ely	Use of land as garden space, associated with Ty Newydd (Residential Use)
2007/01451/FUL	A	Goldthorn, Parc Newydd, Treoes	Two storey and single storey extension to rear elevation of property
2007/01479/FUL	A	41A, High Street, Penarth	Change of use of property from dwelling to an office

2007/01552/FUL	A	25, Cwrt-y-Vil Road, Penarth	Replace existing single glazed wooden casement windows with double glazed upvc sash windows
2007/01636/FUL	A	108, Windsor Road, Penarth	Proposed conversion in change of use of house into 2 flats
2007/01640/FUL	A	79, Porthkerry Road, Barry	Construction of garage fronting onto Wenvoe Terrace
2007/01651/FUL	A	5, Archer Road, Penarth	Loft conversion with the installation of conservation style roof lights
2007/01655/FUL	A	32, Baron Road, Penarth	Single storey rear extension
2007/01656/FUL	A	79, Cog Road, Sully	Single storey rear extension
2007/01659/FUL	A	110, South Road, Sully	Rear extension
2007/01660/LAW	A	River Ely Near Watkiss Way, Cardiff	Movement of Moorings
2007/01661/FUL	A	42, Arlington Road, Sully	Two storey extension to side and single storey to rear of property
2007/01664/FUL	A	Arosfa, Sonseil Lane, Pencoedtre Road, Barry	Two storey rear extension and reposition of doors and windows
2007/01665/FUL	A	24, Heol Neuadd Cogan, Caversham Park, Penarth	Conversion of existing garage to games room & new attached garage
2007/01666/FUL	A	195, Winston Road, Barry	Single storey side & rear extension
2007/01667/FUL	R	Land adjacent to Tregof, Ystradowen	Revision to previously approved garage building to include loft room & additional car space (2006/01399/FUL)

2007/01668/FUL	A	5, Channel View, Marcross	Extension onto existing porch at front of dwelling
2007/01670/FUL	A	10, Marine Parade, Penarth	Internal alterations to coach house including alterations to roof (raising this 200mm at same pitch), erection of first floor extension above existing garage and alterations to south elevation
2007/01671/FUL	A	6 Cwrt Syr Dafydd, Llantwit Major	Demolition of existing side garage and erection of new 2 storey extension to side and rear single storey extension
2007/01673/FUL	A	69, Kingsland Crescent, Barry	Change of use to small residential care home (3 persons only)
2007/01677/FUL	A	16, Mount Pleasant, Barry	Single storey rear and side extensions
2007/01686/FUL	A	7, Elm Close, Sully	Single storey rear extension
2007/01688/FUL	A	13, Britway Road, Dinas Powys	Side extension
2007/01691/FUL	A	31, Coed Y Capel, Barry	Proposed extension comprising of bedroom and bathroom
2007/01695/FUL	R	1, New Forest View, Cowbridge	Alterations and extension to dwelling
2007/01700/FUL	R	Plot adjacent to 2, River Walk, Llantwit Major	New 3 Bedroom dwelling
2007/01719/FUL	A	65, Wordsworth Avenue, Penarth	Two storey rear extension
2007/01733/FUL	R	10, Craig yr Eos Rd, Ogmore by Sea	Single storey extension to rear of property and three dormas with a loft conversion.

2006/00926/LBC	A	Batslays Farm, Higher End, St. Athan	Conversion of barn to form 2 no. holiday let units
2007/00407/FUL	A	Land at the rear of the Sully Constitutional Club (88, South Road, Sully)	Re-submission of planning approval 2004/00866/FUL for new detached bungalow
2007/01217/FUL	A	The Oaks, Marine Parade, Penarth	Erection of attached garage to side of property
2007/01393/FUL	R	Cuba Cottage, Llancadle, Barry	First floor extension to form bedroom and en-suite
2007/01423/FUL	A	Red House, Maendy, Cowbridge	Window revisions, additions and omissions, dormer revisions, additions and omission of balcony - Former consent application no. 04/01147/FUL
2007/01462/FUL	A	The Old Coal Yard, Arcot Lane North, Penarth	Rebuilding of previously part demolished commercial building with internal offices to be sub-divided into three self-contained units
2007/01505/FUL	R	Field No. OS0078, St Hilary, Cowbridge	Erection of an agricultural field gate over 1 metre high on an agricultural entrance (consented by highways on 5/10/07) to field No. OS0078, St. Hilary, Cowbridge
2007/01586/FUL	A	Rooftop of Barry Gymnasium, Paget Road, Barry Island, Barry	Retrospective application for installation of six antennae on steel pole mounts with equipment cabinet and associated cables and trays
2007/01594/FUL	A	Llwynhelig Farm, Cowbridge	Retention of taxi operating business from an office within an agricultural barn
2007/01600/FUL	A	2, Murlande Way, Rhoose	Conservatory

2007/01679/FUL	A	56, Merthyr Dyfan Road, Barry	Second storey rear extension
2007/01680/FUL	A	29, Slade Road, Barry	Double garage and conversion of existing integral garage
2007/01690/FUL	A	Albert Road Methodist Church, Albert Road, Penarth	Additional two apartments. Replacement of existing windows with steel windows. Additional 3 windows to south elevation. Move communal entrance on north elevation. Close up redundant doorway , north elevation
2007/01694/FUL	A	Morningside, Llancarfan	Flat roof dormer construction to side elevation of existing property and alteration to front dormer.
2007/01696/FUL	A	12, Wayside Cottages, Dinas Powys	Two storey side extension and replacement of flat roof on rear single storey annexe
2007/01698/FUL	A	15, Britten Road, Penarth	Single storey extension to rear of property
2007/01699/FUL	A	Dwy Erw, Sonseil Lane off Pencoedtre Road, Barry	Single storey granny annexe
2007/01701/FUL	A	McColls, Station Approach, Penarth	The installation of an automated teller machine
2007/01702/ADV	A	McColls, Station Approach, Penarth	The installation of an illuminated sign
2007/01704/FUL	A	98, Salisbury Road, Barry	Minor extensions to existing surgery

2007/01706/FUL	A	13, Windsor Terrace, Penarth	Replace 5 wooden sash windows and 1 double glazed PVC window at front of house with new double glazed wooden sash windows
2007/01707/FUL	A	48, Arlington Road, Sully	Two storey extension and detached garage
2007/01710/FUL	A	8, Church View, Llanblethian	Erection of single storey extension replacing existing garage
2007/01716/FUL	A	Barry Island station, eastern end of platforms 3 and 4	Two storey railway signal box
2007/01717/FUL	A	119, Boverton Road, Llantwit Major	Renewal of 02/01576/FUL - Conversion of garden stores and part of garage to garden rooms and construction of conservatory
2007/01725/FUL	A	Unit 45, Tumulus Way, Llandow Trading Estate	Retain replacement office portakabin and erect garage
2007/01732/FUL	A	Broadshoard House, Westgate, Cowbridge	Alterations to porch, railings to front boundary, pitched roof over rear porch
2007/01736/FUL	R	Ty Shwllac, Heol Shwllac, St. Brides Major	Single storey double garage
2007/01741/FUL	A	7, Joseph Parry Close, Llandough	Replace existing garage flat roof with new pitched roof including porch. Replace old metal shed with new wooden shed in garden.
2007/01750/FUL	A	30, Millfield Drive, Cowbridge	Proposed extension and alterations to existing dwelling

2007/01751/FUL	A	Aberthaw quarry and cement works, Castle Road, Aberthaw	Section 73 application for non compliance with condition 2 of planning permission 2006/00614/FUL to enable the retention and continued operation of a ready mixed concrete plant at Aberthaw quarry
2007/01761/FUL	A	28, Liscum Way, Highlight Park, Barry	Two storey extension
2007/01779/FUL	A	45, Dock Street, Cogan, Penarth	Single storey extension
2008/00002/FUL	A	31, Hastings Avenue, Penarth	Minor enlargement of existing single storey garage

837 APPEALS (DEER) –

RESOLVED –

(1) T H A T the list of appeals received and decisions concerning appeals from refusal of the Council of planning permission or in respect of enforcement action as detailed in the report be noted.

(2) T H A T the statistics relating to appeals for April 2007 to March 2008 and list of forthcoming hearings and public hearings as detailed in the report be noted.

838 TREES (DEER) –

RESOLVED – T H A T the report on the following applications determined by the Director under delegated powers be noted:

Decision Codes

A - Approved
E Split Decision

R - Refused

2007/01648/TPO	A	2, The Mount, Dinas Powys	2 No. sycamore, crown reduce by one third

2007/01649/TPO	A	Old Mill House, Mill Road, Dinas Powys	Alder - fell, 2 Willow - pollard, Alder - crown lift, Elm - crown lift, Fell cherry, Eucalyptus - remove limb
2007/01522/TPO	A	Boverton House, Boverton Road, Boverton	Fell both Sycamores
2007/01714/TPO	A	41, Victoria Road, Penarth	Prune two overhanging branches of Oak

839 ENFORCEMENT ACTION (DEER) –

(i) Land and Buildings at Land Adjacent to Whiteholme, Pencoedtre Lane, Barry –

Authorisation was sought for the service of an enforcement notice in respect of the unauthorised wall and fence at land adjacent to Whiteholme, Pencoedtre Lane, Barry.

In response to a complaint received by the Local Planning Authority, the site was visited and it was established that a retaining wall and fence exceeding 1 metre in height had been erected adjacent to the adopted highway, Pencoedtre Lane.

Planning permission had been granted in 2005 and the revised scheme in 2006 for a dwelling on the site. However, the retaining wall and fence was not included in this scheme. As such, the works were unauthorised and required planning permission as they did not benefit from permitted development rights granted under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995.

The owners of the land had been written to on 31st August, 2007 to advise that planning permission was required for the wall and fence and that the Local Planning Authority would require a planning application for the regularisation of the development. No response had been received in response to the letter. However, the Council were then made aware that ownership of the land had transferred to another owner. The new owner of the land was contacted by telephone and a letter informing him of the breach was sent on 14th September, 2007.

No response was received and accordingly, the new owner was again written to on 23rd October, 2007 and advised that planning permission was required and also that failure to attempt to regularise the development would force the Council to consider formal enforcement action.

Following this letter, the previous owners of the land met the Council's enforcement officer on 29th October, 2007 where they were assisted in completing an application form.

Despite this a planning application was not submitted and whilst further requests were sent to both parties, no attempt had been made to resolve this breach to date.

It was considered that the principle of a retaining wall and fence along the boundary of the approved property in this location was acceptable. However, it was considered that in its present un-finished form the appearance of the wall and fence was inappropriate and caused an impact on the visual amenity. Besides this, the fence was erected on top of the retaining wall and extended approximately 40 m along the length of the wall at an unacceptable height. Furthermore, the retaining wall and fence were located in a prominent position on the adopted highway and were highly visible from a number of views. It was therefore considered that the wall and fence in its current form was contrary to Policy ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and the Council's Adopted "Amenity Standards Supplementary Planning Guidance".

Whilst the fence and wall in its current form had been identified as causing harm to the visual amenity of the area, it was appreciated that the wall and fence would form the side and rear boundary of the approved dwelling that had been on this site, it would therefore, afford occupiers of the dwelling a reasonable area of private garden space. The total removal of the wall and fence would therefore leave all areas of proposed dwellings garden space open to full view from the public highway.

In assessing the appearance of the wall and fence and in light of the private amenity space issues, it was considered that requiring the total removal of the fence would be excessive and would go beyond that which would be necessary to remedy the breach. It was therefore considered that the lowering of the height of the fence bounding the front and side garden of the approved property and the rendering and painting of the retaining wall would serve to mitigate the existing harm being caused to visual amenity in the area.

It was noted that the Highways Department had been consulted on the structural integrity of the retaining wall at the site. A site visit had been carried out and the Highways Engineer had no adverse comments to make on the safety of the wall at this location.

RESOLVED – T H A T the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The rendering and painting of the wall in a colour to be agreed in writing by the Local Planning Authority.
- (ii) Lowering of the fence that bounds the front and side garden of the proposed property.

In the event of non-compliance of the Notice, authorisation was granted for the imposition of such legal proceedings as may be required.

Reason for decisions

- (1) In the interests of local visual amenities.
- (2) In the interests of local visual amenities.
- (3) To protect and preserve the character and visual amenity of the surrounding residential street scene.

840 GENERAL PLANNING MATTERS (DEER) –

(i) Proposed Off-Street Parking Places, Charging, Proposed Traffic Order, Coastal Car Parks: Objections Received -

Members were advised of objections and observations received to the proposals to introduce a Traffic Regulation Order to regularise off-street coastal car park use and tariff of charges applicable to the following car park locations:

- (i) Harbour Road Car Park, Barry Island
- (ii) Rivermouth Car Park, Ogmore-by-Sea
- (iii) Cymlau, Southerndown
Brig-y-Don, Ogmore.

The objections and observations had been received from

- the Chief Constable
- Mr. G.D. Cubbin
- Mr. J. Golunski on behalf of Dunraven Estates

and the reported detailed the main points of the correspondence.

RESOLVED –

- (1) T H A T the objections be not acceded to.
- (2) T H A T the Order be made as originally proposed and the works progressed.
- (3) T H A T the objectors to the original proposal be advised of the Committee's decision.

Reasons for decisions

- (1) To comply with the requirements of the Road Traffic Regulations Act 1984.

- (2) To permit the proposed Traffic Regulation Order to be introduced and the works undertaken.
- (3) To clarify Committee's previous decision.

(ii) Cold Knap Barry: Proposed Amendment to Waiting Restrictions Order: Belated Letter of Objection Received –

In relation to the proposal to reduce the length the current Waiting Restrictions in Cold Knap, Barry, Members were reminded that the Planning Committee on 10th October, 2007 had agreed:

(1) That subject to the views of the Chief Constable and other statutory consultees, Members resolved to give public notice of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order the effect of which was shown at Appendix A (to that report).

(2) That, in the event of no objections being received, the Order be made.

Members were informed of a letter of objection received to the proposed scheme, a copy of which was attached to the report at Appendix C.

Having considered the contents of the report together with the contents of the letter of objection, it was

RESOLVED – T H A T the Order be not acceded to.

Reason for decision

Having regard to the contents of the letter of objection.

841 PLANNING APPLICATIONS -

Having considered the following applications for planning permission and, where necessary, the observations of interested parties, it was

RESOLVED - T H A T in pursuance of powers delegated to the Committee, the following applications be decided as indicated and any other necessary action taken:

2005/00860/OUT Received on 12 April 2006
P.70

Dreamaze Beds Ltd. (Newco), C/o 256, Holton Road, Barry, Vale of Glamorgan. , CF63 4HL

CDC Westlea, 9, Burnham Avenue, Sully, Vale of Glamorgan. , CF64 5SU , ,

Site north west of Bendrick Road currently accessed off Wimborne Road, Barry Docks

Proposed 10,000 ft2 assembly/manufacturing unit and 12 three bedroom residential units

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

- The Developer shall pay a financial contribution to the Council to provide or enhance educational facilities available for future occupiers of the site (to be calculated using the Council's formulae for education contributions).
- The Developer shall pay the sum of ten thousand pounds (£10,000) to the Council to provide or enhance public open space and/or recreational facilities off site likely to be used by future occupiers of the development.
- The Developer shall pay the sum of fifty thousand pounds (£50,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The Developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The Developer shall provide a Management Plan for the provision, enhancement of and maintenance of the allotments.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£441.60 in this case).

APPROVE subject to the following condition(s):

1. 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.

2. 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.

3. Plans and particulars of the reserved matters referred to in Condition No. 4, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Approval of the siting, design, external appearance and landscaping (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.

5. Prior to the commencement of development full engineering details of the access points and service roads, paving, lighting and drainage into the site shall be submitted to and approved in writing by the Local Planning Authority and the approved access, roads, lighting and drainage shall be fully implemented on site prior to the first beneficial use of the development to which it relates.

Reason:

To ensure safe access to serve the development site to meet the requirements of Policies ENV27 and TRAN10. of the Unitary Development Plan.

6. Prior to the commencement of development an investigation for the presence of contamination on the site and the control of effects on controlled waters and a report detailing all necessary remedial measures to be taken shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of investigation and mitigation.

Reason:

To avoid contamination of controlled waters and in the interests of the health and safety of existing and future occupiers of the site and area in general and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

7. The reserved matters for the site shall be designed having regard to the Local Planning Authority's Parking Guidelines for the provision of parking and Supplementary Planning Guidance for the provision of Amenity in residential developments.

Reason:

To ensure on site parking is provided in the interests of highway safety and that adequate amenity is provided for existing and proposed occupiers of residential dwellings and to meet the requirements of Policies HOUS11, ENV27 and TRAN10 of the Unitary Development Plan.

8. Prior to any site clearance a clearance methodology or reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and the site clearance and development shall be carried out in accordance with the approved details.

Reason:

To safeguard any protected species on the site and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

9. There shall be no vegetation clearance of the site between March to August inclusive unless it can be demonstrated that nesting birds are absent.

Reason:

To ensure that no harm to the ecology of the site occurs to meet the requirements of Policy ENV16 of the Unitary Development Plan.

10. The scheme of landscaping required by the reserved matters shall incorporate indigenous planting to the northern river boundary and screen planting to the other boundaries.

Reason:

To enhance the ecological value of the site and to protect the amenities of adjoining occupiers to meet the requirements of Policies ENV16 and ENV27 of the Unitary Development Plan.

11. Full details of parking on site for bicycles for the industrial unit shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles 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 industrial unit is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 and TRAN9 of the Unitary Development Plan.

12. There shall be no outside storage of waste, materials, goods or machinery other than in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in advance of such storage taking place.

Reason:

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

13. The industrial development hereby approved shall be used only for purpose(s) falling within Class B1 or B8 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, and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

14. The access to the rear of the existing residential units at Bendrick Road shall not be used as vehicular or pedestrian access to serve the industrial development.

Reason:

In the interests of highway safety and the amenities of residential occupiers to meet the requirements of Policy ENV27 of the Unitary Development Plan.

15. The allotment land shall be enclosed, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority, and shall be made available for use prior to the first

beneficial use of any part of the site and shall be so retained at all times thereafter.

Reason:

To ensure the provision of allotment land to meet the requirements of Policy REC10 of the Unitary Development Plan.

16. Prior to the construction of slab levels details of the finished floor levels of the dwellings and industrial development and the finished site levels in relation to existing grounds levels 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 levels.

Reason:

In the interests of the visual amenities of the area and to ensure that the flood mitigation measures are undertaken to meet the requirements of Policies ENV27 and ENV7 of the Unitary Development Plan.

17. The industrial area and the residential development area shall be enclosed prior to the first beneficial use of the site for these purposes in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to their enclosure.

Reason:

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

2005/01267/FUL Received on 9 August 2005

P.83

V. J. Thomas & Son, Pancross Farm, Llancarfan, Vale of Glamorgan. , CF62 3AJ

Morgans of Usk Limited, Woodside Works, Usk, Monmouthshire. , NP15 1SS

Pancross Farm, Llancarfan

Retention of holding lagoon for separated slurry water and separator tank

DEFERRED for 2 months to allow immediate progress to be made to resolve outstanding issues. A request was made for an Environmental Health Officer to attend when the application is next considered.

2006/00774/FUL Received on 10 January 2007

P.88

Mr. Carl Terry, Church Cottage, Llanmaes, Vale of Glamorgan, CF61 2XR
C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan., CF63 4LA

Meadowvale Nursery, Llantwit Road, Llantwit Major

Change of use from Wholesale Nursery to Garden Centre

APPROVED 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 visibility splay and site location plan received on 10th January, 2007 and 19th February, 2007 respectively 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. The land shall be used only for the purpose(s) specified in the application and for no other purpose, whatsoever, including any other purpose in class A1 of the schedule of the Town and Country Planning (General Permitted Development) Order 1995, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

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

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

Reason:

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

5. No development shall take place until such time as details of the new junction between the site and B4270 have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that junction has been constructed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details, details of a parking scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme of parking shall be laid out in accordance with the approved details prior to the first beneficial use of the site and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be

retained, together with measures for their protection in the course of development, and the proposed replacement planting.

Reason:

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

9. All planting, seeding or turfing comprised in the approved details of landscaping and the replacement hedgerows 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, plants or hedges which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

10. The retail element of the site hereby approved shall be limited solely to the sale of plants, gardening or other horticultural related goods, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and to control the precise nature of the use of the site.

11. No works affecting the trees and scrub within the site shall be carried out during the nesting season between March and June unless a survey is first conducted and submitted to the Local Planning Authority which ascertains the absence of breeding birds.

Reason:

To comply with the Wildlife and Countryside Act 1981.

12. No works shall be carried out to the mature ash tree along the western boundary of the application site until a bat survey has been submitted to and approved in writing by the Local Planning Authority, which demonstrates that the proposed works would not adversely affect bats or any other protected species.

Reason:

In order to protect any bats or other protected species that may roost within the tree and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

13. Prior to the removal of any hedgerows within the application site, the following shall be submitted to and approved in writing by the Local Planning Authority:
- (i) A plan indicating the lengths of hedgerow to be removed.
 - (ii) A plan indicating the location of the new lengths of hedgerow to be planted.
 - (iii) A detailed schedule of the species composition of the new hedgerow.

The replacement hedgerow shall thereafter be planted and maintained in accordance with the approved details and the terms of Condition 9 of this planning permission.

Reason:

To ensure the replanting of an appropriate length and type of hedgerow, in the interests of visual amenities and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

2006/00893/FUL Received on 22 June 2006

P.101

Mr. and Mrs. P. Lougher, Batslays Farm, Higher End, St. Athan, Vale of Glamorgan., CF62 4NN

S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea., SA1 5TN

Batslays Farm, Higher End, St. Athan

Conversion of barn to form 2 no. holiday units

APPROVED subject to the following condition(s):

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

Reason:

Given the structural integrity of the barn and 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 30 June 2007 other than where amended by plans reference 04/05/11/4 received on 27 November 2006.

Reason:

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

3. Notwithstanding the submitted details and prior to their use on site, further details of windows, raised verges, doors and eaves (including cross sections) to a scale of 1:10 or 1:20 as appropriate 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 barn are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

4. Prior to their use on site, samples of ridge, verge tiles, slates and rainwater goods shall be submitted 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 barn are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

5. No part of the development hereby approved shall not be brought into beneficial use until such time as the parking and turning areas have been laid out which shall be in accordance with a scheme which shall have first been submitted to the Local Planning Authority for their approval in writing and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV8 and ENV27 of the Unitary Development Plan.

9. This conversion hereby approved shall be for two holiday units only and not as a permanent residential dwelling or any other use. Each letting of the units shall be for a period not exceeding four weeks duration and no letting shall be renewed within six months of the end of a previous letting to any of the same occupants in any calendar year.

Reason:

In order to ensure that the converted barns are used for holiday let purposes only, since a permanent residential dwelling is not considered to be acceptable in this location due to the impact that the nearby airbase would have on the amenities of permanent residential occupiers.

2007/00532/FUL Received on 13 April 2007

P.109

Dutton & Cadwell, R/O 11-19, Braeval Street, Roath, Cardiff., CF24 4SJ,
Boyer Planning Ltd & Willdig Lammie Partnership 1b, Oak Tree Court,
Mulberry Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS,

Sully House, Swanbridge

Refurbishment & extension works to provide 5 no apartments

APPROVED 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 13 April 2007 other than where amended by plans reference 1166(90)001 Revision D, 03 revision B, 04 Revision B, received on 5 December 2007.

Reason:

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

3. No development shall take place until such time as the access road has been upgraded in accordance with drawing 1166(90)01 revision D received on 5th December, 2007 and details of the surface finishes to be used for the upgraded access road shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site.

Reason:

To ensure a safe access to serve the development and existing dwellings service by the access road and to meet the requirements of policies ENV27 Design of new developments and TRAN10 Parking.#

4. Notwithstanding the submitted plans details of the bin stores and their location on site shall be submitted to and approved in writing by the local planning authority and the approved bin stores shall be provided on site prior to the first beneficial use of the development hereby approved and shall thereafter be so maintained at all times unless the Local Planning Authority gives written consent to any variation.

Reason:

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

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on drawing 1166(90)01 Revision D and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

6. Prior to their use on site details of the surface finish of the parking areas and paths 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:

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

7. Prior to the first beneficial use of the development hereby approved details of parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles 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 bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use 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, and to ensure compliance with the terms of Policies HOUS9 and ENV27 of the Unitary Development Plan.

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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

11. The development shall be carried out in accordance with the Sustainability Assessment submitted with the application unless the Local Planning Authority give written consent to any variation.

Reason:

To ensure a sustainable form of development and to meet the requirements of Strategic Policy 2 of the Unitary Development Plan

12. Prior to the first beneficial use of the site details of the means of foul drainage for the site shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

For the avoidance of doubt and to ensure satisfactory foul drainage for the development and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

13. 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 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 and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

14. The development shall be carried out in full accordance with the findings of the Flood Consequences Assessment and the conclusions of that report.

Reason:

To ensure that the development is carried out to safeguard as far as possible from the consequences of any flooding and to meet the requirements of Policy ENV7 of the Unitary Development Plan.

15. No development shall take place during the nesting season for birds, March to August inclusive, unless it can be demonstrated that nesting birds are absent,

Reason:

To ensure that protected species are not adversely affected by the development and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

2007/00751/FUL Received on 24 May 2007

P.117

Clearwater Property Company Ltd Firdene, Windsor Walk, Weybridge, Surrey., KT13 9AP

RIO Architects, 21A, Allensbank Road, Heath, Cardiff., CF14 3PN

67-79, Dochdwy Road (Shopping Parade), Llandough

18 self-contained residential units over three storeys to replace demolished mixed use building

RECOMMENDED – T H A T subject to the applicant first entering into a Section 106 Agreement to include the following necessary planning obligations:

- The Developer shall pay the sum of ten thousand pounds (£10,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The Developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as nine thousand six hundred and seventy eight pounds (£9,678)
- The Developer shall pay the sum of fifty thousand pounds (£50,000) to the Council to enhance access and provide improvements to public open space or recreation facilities likely to be used by the future occupiers of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£1,137.60 in this case).

APPROVED 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 24 May 2007 other than where amended by plans reference 05075-SK105 received on 26 November 2007 and RIO106 additional drawing received on 3 July 2007.

Reason:

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

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

Reason:

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

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 to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. The development shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the construction of the access points with the public highway full engineering details of the access points shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that junction has been constructed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No part of the development hereby approved shall be brought into beneficial use until such time as that area of highway shown edged blue on Drawing No. 05075-SK105 has been formally stopped up in accordance with Section 247 of the Town and County Planning Act 1990.

Reason:

To ensure a safe highway arrangement to meet the requirements of Policy ENV27 of the Unitary Development Plan.

8. All means of enclosure, including enclosure of the bin store areas, and gates 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 and the means of enclosure and gates shall be implemented in accordance with the approved details prior to the development being put into beneficial use unless the Local Planning Authority gives prior written consent to any variation.

Reason:

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

9. Notwithstanding the submitted details, details of secure and enclosed parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles 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 to serve the development.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policies TRAN9 and ENV27 of the Unitary Development Plan.

10. Prior to the laying of the slab for the building details of the finished floor levels in relation to existing ground levels and finished ground levels and in relation to the highway level at Dochdwy Road shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved levels.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

11. Prior to their use in the construction of the development hereby approved, samples of the materials to be used in the external finishes of the building, parking areas and access surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason:

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

2007/01162/FUL Received on 16 August 2007

P.128

Redding Ltd, Portland House, Station Road, Ballasalla, Isle of Man, IM99 6AB
Wayne Maguire, Maguire Holdings Ltd, 40a Edgar Street, Hereford, HR4 9JS

**Land at Cambrian residential caravan park, Brooklands Terrace,
Culverhouse Cross**

Change of use - recreational land to a residential caravan site

RECOMMENDED – T H A T subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer shall pay a contribution to the Council to provide or enhance public open space or recreation facilities in the vicinity of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee, in this case being the minimum £150.00.

APPROVED 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 maximum number of caravans on the entire site shown hatched on the attached plan will not exceed 145 units at any one time, without formal consent from the local planning authority.

Reason:

To ensure compliance with the licensing requirements and relevant policies of the plan.

3. No development shall take place until such time as details of the new junction and access connecting Winston Road to the application site have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be brought into beneficial use until such time as that junction and access has been constructed in accordance with the approved details.

Reason:

In the interest of highway and public safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, the use shall only relate to the site outline in red.

Reason:

In the avoidance of doubt and to ensure compliance with the relevant policies of the plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

2007/01237/FUL Received on 31 August 2007

P.136

Welsh Assembly Government, C/O Agent
White Young Green, 21, Park Place, Cardiff, CF10 3DQ

Unit 415, Beggars Pound, St Athan

Refurbishment and extension of existing hangar for aerospace engineering

RECOMMENDED – T H A T subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer will provide public art on site to a value of 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£577.60 in this case).

APPROVED 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 provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no additional (other than those shown on the approved plans) windows shall be inserted in the northern elevation hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

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

3. All the windows in the northern elevation of the office extension marked in green on the approved plans shall be fitted with non opening obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

5. No materials connected with the use hereby approved shall be stored outside any building on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to their use in the construction of the extensions hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

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

Reason:

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

2007/01366/FUL Received on 27 September 2007

P.145

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Aberthaw Power Station, The Leys, Aberthaw

To install a local stack and scrubber to remove ammonia from PFA Drier output (in relation to 05/01498/FUL)

APPROVED 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.

2007/01453/FUL Received on 19 October 2007

P.150

Mr and Mrs R. Mundy, C/o Agent.

Terry Nunns Architects, Mr John Curley, Rawden House, 65, Cowbridge Road East, Cardiff., CF11 9AE,

Land to rear of 24, Bassett Road, Sully

Erection of one dwelling with associated access and parking

REFUSED (written representations)

1. By virtue of the size and shape of the proposed plot, in conjunction with the siting of the proposed dwelling, the proposal is considered to be detrimental to the character and appearance of the area and the general perception of openness that currently exists. This harm would be exacerbated if this dwelling were constructed along with one or both of the other two dwellings of planning application refs: 07/01454/FUL and 07/01455/FUL. Furthermore, the proposal would be detrimental to the amenities currently enjoyed by the occupiers of neighbouring properties, notably Nos. 5 and 7 Stradling Close and Nos. 8 and 10 Porlock Drive both on its own and, when taken cumulatively with planning application refs: 07/01454/FUL and 07/01455/FUL, Nos. 22 and 24 Bassett Road. The proposal is therefore contrary to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan

Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards'.

2007/01454/FUL Received on 19 October 2007

P.156

Tagweena Investments Ltd. C/o Agent.
Chichester Nunns Partnership - Mr Terry Nunns, Rawden House, 65,
Cowbridge Road East, Cardiff., CF1 9AE

Land to rear of 24, Bassett Road, Sully

Erection of one dwelling with associated access and parking

REFUSED (written representations)

1. By virtue of the size and shape of the proposed plot, in conjunction with the siting of the proposed dwelling, the proposal is considered to be detrimental to the character and appearance of the area and the general perception of openness that currently exists. This harm would be exacerbated if this dwelling were constructed along with one or both of the other two dwellings of planning application refs: 07/01453/FUL and 07/01455/FUL. Furthermore, the proposal would be detrimental to the amenities currently enjoyed by the occupiers of neighbouring properties, notably No. 3 Stradling Close and Nos. 18 and 20 Bassett Road both on its own and, when taken cumulatively with planning application refs: 07/01453/FUL and 07/01455/FUL, Nos. 22 and 24 Bassett Road. The proposal is therefore contrary to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards'.

2007/01455/FUL Received on 19 October 2007

P.163

Mr and Mrs E. Jenkins, C/o Agent
Terry Nunns Architects - Mr John Curley, Rawden House, 65, Cowbridge
Road East, Cardiff., CF1 9AE

Land to rear of 24, Bassett Road, Sully

Erection of one dwelling with associated access and parking

REFUSED (written representations)

1. By virtue of the size and shape of the proposed plot, in conjunction with the siting of the proposed dwelling the proposal is considered to be detrimental to the character and appearance of the area and the general perception of openness that currently exists. This harm would be exacerbated if this dwelling were constructed along with one or both

of the other two dwellings of planning application refs: 07/01453/FUL and 07/01454/FUL. Furthermore, the proposal would be detrimental to the amenities currently enjoyed by the occupiers of neighbouring properties, notably No. 26 Bassett Road and Nos. 6 and 8 Porlock Drive both on its own and, when taken cumulatively with planning application refs: 07/01453/FUL and 07/01454/FUL, Nos. 22 and 24 Bassett Road. The proposal is therefore contrary to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards'.

2007/01566/FUL Received on 13 November 2007

P.170

Mr and Mrs D. J. Thomas, Pengelli Farm, Pendoylan, Vale of Glamorgan.,
CF71 7UJ,
Civic Planning Associates, 35, Marine Drive, Barry, Vale of Glamorgan., CF62
6QP

Pengelli Farm, Pendoylan

Conversion of redundant farm buildings to residential

APPROVED 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 original plans and documents received on 1 November 2007 where not superseded by the amended plans received on 1 February 2008.

Reason:

For the avoidance of doubt as to the approved plans.

3. The occupation of the dwelling hereby permitted shall be restricted solely to that of the applicants, Mr. and Mrs. Thomas and any dependents.

Reason:

The occupation of the barns as a separate residence, entirely independent of the existing farm and associated farming activities, would be contrary to Council's policies and national guidance.

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

Reason:

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

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

Reason:

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

6. Notwithstanding the approved plans this consent shall not relate to the proposed link extension nor the three new window openings in the east elevation of the barns. Before the commencement of development further details of the link extension, (the design of which should be more in keeping with the agricultural nature of the buildings), and if necessary an alternative means of lighting to the kitchen and living room, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of the rural appearance and character of the buildings and the surrounding Ely Valley and Ridge Slopes Special Landscape Area in accordance with Policies ENV8 - Small Scale Rural Conversions, ENV4 - Special Landscape Areas and ENV27 - Design of New Development of the Unitary Development Plan.

7. Before the commencement of development full details of the new and altered window and door openings, (including cross-sections and materials), which shall be to a scale of 1:20, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of the rural appearance and character of the buildings and the surrounding Ely Valley and Ridge Slopes Special Landscape Area in accordance with Policies ENV8 - Small Scale Rural Conversions, ENV4 - Special Landscape Areas, and ENV27 - Design of New Development of the Unitary Development Plan.

8. The proposed car parking and turning area, indicated on the amended Block Plan received on 1 February 2008, shall be implemented before the first beneficial occupation of the dwelling hereby permitted, and shall be maintained and retained thereafter in connection with the use of that property.

Reason:

To ensure the provision and retention of car parking and manoeuvring space to serve the dwelling in the interests of highway safety in accordance with Policies ENV8 - Small Scale Rural Conversion and ENV27 - Design of New Developments of the Unitary Development Plan.

9. No works entailed in the development hereby permitted, including demolition, shall be undertaken during the bird nesting season March to August inclusive, unless it can be demonstrated and agreed in writing with the Local Planning Authority that nesting birds are absent.

Reason:

To ensure protected species are safeguarded in accord with Policy ENV16 - Protected Species of the Unitary Development Plan.

2007/01589/FUL Received on 16 November 2007

P.181

Mr. & Mrs. Howells, Greenfields, Trerhyngyll, Near Cowbridge, Vale of Glamorgan.

Evolution Building Design, 18, Norseman Close, Rhooose, Vale of Glamorgan., CF62 3FY

Greenfields, Trerhyngyll

Three bedroom dormer bungalow

REFUSED (written representations)

1. By reason of its location outside the settlement boundary of Trerhyngyll and its relationship to the existing built and natural environment, the proposal represents an unjustified form of development in the open countryside, which is unsympathetic to the environs of the site and

would have an unacceptable effect on the character and wider visual amenities of the area. It is therefore considered that the development does not constitute the logical rounding off of the settlement, and represents an insensitive and inappropriate form of development contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS8 - Residential Development Criteria, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002).

2007/01591/FUL Received on 16 November 2007

P.186

P. Salter, 38, Margurites Way, St. Fagans, Cardiff., CF5 4QW

K. McAuliffe, 26 Heol Pearetree, Rhoose, Vale of Glamorgan., CF62 3LB

Plot of land adj to Le Reve, Old Port Road, Wenvoe

Construction of chalet bungalow

REFUSED (written representations)

1. The application site is located within a Green Wedge and within the countryside. Green Wedges have been identified in order to prevent urban coalescence between and within settlements at several locations around the Vale of Glamorgan, as set out in Policy ENV3; in this instance to the north and east of Wenvoe. Policy ENV3 sets out that within these areas, development that prejudices the open nature of the land will not be permitted. Policy HOUS2 outlines that no additional residential development (aside from that justified for agricultural or forestry purposes) will be permitted within areas identified as Green Wedges. The proposed dwelling has not been justified on the basis of agricultural or forestry requirement and the proposal therefore constitutes inappropriate development that would have a harmful effect on the surrounding rural character. Furthermore, and notwithstanding the objection in principle to the scheme, the proposal comprises extensive built form across the site, which is not appropriate for a countryside location. As such, the proposal is contrary to Policies ENV1, ENV3, ENV27, HOUS2 and HOUS3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/01635/FUL Received on 26 November 2007

P.190

Susan Sessions, Holm House, Marine Parade, Penarth, Vale of Glamorgan., CF64 3BG

Susan Sessions, Holm House, Marine Parade, Penarth, Vale of Glamorgan., CF64 3BG

Holm House, Marine Parade, Penarth

Amendment of conditions 5 and 7 of application 05/01728/FUL

DEFERRED for site visit.

2007/01684/FUL Received on 3 December 2007

P.196

Llangoedmor Properties, 1-2, Park Road, Penarth, Vale of Glamorgan., CF64 3BD

Mr. T. F. Mathias, 17, Cherry Orchard Road, Lisvane, Cardiff., CF14 0UD

Parkside Residential Home, 1-2, Park Road, Penarth

2 storey rear extension to provide 10 en-suite rooms, extension to dining area and laundry

DEFERRED for site visit.

2008/00001/FUL Received on 2 January 2008

P.201

R. J. & D. Hill, Ty Shwllac, Heol Shwllac, St. Brides Major, Vale of Glamorgan., CF32 0RS

R. J. & D. Hill, Ty Shwllac, Heol Shwllac, St. Brides Major, Vale of Glamorgan., CF32 0RS

Swn-y-Mor Livery Stables, Glan-y-Mor Lane, Broughton

Temporary mobile home

REFUSED (written representations)

1. The application proposes a temporary dwelling located in the open countryside associated with a proposed equestrian business, which does not carry any agricultural or forestry justification. In addition, whilst it is acknowledged that there may in the future be a move towards allowing essential dwellings for other rural enterprises in the open countryside, it has not been demonstrated that the enterprise would pass either the functional or financial tests. Neither have the alternative options to an on-site dwelling house been sufficiently explored. As such the proposed temporary dwelling is not justified and the proposal is contrary to Policies ENV1 - Development in the Countryside, HOUS3 - Dwellings in the Countryside and HOUS5 - Agricultural or Forestry Dwellings, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and TAN6 - Agricultural and Rural Development.

2. By virtue of its design, form and prominence at the front of the site, the proposed caravan would appear as an inappropriate and visually intrusive form of development, which would adversely affect the rural character of the area and the special environmental qualities of the Glamorgan Heritage Coast. In this respect the proposal is therefore contrary to Policies ENV5 - Glamorgan Heritage Coast and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2008/00045/OUT Received on 11 January 2008

P.207

Mr. N. Esterkin, 45, Carrwood, Hale Barns, Altrincham, Cheshire., WA15 0EN
Andrews Gay & Partners, Watson House, 2, Cora Street, Barry, Vale of Glamorgan., CF63 4EP

29, Dock View Road, Barry

Proposed 3 no. self contained flats

REFUSED (written representations)

1. The proposed development is considered to be contrary to the aims of Policies HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Supplementary Planning Guidance on Amenity Standards for the following reasons:
 - (i) By virtue of its likely scale and proximity to neighbouring residential properties (specifically windows), the proposal would represent an unneighbourly and oppressive form of development, which would unacceptably affect the residential amenities of these neighbours.
 - (ii) The area of amenity space proposed to serve the flats would be directly overlooked by the habitable room windows of neighbouring properties, resulting in an inappropriate and inadequate form of space that provides the occupiers with an insufficient level of privacy.

2007/01769/RG3 Received on 20 December 2007

P.212

Property Section, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan., CF63 4RU
Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan., CF71 7AE

Court Road Depot, Barry

Single storey modular building

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.

2008/00018/RG3 Received on 3 January 2008

P.214

Vale of Glamorgan Council, The Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA

Clifford Parish, OM Waste Management & Cleansing, Visible Services, Vale of Glamorgan Council, The Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA

Barry Island Promenade and part of former Butlins Site, Barry Island

Enhancement of public open space to provide tourist related activities

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

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

Reason:

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

2. The consent hereby approved shall only relate to the use of the land as identified as Zones 1 and 2 only and shall not include the use of any of the land identified as Zone 3.

Reason :

In order to protect the amenities of nearby residential occupiers and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

2008/00069/RG3 Received on 17 January 2008

P.219

Vale of Glamorgan Council, Visible Services, Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA

Principal Landscape Architect, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan., CF63 4RT

Council owned public open space off Dobbins Road, Barry

Re-siting of multi-use games area onto existing tarmac court utilising fencing, recessed goals and basketball hoops

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.

VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP

MINUTES of a meeting held on 27th February, 2008.

Present: Councillor Ms. R.M. Birch (Chairman); Mr. G. Haynes (Cowbridge and District Local History Society); Mr. L. Miller (Cowbridge Charter Trust); Mr. R. Burston (St. Nicholas Society); Ms. G. Rawson (Bonvilston Civic Trust); Mr. A.H. Jones (Barry Preservation Society); Mr. R. Simpson (Campaign for the Protection of Rural Wales); Councillor Mrs. L. Adams (Cowbridge with Llanblethian Town Council); and Mr. M.R. Flynn (RTPI).

Officers: Mr. N. Lloyd, Mrs. J. Crofts and Mr. C. Hope.

(a) Apologies for absence -

These were received from Councillor A.D. Dobbinson (Vice-Chairman); Mrs. H. March (Llantwit Major Local History Society); Mr. G. Robertson (Penarth Society) and Mrs. E. Jervis (The Wenvoe History Group).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 24th January, 2008 be agreed.

(c) Llantwit Major Chamber of Trade -

The Chairman advised of an e-mail received from Mr. D. Black in which he had tendered his resignation as a Panel Member on the Advisory Group.

(d) Information Feedback -

AGREED - T H A T the following feedback on applications previous considered by the Group be noted:

2007/01683/FUL	35 Bron Awelon, Barry - single storey side extension. This application was approved.
2007/01631/FUL	Westbourne School, Hickman Road, Penarth - demolition of various buildings in courtyard and creation of a new purpose built sixth form centre with external intensive roof for outdoor studies. This application was approved.

2006/01545/CAC	Shed located on land at The Drope, Drope Road, Vale of Glamorgan - demolition and removal from site of shed. This application was withdrawn.

(e) Applications in Conservation Areas –

(i) Cowbridge and Llanblethian

2007/01752/FUL

Received on 10 January 2008

Mr. N. England, Pwll, y Darren Farm, Welsh St. Donats, Vale of Glamorgan.
CF71 7SS

Robertson Francis Partnership, 5-7 Museum Place, Cardiff, CF10 3BD

The site of the former British Legion Club, Cowbridge.

Demolition of former club house building and replacement with residential development of 12 No. 2 bedroom apartments with associated parking and amenity space.

RECOMMENDED – REFUSAL – The Group felt that whilst not against the principle of development of the site the proposal was of an inappropriate design with a complex mix of materials and represented an over-development of the site. As such, the proposal did not preserve or enhance the character of the Conservation Area.

(ii) Cowbridge with Llanblethian

2008/00026/FUL

Received on 4 January 2008

Mr. and Mrs. J.H. Newark, Old Factory House, Factory Road, Llanblethian,
Cowbridge, Vale of Glamorgan, CF71 7JD

Robertson Francis Partnership, 5-7 Museum Place, Cardiff, CF10 3BD

Old Factory House, Factory Road, Llanblethian

Proposed new dwelling incorporating existing residential annexe building.

RECOMMENDED – REFUSAL – The Group felt that the application should be refused on the grounds that the design of the application was not appropriate and would not preserve or enhance the setting and character of this complex of buildings nor that of the Conservation Area.

(iii) East Aberthaw

2008/00086/FUL

Received on 22 January 2008

Mr. and Mrs. Thomas, Burton Cottage, East Aberthaw, Vale of Glamorgan,
CF62 3JB

Harmers Limited, 39 Lamborne Crescent, Cardiff Business Park, Llanishen,
Cardiff, CF14 5GG

Land Adjacent to River View, East Aberthaw

Proposed detached cottage style four bedroomed dwelling.

RECOMMENDED – REFUSAL – The Group felt that the development would have an adverse impact on this part of the Conservation Area and on the adjacent Grade II* Listed Building by virtue of the loss of the open space – the retention of which was more in keeping with the character of the area. The Group, therefore, took the view that the proposal would neither preserve nor enhance the Conservation Area.

The Vale of Glamorgan Council

Planning Committee – 13th March, 2008

Director of Legal, Public Protection and Housing Services

Site Inspections

Purpose of the Report

1. To note the attendance at the following sites indicated below on 21st February, 2008.

Recommendations

To note the report.

Reasons for the Recommendations

To advise Committee.

Background

2. The following site inspections were requested by the meeting of the Planning Committee on 17th January, 2008.

Relevant Issues and Options

3. Apologies for absence were received from Councillors R.J. Bertin, Mrs. M. Randall, Mrs. A.J. Preston (Sites (a)-(d) and A.M. Ernest (Site (c) and (d)).

(a)	67 – 79 Dochdwy Road, Llandough	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, F.T. Johnson, C.L. Osborne and S.T. Wiliam.
(b)	Site North of Bendrick Road, Barry	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, A.M. Ernest, E. Hacker, A .D. Hampton, Mrs. V.M. Hartrey, F.T. Johnson, K.R. Stockdale and S.T. Wiliam.

(c)	Cold Knap: Amendment to Waiting Restriction Order	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, F.T. Johnson and S.T. Wiliam.
(d)	Pancross Farm, Llancarfan	Councillor A.D. Dobbinson (Chairman); Councillors G.A. Cox, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, H.J.W. James and G.C. Kemp.

Resource Implications (Financial and Employment)

4. None.

Legal Implications (to Include Human Rights Implications)

5. None.

Crime and Disorder Implications

6. None.

Equal Opportunities Implications (to include Welsh Language issues)

7. None.

Corporate/Service Objectives

8. None.

Policy Framework and Budget

9. None.

Consultation (including Ward Member Consultation)

10. None.

Relevant Scrutiny Committee

11. None.

Background Papers

Nil.

Contact Officer

Mr. C. Hope Tel: 01446 709855
e-mail: CHope@valeofglamorgan.gov.uk

Officers Consulted

None.

Responsible Officer:

Mr. C. Hope.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING
CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2007/0026/PO	AC	Lookout Cottage, St. Ishmael, Ferryside, Carmarthen	Take down dilapidated extension and construct new two storey timber framed and internal alterations
2007/0869/BR	AC	Hexion Speciality Chemicals UK Ltd, Sully Moors Road, Sully	Remedial works following partial demolition of redundant office and laboratory buildings, together with fire escape stair
2007/0875/BR	AC	17, Windsor Road, Penarth	Conversion of retail shop unit a cafe/bar. Single storey extension to rear of property.
2007/0888/BR	AC	3, Courtenay Road, Barry	Conversion to two self contained flats
2007/0889/BR	AC	16, Jewel Street, Barry	Conversion to two self contained flats
2007/0923/BR	AC	The Highways, Bonvilston	Two storey extension
2007/0946/BR	AC	59, Porlock Drive, Sully	Erection of double storey side extension and internal alterations
2007/0950/BR	AC	Trevithyn Farm, Llancarfan	New agricultural dwelling
2008/0001/PO	AC	Flat 49 & 50, Stoneleigh Court, John Street, Porthcawl	Making a doorway between flats 49 & 50 converting them into one flat.

2008/0003/BR	AC	Elm Grove House, 12, Elm Grove Road, Dinas Powys	Refurbishment and conversion of existing house into two apartments. New single storey side extension. New two storeyhouse built as end extension to existing building
2008/0015/BR	AC	19, Cilgant y Meillion, Rhoose	Loft conversion
2008/0020/BR	AC	57, Winston Road, Barry	Light commercial unit
2008/0029/BR	AC	13, Milton Road, Penarth	Ground floor extension and loft conversion
2008/0030/BR	AC	95, Jenner Road, Barry	Loft conversion with dormer to rear
2008/0033/BR	AC	17, Dyserth Road, Penarth	Ground floor extension and new opening.
2008/0038/BR	A	60, The Pastures, Barry	Demolish conservatory and build single storey rear extension to provide living room, cloakroom, utility, stores and rear access (as amended)
2008/0039/BR	AC	14, Smithies Avenue, Sully	Two new detached dwellings to replace bungalow
2008/0040/BR	AC	Dinas Powys Methodist Church, Station Road, Dinas Powys	Extension and alteration including disabled WC and lift
2008/0044/BR	AC	Cowbridge Leisure Centre, Cylch Meithrin Y Bont, Cowbridge	Erection of prefabrication nursery unit together with all necessary site works.
2008/0045/BR	AC	Holmview Leisure Centre, Skomer Road, Barry	Internal conversion of community facility to social services unit together with necessary demolitions and sanitary works.
2008/0052/BR	AC	5, Raldan Close, Barry	Demolish existing single storey lean-to annexe and construction of two storey extension.

2008/0053/BR	AC	26, Ludlow Street, Penarth	Single storey extension
2008/0056/BR	AC	150, Colcot Road, Barry	Extension to existing private dwelling to to provide additional kitchen space.
2008/0057/BR	AC	6, Heol Ger-y-Felin, Llantwit Major	Single storey extension for a sitting room and utility room
2008/0059/BR	AC	33, Broad Street, Barry	Proposed conversion of the property into twoself contained flat units
2008/0060/BR	AC	Carpetright, Unit A, Valegate Retail Park, Culverhouse Cross	Installation of mezzanine floor, disabled lift, staircases and associated fire protection
2008/0063/CW	A	3, Llys Steffan, Llantwit Major	Cavity wall insulation
2008/0064/CW	A	11, Jenner Road, Barry	Cavity wall insulation
2008/0065/CW	A	9, Jenner Road, Barry	Cavity wall insulation
2008/0066/CW	A	20, Laugharne Court, Barry	Cavity wall insulation
2008/0067/BR	A	8A, Church Road, Barry	Bathroom adaptation to provide level access showering facilities suitable for a disabled person.
2008/0067/CW	A	33, The Heathers, Barry	Cavity wall insulation
2008/0068/BR	AC	Little Moor Farm, Llysworney, Cowbridge	Infilling of verandah area
2008/0068/CW	A	69, St. Davids Crescent, Penarth	Cavity wall insulation
2008/0069/BR	AC	73, Plassey Street, Penarth	Roof conversion into bedroom with en-suite
2008/0069/CW	A	12, Llys Dewi, Llantwit Major	Cavity wall insulation
2008/0070/BR	AC	266, Barry Road, Barry	Conversion of a garage into a kitchen
2008/0070/CW	A	47, Elfed Avenue, Penarth	Cavity wall insulation

2008/0071/BN	A	77-78, High Street, Barry	Internal works which consisting of renewal of suspended timber shop floor and fire protection to shop unit.
2008/0071/CW	A	51, Sullivan Close, Penarth	Cavity wall insulation
2008/0072/BN	A	15, Shakespeare Drive, Llantwit Major	Removal of part of wall and French doors by installing a lintel to link the dining room to the conservatory creating one larger area.
2008/0072/CW	A	24, Elfed Avenue, Penarth	Cavity wall insulation
2008/0073/CW	A	3, Fonmon Road, Rhoose	Cavity wall insulation
2008/0074/BN	A	Copperfields, St. Mary Church	Connection of sewerage to mains drainage system private drainage.
2008/0074/CW	A	2, Hawthorn Avenue, Penarth	Cavity wall insulation
2008/0075/BN	A	7, St. Julian Close, Barry	Loft conversion comprising of a bedroom, shower room and storage.
2008/0075/CW	A	9, Hawthorne Avenue, Penarth	Cavity wall insulation
2008/0076/BR	A	19, East View, Llandow	Single storey kitchen extension
2008/0076/CW	A	2, Elfed Avenue, Penarth	Cavity wall insulation
2008/0077/BR	AC	33, Ceri Avenue, Rhoose	Loft conversion to provide bedroom and en-suite
2008/0077/CW	A	16, Glyndwr Road, Penarth	Cavity wall insulation
2008/0078/CW	A	33, Castle Avenue, Penarth	Cavity wall insulation
2008/0079/BN	A	20, Salop Street, Penarth	Kitchen extension
2008/0079/CW	A	4, Hawthorne Avenue, Penarth	Cavity wall insulation
2008/0080/CW	A	11, Millbrook Heights, Dinas Powys	Cavity wall insulation

2008/0081/BN	A	Gwenhafdre, St. Mary Church, Cowbridge	Attachment to new mains sewerage system
2008/0081/CW	A	35, Castle Avenue, Penarth	Cavity wall insulation
2008/0082/CW	A	56, Plymouth Road, Penarth	Cavity wall insulation
2008/0083/BR	A	10, Cedar Way, Penarth	Internal alterations made suitable for disabled facilities. Converting existing rear storage area into shower room and taking down partition wall separating existing ground floor wc and improving access to shower room. new drainage connection.
2008/0083/CW	A	14, Glyndwr Avenue, St. Athan	Cavity wall insulation
2008/0084/BN	A	13, Church Meadow, Boverton, Llantwit Major	Change of use of attached garage to living/bedroom. Brickwork to match existing and Upvc window to match existing.
2008/0084/CW	A	20, Lougher Place, St. Athan	Cavity wall insulation
2008/0085/BR	AC	27, Cedar Way, Penarth	Extension at first floor with car port under
2008/0085/CW	A	44, Westward Rise, Barry	Cavity wall insulation
2008/0086/BR	AC	6, Bron Awelon, Barry	Two storey extension
2008/0086/CW	A	12, Lapwing Close	Cavity wall insulation
2008/0087/CW	A	13, Lapwing Close, Penarth	Cavity wall insulation
2008/0088/BN	A	Bryn Awel, St. Mary Church, Cowbridge	Connecting house sewerage to main sewerage system
2008/0088/CW	A	7, Adenfield Way, Rhoose	Cavity wall insulation

2008/0089/BN	A	34, Tennyson Road, Penarth	Knock down internal wall to create larger open plan lounge/diner
2008/0089/CW	A	Ty Tathan, Gileston	Cavity wall insulation
2008/0090/CW	A	18, Fairfield Crescent, Llantwit Major	Cavity wall insulation
2008/0091/BN	A	2, Langcross Cottages, Leckwith	Single storey utility room
2008/0091/CW	A	38, Monmouth Way, Boverton	Cavity wall insulation
2008/0092/BN	A	24, Grange Gardens, Llantwit Major	Garage conversion
2008/0092/CW	A	8, Seys Court, Llantwit Major	Cavity wall insulation
2008/0093/BR	AC	2, Collard Crescent, Barry	Install a W C in upstairs bedroom
2008/0093/CW	A	10, Castle Road, Rhoose	Cavity wall insulation
2008/0094/BR	AC	48, Arlington Road, Sully	Two storey extension providing kitchen, porch and bedroom
2008/0094/CW	A	52, Coleridge Avenue, Penarth	Cavity wall insulation
2008/0095/BR	AC	1, Montgomery Road, Barry	Two storey side extension to include disabled facilities
2008/0095/CW	A	Ty Talyfan, Welsh St. Donats	Cavity wall insulation
2008/0096/BN	A	Llwyn Onn, Llandough, Cowbridge	Two storey extension and single storey extension to study
2008/0096/CW	A	7, Windmill Close, Llantwit Major	Cavity wall insulation
2008/0097/CW	A	20, Hastings Avenue, Penarth	Cavity wall insulation
2008/0098/BR	AC	Fresh Winds, Primrose Hill, Cowbridge	Change of use of the garage to granny bedsit
2008/0098/CW	A	31, Penlan Road, Penarth	Cavity wall insulation

2008/0099/BR	AC	Dreams, Unit D, Valegate Retail Park, Culverhouse Cross	Installation of mezzanine floor, disabled lift, staircases and associated fire protection
2008/0099/CW	A	27, Jenner Road, Barry	Cavity wall insulation
2008/0100/BR	AC	Comet, Unit E, Valegate Retail Park, Culverhouse Cross	Installation of mezzanine floor, disabled lifts, staircases and associated fire protection
2008/0100/CW	A	25, Jenner Road, Barry	Cavity wall insulation
2008/0101/CW	A	28, Bron Awelon, Barry	Cavity wall insulation
2008/0102/BN	A	6, Maes Y Ffynnon, Bonvilston	Installation of downstairs WC and shower
2008/0102/CW	A	43, Torbay Terrace, Rhoose	Cavity wall insulation
2008/0103/CW	A	11, Dyfrig Court, Llantwit Major	Cavity wall insulation
2008/0104/CW	A	143, Cardiff Road, Dinas Powys	Cavity wall insulation
2008/0105/CW	A	62, Shakespeare Avenue, Penarth	Cavity wall insulation
2008/0106/BR	AC	West House, Stanwell Road, Penarth	Replacement window cladding panels and associated works
2008/0107/BN	A	23, Cilgant y Meillion, Rhoose Point, Rhoose	Convert integral garage to a study/play room.
2008/0107/CW	A	446, Gladstone Road, Barry	Cavity wall insulation
2008/0108/BN	A	38, Park Road, Barry	Internal alterations consisting of removal of diving wall, opening for patio door
2008/0108/CW	A	28, Sherbourne Close, Barry	Cavity wall insulation

2008/0109/BN	A	101, Greenacres, Barry	Truss roof opened up to create more space and board out floor. New joists bolted to gableends. Not habitable room.
2008/0109/CW	A	47, Penlan Road, Penarth	Cavity wall insulation
2008/0110/CW	A	67, Treharne Road, Barry	Cavity wall insulation
2008/0111/BN	A	3, Grays Walk, Cowbridge	Single storey porch (front entrance)
2008/0111/CW	A	8, Mountjoy Crescent, Penarth	Cavity wall insulation
2008/0112/BN	A	Maes Awelon, St. Mary Church, Cowbridge	Diversion of existing foul sewer line from private cesspit to new public foul sewer system.
2008/0112/CW	A	3, Fryatt Street, Barry	Cavity wall insulation
2008/0113/BN	A	16, St. Lythans Road, Barry	Attic conversion
2008/0113/CW	A	14, Caer Pwll, Dinas Powys	Cavity wall insulation
2008/0114/BN	A	Anwylfan, Main Road, Ewenny	Extend existing porch slate roof over covered area between house and garage
2008/0115/BN	A	Ty Pererin, Colhugh Street, Llantwit Major	Single storey extension
2008/0115/CW	A	3, Windmill Close, Llantwit Major	Cavity wall insulation
2008/0116/BN	A	129, Lavernock Road, Penarth	Single storey extension providing utility room and cloaks.
2008/0116/CW	A	21, Clement Place, Barry	Cavity wall insulation
2008/0117/BN	A	7, Church Place South, Penarth	External needle piled underpinning foundation to support building.
2008/0117/CW	A	1, Laleston Close, Barry	Cavity wall insulation
2008/0118/CW	A	30, Laleston Close, Barry	Cavity wall insulation

2008/0119/CW	A	87, Dobbins Road, Barry	Cavity wall insulation
2008/0120/BN	A	Killaloe, St. Mary Church, Cowbridge	Connection to new sewer system
2008/0120/CW	A	8, Stewart Road, Rhoose	Cavity wall insulation
2008/0121/BN	A	The Old Vicarage, Llanblethian	Loft conversion and alterations to roof construction to single storey annexe
2008/0121/CW	A	5, Stewart Road, Rhoose	Cavity wall insulation
2008/0122/BR	AC	21, The Verlands, Cowbridge	Internal alterations which consist of enlarge existing doorway from living room into kitchen
2008/0122/CW	A	7, Stewart Road, Rhoose	Cavity wall insulation
2008/0123/BN	A	7, Manor Park, Llantwit Major	Single storey lobby extension , wc and wash room.
2008/0123/CW	A	6, Stewart Road, Rhoose	Cavity wall insulation
2008/0124/BN	A	10, Dyfnallt Road, Barry	Dining room and utility room extension
2008/0124/CW	A	6, Falcon Road, Barry	Cavity wall insulation
2008/0126/BR	AC	91, Port Road East, Barry	Single storey shower/wc extension
2008/0126/CW	A	30, Laugharne Court, Barry	Cavity wall insulation
2008/0127/BR	AC	16, Windyridge, Dinas Powys	Single storey rear extension
2008/0127/CW	A	58, Laleston Close, Barry	Cavity wall insulation
2008/0128/CW	A	64, Redlands Road, Penarth	Cavity wall insulation
2008/0129/BN	A	8, Gwennog Court, Barry	Removal of bath and installation of a shower including drainage alterations.
2008/0129/CW	A	14, Maes Y Coed, Barry	Cavity wall insulation

2008/0130/CW	A	52, Millfield Drive, Cowbridge	Cavity wall insulation
2008/0131/BN	A	64, Borough Avenue, Barry	Kitchen/bathroom alterations
2008/0131/CW	A	290, Barry Road, Barry	Cavity wall insulation
2008/0132/BN	A	4, The Vines, Colwinston	Removal of 2 no. windows in rear elevation and provision of French Doors in place.
2008/0132/CW	A	18, Llys Dewi, Llantwit Major	Cavity wall insulation
2008/0133/CW	A	19, Cwm Barry Way, Barry	Cavity wall insulation
2008/0134/CW	A	82, Porthkerry Road, Barry	Cavity wall insulation
2008/0135/CW	A	2, Cwrt Yr Iolo, Flemingston	Cavity wall insulation
2008/0136/BN	A	11, Tyle House Close, Llanmaes	Underpinning, structural repairs & re-decoration
2008/0136/CW	A	26, Sea View Place, Llantwit Major	Cavity wall insulation
2008/0137/CW	A	15, Purcell Road, Penarth	Cavity wall insulation
2008/0138/CW	A	13, Purcell Road, Penarth	Cavity wall insulation
2008/0139/BN	A	32, Llwyn y Gog, Rhoose	Conversion of integral garage to form new dining room
2008/0140/BN	A	31, Millbrook Close, Dinas Powys	Single storey extension to alter existing conservatory into a brick built room of equal size
2008/0142/BN	A	5, Slade Close, Cowbridge	Single storey extension (new kitchen). Converting existing garage into bedroom and shower room
2008/0148/BN	A	11, Heol Cae Gwyn, St Brides Major, Vale of Glamorgan, CF32 0SE	Loft conversion
2008/0154/BN	A	Vishwell Farm House, St. Andrews Road, Wenvoe	Single storey annex

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

None.

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2008/0007/AI	A	1, Plas Glen Rosa, Penarth	Two store side extension
2008/0008/AI	A	Four Cross Service Station, St. Athan	Internal alterations
2008/0009/AI	A	54, Fairfield Rise, Llantwit Major	Structural alterations to create new opening to dwelling
2008/0010/AI	A	30, Heol Peartree, Rhoose	Single store front extension
2008/0011/AI	A	The Old Coal Yard, Arcot Lane, Penarth	Demolish existing industrial units and construct three units.
2008/0012/AI	A	257, Gladstone Road, Barry	Loft conversion
2008/0013/AI	A	5, Archer Road, Penarth	Loft conversion
2008/0014/AI	A	68, South Road, Sully	Loft conversion
2008/0015/AI	A	Awelon, Treoes	New dwellinghouse
2008/0016/AI	A	2, Plas St. Pol de Leon, Portway Marina Penarth	Loft conversion with wc/shower facilities
2008/0017/AI	A	Francis Road, Woodfield Heights, Barry	7 residential new build
2008/0018/AI	A	Hendre, Siginstone, Nr. Cowbridge	New sun room to replace existing single storey rear extension

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E - Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural Condition Imposed : Appeals	N - Non permittal (OBS - objections)
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	V - Variation of condition(s) approved

2007/01501/FUL	A	4, Harbour View Road, Penarth	Ground floor extension to rear to enlarge kitchen, form dining area, enlargement of bedroom to roofspace incorporating new rear dormer and alterations to front dormer
2007/01575/FUL	A	67, Church Meadow, Boverton, Llantwit Major	Proposed two storey rear extension
2007/01588/FUL	A	1, Llwynrhyddid Cottages, Hensol	Construction of detached double garage adjacent to existing dwelling
2007/01645/FUL	R	40, Porlock Drive, Sully	Single storey extension at 40, Porlock Drive, Sully

2007/01693/FUL	A	Tynwydd Farm, field between nos. 10 and 11, New barn, St. Athan	Four mobile stables and rolled stone surface
2007/01705/FUL	R	2, Windsor Terrace, Penarth	Ground floor extension to garage to form garden room inclu. rearrangement of garage roof
2007/01709/FUL	A	12, Eastgate, Cowbridge	Proposed single storey double garage in rear garden
2007/01718/FUL	A	Curnix Farm, Moulton	Hay barn
2007/01724/FUL	A	32, Westbourne Road, Penarth	Disabled ramps and alterations for disabled use
2007/01726/FUL	A	77, Westbourne Road, Penarth	Single storey extension to rear of property, two storey extension to side of property, Provision of new pitched roof construction on existing garage
2007/01727/FUL	A	2, John Batchelor Way, Penarth Marina	Garage conversion to living room
2007/01728/FUL	A	Vishwell Farm House, St. Andrews Road, Wenvoe	Single storey domestic extension
2007/01729/FUL	A	3, John Batchelor Way, Penarth Marina	Garage conversion to living room
2007/01730/ADV	A	4, Andrews Buildings, Stanwell Road, Penarth	Replace existing shop sign
2007/01731/FUL	A	Istwyn Barn, Lon Cwrt Ynyston, Leckwith	Three new windows
2007/01734/OUT	A	Port Road, Rhoose	Renewal of application for proposed Class A3 restaurant, car parking, landscaping and access arrangements together with amendments to previously approved car parking layout (application 2003/00827/FUL)

2007/01742/FUL	A	Grounds of Ty Mawr, Llanbethery	Construction of new garage block for Ty Mawr-renewal of planning application 2002/01277/FUL
2007/01743/FUL	A	Grounds of Ty Mawr, Llanbethery	Alteration and conversion of stable block to residential to form one new house- Renewal of planning application 2002/01459/FUL
2007/01749/FUL	A	56, Tathan Crescent, St Athan	Single storey kitchen extension & extension of existing dormer
2007/01754/FUL	A	29, Brenig Close, Barry	Single storey front extension
2007/01755/FUL	A	59, Colcot Road, Barry	2 No. ground floor windows in side wall
2007/01764/FUL	A	1, Erw'r Delyn Close, Sully Road, Penarth	White UPVc conservatory with brick walls at rear of property
2007/01778/FUL	A	4, Ty Draw, Llandow	New conservatory
2008/00005/FUL	R	6, Beaufort Way, Rhoose,	Retention of balcony to rear, including new patio doors
2008/00011/FUL	A	Aberthaw Power Station, The Leys, Aberthaw	Variation of conditions relating to planning permission 2007/00808/FUL
2008/00014/FUL	A	3, Dannog-y-Coed, Barry	Demolition of conservatory and rebuild single storey extension
2008/00025/FUL	A	Y Berllan, Llysworney, Cowbridge	Two storey rear extension
2007/01261/FUL	A	Ffaldwen fields adjacent to Maerdy Newydd Farm, Bonvilston	Stables

2007/01387/LBC	A	Nash Manor, Nash, Cowbridge	Repair of internal garden wall to a reduced height of 2 metres, restore stone cappings to entire wall to prevent water ingress, repoint wall that remains to original height
2007/01389/FUL	A	Plot at 4, Cosmeston Cottages, Lavernock Road, Penarth	Amendments to previous application 07/00143/FUL including omission of windows, extension of front gable and altered access
2007/01605/FUL	A	73, Port Road East, Barry	Proposed two storey side extension
2007/01612/FUL	A	Marcross Farm, Marcross	Proposed extension to existing cattle shed
2007/01737/FUL	R	Ty Shwllac, Heol Shwllac, St. Brides Major	Agricultural sheds for storage
2007/01739/FUL	A	6, Minster Close, Barry	Replacement of existing unsafe closeboard wood fence with same timber new fence 2m x 2.6m high supported by 10.No. timbers.
2007/01747/FUL	R	11, Clive Crescent, Penarth	Variation to condition 1 of planning application 2007/00819/Ful so as to allow clear glazing to be fitted in north west side of conservatory
2007/01748/FUL	A	Jane Hodge Resort Hotel, Trerhyngyll, Cowbridge	Extension to the hotel to form a sun lounge
2007/01765/FUL	A	36, Celtic Way, Rhoose	Double storey extension to side of dwelling. Take down part of boundary fence, ht 1.700m
2007/01767/FUL	A	56, Redlands Road, Penarth	Proposed gable end ground and first floor extension
2007/01771/FUL	A	12, Parc Clwyd, Barry	First floor extension and porch/garage conversion

2007/01773/FUL	A	10, Dyfnallt Road, Barry	single storey rear extension to form utility & dining room
2007/01774/FUL	A	9, Heol-y-Felin, Llantwit Major	Conservatory to side
2007/01781/FUL	A	6, St. Gwynnos Close, Dinas Powys	Two storey rear extension
2007/01782/OUT	R	Rear of 45, South Road, Sully	Erection of a two storey detached dwelling
2008/00010/FUL	A	3, Montgomery Road, Barry	Rear single storey extension and hardstanding
2008/00023/FUL	A	59, Plymouth Road, Penarth	Single storey kitchen extension
2008/00037/FUL	A	4, Andrews Buildings, Stanwell Road, Penarth	Replace existing shop front
2008/00043/FUL	A	21, Archer Road, Penarth	Amendment to application 2007/01258/FUL
2007/01550/FUL	R	54, Westward Rise, Barry	Two storey side extension
2007/01593/FUL	A	21, Lavernock Road, Penarth	Alterations to previous approved (06/00438/FUL) for change of use into two flats and dormer loft conversion
2007/01639/FUL	A	The Fruit Garden, Grosfaen Road, Peterston Super Ely	Retrospective planning application to retain buildings constructed on the site including a cafe/farm shop, office, storage areas and external seating area
2007/01683/FUL	A	35, Bron Awelon, Barry	Single storey side extension
2007/01687/FUL	R	Sutton Farm, Fort Road, Lavernock	Double hip roof conservatory in white UPVc to rear of property

2007/01697/FUL	R	New plot between 21, Main Avenue and 1, Cory Crescent, Wyndham Park Estate, Peterston-Super-Ely	New dwelling on new plot previously within curtilage of 21 Main Avenue
2007/01720/FUL	A	8, Clive Crescent, Penarth	Extension at second floor level of front elevation - renewal of planning permission 2002/00547/FUL with amendment.
2007/01722/FUL	A	122, Cornerswell Road, Penarth	Single storey extension to rear of property
2007/01759/FUL	A	The Bay Caravan Park, St. Marys Well Bay, Sully	8 no. caravan bases
2007/01776/LBC	A	Barclays Bank, 62, High Street, Cowbridge	Installation of two air condenser units in the back yard at the rear of the building
2008/00003/FUL	A	6, Cwrt Ty Mawr, Penarth	Two storey extension over existing garage to provide two bedrooms
2008/00004/FUL	A	Highlands, Llanmaes	Extension to rear ground floor, new pitched roof over garage and extension over garage at first floor
2008/00020/FUL	A	36, Westbourne Road, Penarth	Erection of a timber-framed garden studio to rear garden
2008/00024/FUL	A	66, Shakespeare Avenue, Penarth	Single storey extension to side and rear of property
2008/00054/FUL	A	10, Berkley Drive, Penarth	Two storey rear extension and new entrance porch
2008/00064/FUL	A	Meadow View Farm. Crossways, Cowbridge	Agricultural Building
2008/00065/FUL	A	3, Oak Grove, St. Athan	Conservatory
2008/00066/FUL	A	26, Coed Mawr, Barry	Edwardian style conservatory to rear elevation

2008/00067/FUL	A	33, Mountjoy Avenue, Penarth	Single storey extension to rear of property
2008/00080/FUL	A	22, Grove Place, Penarth	Proposed new gable wall to side elevation with new window to stairway and dormer window to rear elevation
2007/01466/FUL	A	69, High Street, Barry	Refurbishment of property to include new roof, stone facade repairs and new wooden sash windows. Conversion of 1st & 2nd floor into 2 self contained flats
2007/01495/OUT	R	Adjacent to 23, Orchard Drive, Barry	Proposed new dwelling
2007/01540/FUL	A	Southerndown Lodge, Southerndown	Two storey extension to existing dwelling for use as granny flat
2007/01592/FUL	A	Foxs Ridge, The Nursery, Rhose	Garage extension
2007/01622/LBC	A	69, High Street, Barry	Refurbishment of property to include new roof, stone facade repairs and new wooden sash double glazed windows. Conversion of 1st & 2nd floor into 2 self contained flats.
2007/01662/LBC	A	Ty Fry Farm, Llandow	Replacement of dairy window and renovation and repair of lounge floor
2007/01692/OUT	A	Land to the rear of 115 & 117, Port Road East, Barry	Demolition of existing garage & erection of 1 no. detached dwelling (outline) -resubmission
2008/00008/FUL	A	2, Broadway Green, St. Nicholas	Two storey extension to side and rear
2008/00016/FUL	A	Plot 1, The Stables, St. Brides Road, Wick	New 4 bed dwelling and garage

2008/00017/FUL	R	Yew Tree Cottage, Colwinston	Extend an existing house to provide one additional bedroom, a bathroom and a sun-room/library
2008/00019/FUL	A	Byways, Church Close, Ogmore By Sea	Alterations & Extensions plus creation of first floor accommodation
2008/00022/FUL	R	Holland Stable, Michaelston Le Pit	Installation of external flue to enable heating using recycled wood pallets/chippings
2008/00028/FUL	A	Windy Ridge, St. Lythans	Single storey extension to front to enlarge lounge
2008/00032/FUL	A	95, Llanmaes Road, Llantwit Major	Two storey extension to rear
2008/00038/FUL	A	15, Windsor Terrace, Penarth	Replace existing concrete tiled roof with smooth artificial slate roof
2008/00059/FUL	A	8, Berkley Drive, Penarth	Single storey rear extension
2008/00070/FUL	A	48, Baron Road, Penarth	A single and two storey extension
2008/00087/FUL	A	The Maltings, Water Street, Broughton	Two storey extension
2008/00099/FUL	A	30, Duffryn Crescent, Peterston Super Ely	Proposed ground floor kitchen extension
2008/00113/FUL	A	Tynewydd, Westgate Street, Cowbridge	Erection of single storey extension (amendment to previous consent)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2007/00547/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2062252
Appellant: Mr. & Mrs. Rob Sciubba,
Location: Land adjacent to Church Farm (Ashwood House), Ystradowen
Proposal: Erection of a dwelling house complete with a detached garage/store - amendments to permission 06/00173/FUL.
Start Date: 3 January 2008

L.P.A. Reference No: 2007/00959/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2063053
Appellant: Miss S. Poole,
Location: 85, Port Road East, Barry
Proposal: Proposed two storey extension to side of existing dwelling
Start Date: 9 January 2008

L.P.A. Reference No: 2007/00753/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2063400
Appellant: Mr. David Morgan,
Location: Redundant farm building at Village Farm, Marcross
Proposal: Conversion of redundant farm building into dwelling
Start Date: 15 January 2008

L.P.A. Reference No: 2007/01348/FUL
Appeal Method: Hearing
Appeal Reference No: 08/2063700
Appellant: Nomolos Limited,
Location: Hillcrest, Off Gileston Road, St. Athan
Proposal: Two dwellings
Start Date: 16 January 2008

L.P.A. Reference No: 2007/00273/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2065080
Appellant: Mr. M. J. P. Board,
Location: **Rear garden of Moorlands House, Penllyn**
Proposal: Construction of a two storey outbuilding to provide a workshop, garden store, gymnasium and office as ancillary accommodation to the main dwelling
Start Date: 29 January 2008

L.P.A. Reference No: 2007/01056/FUL
Appeal Method: Written Representations
Appeal Reference No: 08/2065060
Appellant: Mr. & Mrs. D. Griffiths,
Location: **Wallace Fach Cottage, Wick Road, Ewenny**
Proposal: Alter existing garage roof to accommodate an internal studio/work room. Remove and rebuild garden store.
Start Date: 29 January 2008

L.P.A. Reference No: 2007/01033/ADV
Appeal Method: Written Representations
Appeal Reference No: H/08/2064011
Appellant: Storage King Cardiff,
Location: **Cambria House, Penarth Road, Cardiff**
Proposal: External signage
Start Date: 13 February 2008

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

None.

(d) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	25	11	36	5
	H	6	1	7	1
	PI	-	-	-	-
Planning Total		31 (72%)	12 (28%)	43	6
Enforcement Appeals	WR	2	2	4	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		2 (50%)	2 (50%)	5	-
All Appeals	WR	27	13	40	5
	H	6	1	7	1
	PI	-	-	-	-
Combined Total		33	14	47	6

(e) Other Matters

None.

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer - Justina M Walsh, Tel: 01446 704690

Officers Consulted:

Head of Planning and Transportation

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved
E Split Decision

R - Refused

2007/01715/TPO	R	Elm Grove House, Elm Grove Road, Dinas Powys	Fell Yew tree (T1) in garden area fronting Elm Grove Road.
2007/01735/TPO	A	13, Laburnum Way, Dinas Powys	Crown reduction and thinning by 35 to 40% (T1) T2, T3 and T4 minor thinning
2008/00104/TPO	A	2, Little Avenue, Peterston Super Ely	Remove 2 lower limbs of Horse Chestnut
2008/00058/TCA	A	29, Porth-Y-Castell, Barry	Fell Copper Beech tree in front garden
2008/00077/TCA	A	11, Archer Road, Penarth	Fell Lawson's Cypress (front garden)
2007/01760/TPO	A	The Old Rectory, Old Port Road, Wenvoe	Fell 2 conifers and 1 holly
2008/00046/TPO	A	St. Quentins Cottage, St. Quentins Hill, Llanblethian	Fell 3 Conifers; reduce Beech hedge and crown reduction up to 30% to 2 Sycamores.
2008/00058/TCA	A	29, Porth-Y-Castell, Barry	Fell Copper Beech tree in front garden
2008/00073/TPO	A	Tudor Lodge, Bonvilston	Fell & remove conifers

2008/00132/TCA	A	Mill Lay, Colhugh Street, Llantwit Major	Removal of 1 Fir Tree
2008/00052/TPO	A	17, Colhugh Park, Llantwit Major	Sycamore- Fell, Lime pollard by 40%
2008/00056/TPO	A	Westard House, Broughton Road, Wick	Fell 1 Ash: remove one limb from Ash and canopy reduction of 25% of another Ash

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

5. TREES

(b) General

2008/00197/TPO Received on 14 February 2008

M. E. Evans, Trefnant, Penyturnpike Road, Dinas Powys, Vale of Glamorgan.,
CF64 4HH

M. E. Evans, Trefnant, Penyturnpike Road, Dinas Powys, Vale of Glamorgan.,
CF64 4HH

Trefnant, Penyturnpike Road, Dinas Powys

Fell 2 Elm, 1 Conifer, 1 Alder, 1 Oak, 1 Ash in rear garden

SITE DESCRIPTION

A large detached two storey dwelling set in a substantial garden off Penyturnpike Road in Dinas Powys.

DESCRIPTION OF DEVELOPMENT

The proposal is to fell 6 young trees: 2 (Wych) Elms; an Ash, an Oak, an Alder and a Juniper all ranged around the edge of a swimming pool close to the north boundary of the garden. The whole garden is covered by Tree Preservation Order (No.2), 1954 which was confirmed on 5 July 1955.

PLANNING HISTORY

04/00408/TPO - Reduce 1 limb by up to 2 metres on 1 Oak. Pollard 1 Oak to 4 - 5 Metres. Reduce and reshape 1 Oak by 40 - 50%. Reduce 1 Oak by 30 - 40%. Remove basal suckers on 2 Lime trees. Reduce lower limb on 1 Tulip tree and fell 1 Honey locust. Approved 20 April 2004.

CONSULTATIONS

Not applicable.

REPRESENTATIONS

Not applicable.

REPORT

Issues

None of the trees are mature and all but one are located in confined areas around the swimming pool. For example, the Elm and Ash are in small raised beds and whilst the former tree is clearly dying, the Ash, if left, will undoubtedly cause problems with a retaining wall: indeed, there is evidence that patching up with cement has already been carried out. Given the location to side of the swimming pool and the risks of summer branch drop associated with a mature Ash, this is not an ideal specimen. The Oak, Alder and Juniper are positioned close to a gravel footpath. Again the Oak and the Alder have the capacity to grow much larger and the Oak has a long life expectancy. On this basis it does seem likely that some of the trees have suffered due to root severance perhaps during the time the swimming pool and paths were constructed (by the previous landowner) and although young trees can recover, their proximity to structures and their size potential are already causing concern. It is considered that the trees are inappropriately sited and their felling should be seen as an opportunity for new planting of smaller native ornamental trees like Crab Apple, Rowan or Wild Cherry.

The larger free standing Elm which is closer to the interior of the garden is also dying (as Elms commonly do these days once they reach a certain size, being unable to withstand attacks by Dutch Elm) and it is recommended that it be replaced with a Field Maple.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The work shall be carried out in accordance with accepted rules and practices of good tree surgery to conform to B.S. 3998 - Recommendations for Tree Work.

Reason:

To ensure the work is carried out to an acceptable standard.

2. The work hereby approved shall be carried out within 12 months of the date of this consent.

Reason:

To ensure the work is completed within a reasonable time limit.

3. A scheme of tree planting of a size and species to be agreed shall replace those around the swimming pool area although they can be planted elsewhere in the rear garden and one Field Maple of extra heavy standard size shall be planted to replace the larger Elm, south west of the swimming pool. These replacement trees shall be planted in their dormant state between October 2007 and March 2008 and must be properly staked and watered during periods of drought and shall be so maintained for a period of five years. In the event of any tree dying or becoming diseased it shall be replaced with a similar size tree.

Reason:

To ensure that the visual amenities of the area are protected and to encourage biodiversity.

NOTE:

1. **Bats and nesting birds must not be disturbed or destroyed during felling work. A full visual inspection of the trees to be felled must be carried out prior to felling to check for the presence of bats and nesting birds. Advice on bats and trees may be obtained from the Countryside Council for Wales. Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either the Countryside Council for Wales on 02920 772400 or the Council's Ecology Section on 01446 704627.**

Background Papers

File Ref: 2008/00197/TPO

Contact Officer - Margaret Krzemieniewski, Tel: 01446 704742

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

5. TREES

(b) General

REPORT TO PLANNING COMMITTEE TO PROPOSE THE CONFIRMATION
OF A TREE PRESERVATION ORDER

SITE AND TREE DESCRIPTION

The site is the eastern end of the village of Penmark called Higher End.

This report seeks confirmation of the Tree Preservation Order No. 25, 2007, which covers a stand of mature Austrian Pine trees which are growing on a strip of land running parallel with and adjoining garden land belonging to No. 1 Higher End and includes three Austrian Pines located in front of two large Dutch barns south of the strip.

TREE HISTORY

1996/00172/TCA - Site next to Higher End, Penmark. Tree surgery as indicated in letter of application dated 22nd February, 1996. Approved 29 February 1996.

REPRESENTATIONS

A letter of representation from Wardell Armstrong (dated 17 December 2007) acting on behalf of the owner/occupiers of 1 Higher End details concerns in respect of *lack of amenity value* and *health and safety* with particular regard to the four Austrian Pines closest to 1 Higher End which they have labelled trees A, B, C and D. In essence, the owner/occupiers are of the opinion that,

- trees A, B, C and D ... "...contribute neither to the wider landscape nor the character of the Conservation Area..." in part, because, from the east these trees are hidden from view and also because, they maintain that being Austrian Pines the trees are not a native species and would be better replaced with Oak, for example.
- trees B, C and D are poor specimens and tree A is becoming over-mature and that as a result the tree may become unstable and fall or lose lower limbs, all of which may cause damage to the property.

REPORT

The site has been re-visited and the views above, considered, and whilst it is true that trees B, C and D have a sparse form they do contribute to the group especially when viewed from a distance, such as from the B4265 coast road where the whole group serves as an interesting feature on the skyline by virtue of the contrast between the low linear aspect of the large Dutch barns against the backdrop of an undulating evergreen silhouette. Although the trees do not actually mask the barns, without the Austrian Pines in the background the barns would visually take on greater prominence and their loss should therefore be guarded against and it is felt their removal would be of significant detriment to views from the south (the coast road).

Regarding the points made on grounds of health and safety where tree A is concerned, there is not sufficient evidence to verify that this tree should be excluded from the Order because of a risk of it becoming unstable. In this regard there does not appear the evidence of serious decay or movement in the rootplate. Furthermore, there is no record of any enquiry being made with a view to felling the trees because of such concerns and if the owner/occupiers wish to prevent damage from sudden loss of limbs by falling dead wood they can do so without needing consent from the Local Planning Authority, as the Tree Preservation Regulations allow. If in the future evidence can be produced to support a case for the tree(s) being hazardous, this can be examined and if supported, appropriate action taken.

RECOMMENDATION

- (1) It is recommended that this Tree Preservation Order be confirmed.

Contact Officer - Margaret Krzemieniewski, Tel: 01446 n704742

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

Wardell Armstrong

Our ref: SAC/MB/01/CA10062

Date: 17th December 2007

Head of Planning and Transportation,
Vale of Glamorgan Council,
Dock Office,
Subway Road,
Barry Docks
Vale of Glamorgan
CF63 4RT

Dear Sirs,

Tree Preservation Order (No 25) 2007, Higher End, Penmarc

We have been instructed to act on behalf of Mr and Mrs N Crane in relation to the above matter. They received a Notice of Making of Tree Preservation Order on 22nd November 2007. This letter raises objections on their behalf to part of the Order being confirmed. A copy of the plan accompanying the Notice of Making of Tree Preservation Order is enclosed and shows in red, lettered from A to D, the approximate locations and canopy spreads of the trees to which this objection relates. They are the four most westerly within the G1 group. Objections are raised to their inclusion within the Order on the grounds of:

- A. Lack of amenity value and
- B. Health and Safety.

Having undertaken an assessment of the trees and their setting, we set out below our specific objections.

1. The Notice of Making of Tree Preservation Order consists of 3 individual trees (T1 – 3) and a Group of 17 trees (G1), and has been made on the grounds of the trees' high amenity value. It is contended that the four trees in question contribute neither to the wider landscape nor the character of the Conservation Area through aesthetics or screening, and thus have minimal amenity value.

On entering the village from the east, it is trees T1 - 3 and the eastern end of G1 that set the character of the village arrival point, and views of the four trees, A to D, are unobtainable as they are hidden behind the eastern section of G1. Views from the centre of the Conservation Area to the west of the property are obtainable of the top of tree A's canopy only, and views of trees B, C and D only become available when the viewer is almost opposite Higher End house.

With regard to views from the wider landscape, such as from the road to the south and the footpaths to the west, it is contended, that although the trees are visible, they are by no means dominant in those views. It is also contended that, as the trees are pines and, therefore, not native, their removal would not be detrimental to those views.

2. Trees B, C and D are poor specimens having extremely high and narrow crowns that are out of proportion with their height. Trees B and D also lean to the east at a noticeable angle. Were these trees to be the subject of a survey to BS 5837 in accompaniment to a development, they would be recommended for removal. As such, their aesthetic, and therefore, amenity value, is minimal. It is contended that these trees should not form part of the confirmed Order on the grounds of their lack of amenity value.

WARDELL ARMSTRONG LLP

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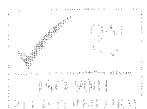
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A

over-sail the house on that side. It is feared that, as this tree is becoming over-mature, although there are no current signs of senescence, that this tree may either become unstable and fall on the house, or drop its lower limbs as can be the case with Pines, again, with the possibility of falling on the house. It is contended that this tree should not form part of the confirmed Order on Health and Safety grounds.

The preservation of the Conservation Area is very important to our clients – in fact its very existence is a large part of why they choose to live in Penmarc – and they are keen to uphold and contribute positively to it in any way they can. However, it is felt that the retention of these trees is not beneficial to the Conservation Area, and that an increased contribution could be made by planting native species, such as oak. This would not only have far greater biodiversity value and aesthetic appeal, but, given that the trees that are the subject of the afore mentioned Notice are all becoming over-mature with a limited life expectancy, would ensure the long term presence of substantial tree and vegetation cover at the eastern end of the Conservation Area. In that spirit, our clients would be happy to plant a substantial amount of individual oak and other trees native to the area as well as native species hedges within the curtilage of the property and to its south. It is hoped, therefore, that the Council will see fit to exclude these four trees from the confirmation of the Order.

We would welcome any discussions you feel relevant on the above matter, and should you feel the situation warrants a meeting, we would be pleased to meet and discuss the way forward on site.

Yours sincerely

for Wardell Armstrong LLP



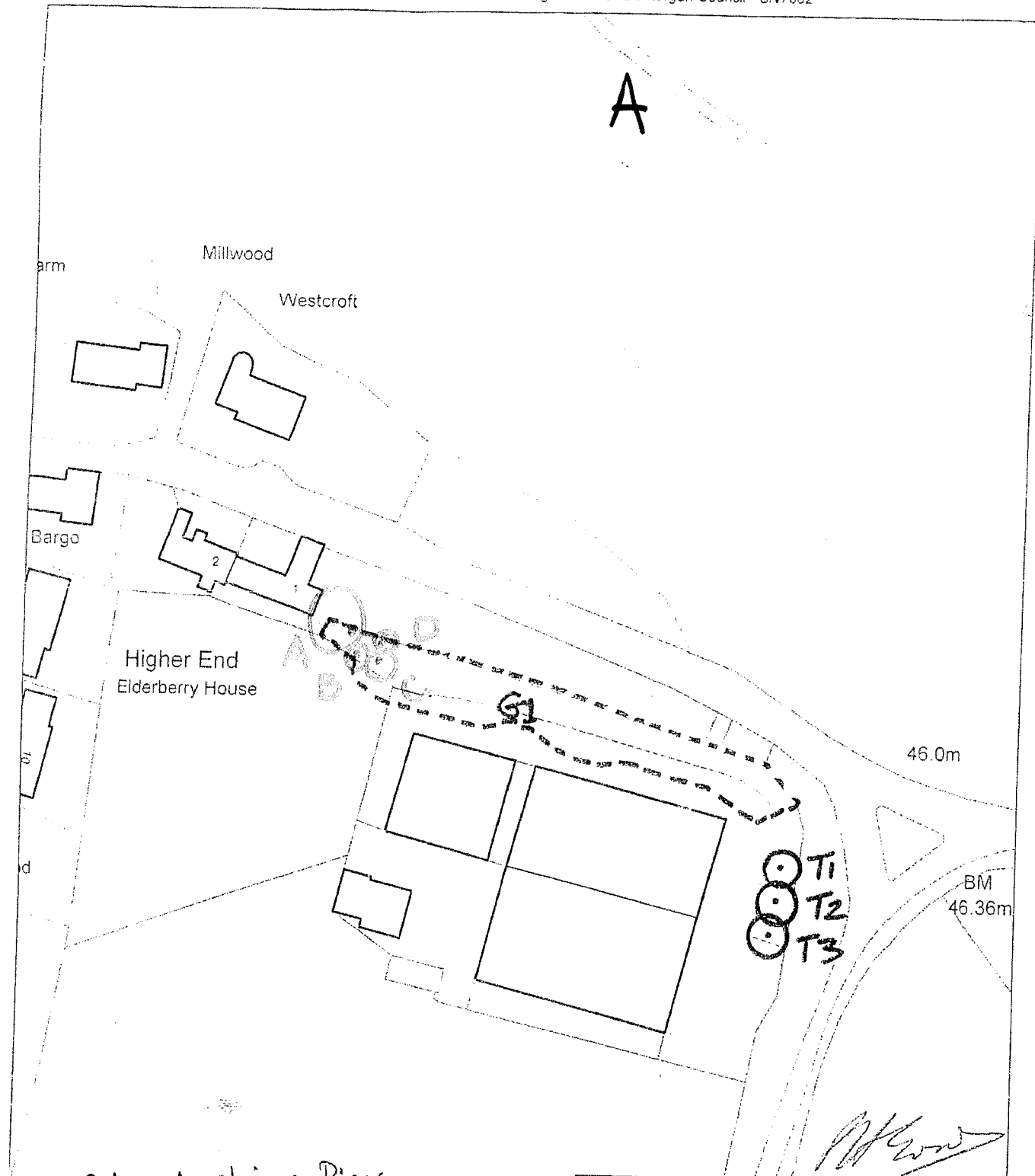
MYFANWY BREWSTER

Associate Director Landscape Architect

mbrewster@wardell-armstrong.com

encl.

cc. Mr and Mrs Crane



G1 - Austrian Pines

T1 - Austrian Pine

T2 - Austrian Pine

T3 - Austrian Pine

RECEIVED

18 DEC 2007

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

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	The Vale of Glamorgan Council	
Department:		
Title: TREE PRESERVATION ORDER (no.25),		
Drawn By: 2007 at HIGHER END, PENMARK		
VALE OF GLAMORGAN 	Scale 1:1000	Time 03:02:24 PM
Date 14 Nov 2007		

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

FUTURE FORMAT AND CONSTITUTION OF CONSERVATION AREA
ADVISORY GROUP

Purpose of Report

1. To give consideration to the future role of the Council's Conservation Area Advisory Group and its management.
2. To progress recommendations from the report made to Cabinet of the 5 March 2008 (attached as Appendix 'A').

Background

3. As contained in the attached report to Cabinet.

Relevant Issues and Options

4. These are as contained in a background report attached as Appendix 'B' which is for discussion purposes. The Council's position and objectives in running the Group are as described in paragraphs 17/18. Paragraph 19 discusses the creation of a 'forum' in distinction to the current Group organisation, which might have the following key characteristics:

smaller size
wider agenda
improved strategic outlook
altered membership
greater independency

5. Also attached to the report as Appendix 'C' are three consultation responses received from members of the Conservation Area Advisory Group in response to issues raised at the extended meeting of 27 July 2007.
6. All other implications, corporate/service objectives, policy framework/budget and consultation are as referred to in the report to Cabinet.

Relevant Scrutiny Committee

7. Economy and Environment.

RECOMMENDATIONS

- (1) That the contents of the report be noted, and be referred to the Conservation Area Advisory Group (Extended Meeting) of 16 April 2008.
- (2) On the basis of the further consultation referred to in (1) above, a further report be submitted to Cabinet and Planning Committee with proposals for the reorganisation of Conservation Area Advisory Group.

Reasons for Recommendations

- (1) In order to determine the views of Conservation Area Advisory Group as to future format of the Group.
- (2) In order to provide Cabinet and Planning Committee with a recommended final format and constitution of the Group which takes account of the consultations undertaken.

Background Papers

Report to Cabinet 20 June 2007

Report to Planning Committee 19 July 2007

Report to Conservation Area Advisory Group (Extended Meeting) 26 July 2007

Contact Officer –Nick Lloyd, Principal Planning Officer (Conservation and Design)

Tel: 01446 704626

Officers Consulted:

Operational Manager, Development Control

Operational Manager, Democratic Services

ROB QUICK

DIRECTOR OF ENVIRONMENTAL

AND ECONOMIC REGENERATION

The Vale of Glamorgan Council

Cabinet Meeting: 5th March 2008

Report of the Director of Environmental and Economic Regeneration

Future Format and Constitution of Conservation Area Advisory Group

Purpose of the Report

1. The purpose of this report is to give consideration to the future role and management of the Council's Conservation Area Advisory Group.

Recommendations

1. That the contents of the report be noted, and be referred to Planning Committee and the Conservation Area Advisory Group (Extended Meeting) for further discussion.
2. That subject to consideration by Planning Committee the principle of the reconfiguration of the Conservation Area Advisory Group to a Conservation and Design Forum, as outlined in the Discussion Paper be accepted.
3. That on the basis of the further consultations referred to in (1) above, a further report be submitted to Cabinet with proposals for the reorganisation of Conservation Area Advisory Group.

Reasons for the Recommendations

1. In order to determine the views of both committees as to the future format of the Group.
2. In order to provide a way forward and to focus the discussions as to the future of the Conservation Area Advisory Group.
3. In order to provide Cabinet with a recommended final format and constitution of the Group which takes account of the consultations undertaken.

Background

2. A report was submitted to Cabinet on the 20th June 2007, considering Conservation Area management in the Vale of Glamorgan. This advised members concerning the submission of a report by consultants (the Conservation Studio) which considers, amongst other matters, the Council's internal structures, processes and attitude to managing Conservation Area legislation.
3. An outcome of the report included a review of the role and management of the Conservation Area Advisory Group, an objective included in the Planning Divisions Service Plan for 2007/8.
4. The consultants' report was also subsequently considered by Planning Committee of 19th July, 2007 and an extended meeting of Conservation Area Advisory Group of 26th July, 2007. At the latter meeting, recommendation (2) advises that:
 - A further report be submitted to a future extended meeting of the Group to present options relating to the future constitution, form and agenda of the Group.
5. A report which describes the current constitution of the Group and discusses options for its future role and management has been prepared as a basis for discussion. This is attached for reference at Appendix 1 to this report.

Relevant Issues and Options

6. These are as contained in Appendix '1'. The Council's position and objectives in running the Group are as described in paragraphs 17/18. Paragraph 19 discusses the creation of a 'forum' as an alternative to the current Group organisation. The 'forum' might have the following key characteristics:
 - Smaller size
 - Wider agenda
 - Improved strategic outlook
 - Altered membership
 - Greater independency

Resource Implications (Financial and Employment)

7. Conservation Area Advisory Group is currently serviced by officers from the Development Control and the Planning and Transportation Policy Groups of the Planning and Transportation Division and on from the Scrutiny and Committee Services the Legal, Public Protection and Housing Directorate. This is not expected to change as a result of this report.

Legal Implications (to Include Human Rights Implications)

8. Conservation Area Advisory Groups are not a requirement of the Planning (Listed Buildings and Conservation Areas) Act, 1990. Nevertheless, Welsh Office Circular 61/96 (paragraph 28) states as follows:
 - Authorities are asked to consider setting up conservation area advisory committees, both to assist in formulating policies for the conservation area (or for several areas in a particular neighbourhood), and as a continuing source of advice on planning and other applications which could affect an area. Committees should include local residential and business interests,

local historical, civic and amenity societies, and local chambers of commerce and the authority may wish to seek nominations (depending on the character of the area) from national bodies such as the amenity societies and the Civic Trust for Wales. Authorities should consider whether there is scope for the involvement of local people on a voluntary basis in practical work for the enhancement of the area.

Crime and Disorder Implications

9. None applicable to this report.

Equal Opportunities Implications (to include Welsh Language issues)

10. None applicable to this report.

Corporate/Service Objectives

11. The report is presented in the context of corporate and service objectives to conserve and enhance the natural and built environment.

Policy Framework and Budget

12. This report is a matter for Executive Decision by Cabinet

Consultation (including Ward Member Consultation)

13. The report relates to issues relating to the whole of the Council's area. No individual ward member consultation has been undertaken. It is, however, recommended to refer the report to Planning Committee and the Conservation Area Advisory Group for consultation purposes.

Relevant Scrutiny Committee

14. Economy and Environment.

Background Papers

Report to Cabinet 20th June, 2007.

Planning Committee 19th July, 2007.

Report to Conservation Area Advisory Group (Extended Meeting) 26th July, 2007.

Contact Officer

Nick Lloyd, Principal Planning Officer (Conservation and Design) Tel: 01446 704626.

Officers Consulted

Operational Manager, Development Control
Operational Manager, Democratic Services

Responsible Officer:

Rob Quick - Director of Environmental and Economic Regeneration

Conservation Area Advisory Group Future Format and Constitution:
Notes for Discussion

1. The purpose of this report is to give consideration to the potential future form and management of the Council's Conservation Area Advisory Group
2. The report follows the production of a report commissioned from consultants' ('The Conservation Studio') concerning conservation area management, and observations made by it concerning the future potential, operation and servicing of the Group. As part of this exercise, the consultant engaged members of the Group at an extended meeting on 29th November, 2006. The conclusions were further debated at an extended Group meeting on the 26th July, 2007.
3. Following the July 26th, 2007 extended meeting, it has been agreed to bring a further report before the Council and an extended meeting of the Group in order to present options relating to a future constitution, form and agenda for the Group in the light of the consultants' findings.

BACKGROUND TO THE VALE OF GLAMORGAN CONSERVATION AREA ADVISORY GROUP:

4. Conservation Area Advisory Groups have now been meeting in the Vale of Glamorgan for over thirty years. This is primarily in response to advice given in Welsh Office Circular 61/96 ('Planning and the Historic Environment: Historic Buildings and Conservation Areas'), paragraph 28, which states as follows:

'Authorities are asked to consider setting up Conservation Area Advisory Committees, both to assist in formulating policies for the conservation area (or for several in a particular neighbourhood), and as a continuing source of advice on planning and other applications which could affect an area. Committees should include local residential and business interests, local historical, civic and amenity societies, and local chambers of commerce and the authority may wish to seek nominations (depending on the character of an area) from national bodies such as the national amenity societies and the Civic Trust for Wales. Authorities should consider whether there is 'scope for the involvement of locals on a voluntary basis in practical work in the enhancement of the area.'
5. Groups were historically based on each conservation area but a series of reviews by the Council (most noticeably in 1996 and 1999) have led to the current arrangements. The last comprehensive consideration of the Group's arrangements were discussed in meetings of 27th January, 2000 and 31st May, 2001 leading to the current system, described as follows:

- Group membership is by invitation, with applications for new membership being considered and approved by the group (The group current has 17 potential attendees).
 - The Chairmanship of the Group is normally taken by the Vice Chairman of the Council's Planning Committee (currently Councillor Ms. R. Birch).
 - Members of Town and Community Councils are invited to attend, speak and vote regarding applications relating to their areas.
 - The Group meets twice per Council cycle (every three or four weeks), normally on a Thursday commencing at 6 p.m.
 - Extended Group meetings, which are open meetings involving representation by invitation to all representatives of all Town and Community Councils, are undertaken twice or three times annually in order to discuss other issues of policy and management in Conservation Areas.
 - The Council's Principal Planning Officer (Conservation and Design) or his representative attends all meetings, as does a representative from Development Control.
6. The approved terms of reference are as follows:
- (a) To consider applications for planning approval in respect of development which in the opinion of the Local Planning Authority would affect the character or appearance of a conservation area, and to make recommendations to the Planning Committee.
 - (b) At the request of the Council, to suggest proposals for the preservation and enhancement of the conservation area.
7. The criteria by which applications are referred to the Group are attached as Appendix 'A'.
8. Reports and agendas are normally despatched to Group members a minimum of eight days in advance of the meeting when possible.

CURRENT PERFORMANCE AND MANAGEMENT:

- 9. Since the last restructuring, the Group has met consistently and has provided debate and recommendations to Planning Committee concerning over 250 applications (from May, 2001).
- 10. Extended meetings have also been held consistently since 2001, generally on a biannual basis; the topics considered since 2000 are

described in Appendix 'B'. In addition, further items of relevance have been referred to the Group from Cabinet (e.g. the Cowbridge Garden Centre Development Brief), and debated by it as need has arisen.

11. It will be noted from Appendix 'B' that the Group has already benefited from a range of topics designed to improve its skill base in understanding the planning system, dealing with applications, policy and design; this is worth noting in view of members' representations provided to the consultant and comments contained in the final report.
12. The maximum attendance of the monthly, non-extended meeting is twenty members including the Chair and Vice-Chair of Planning Committee. Two posts (representatives from the Cowbridge and Penarth Chambers of Trade) are currently vacant. Invitees representing Ward Members' of the Council and members' of town/community councils may also be in attendance in consideration of applications of relevance to their areas. However, in recent years, representation from town/community councils has often been absent. There has also been little or nil attendance from representatives of the four Chambers of Trade (Barry, Cowbridge, Llantwit Major, Penarth) and from the Royal Society of Architects in Wales.
13. The Council currently services the Group through attendance of three officers, two from the Planning and Transportation Division (one each from the Development Control and Planning and Transportation Policy Groups) and one from the Scrutiny and Committee Services Group of the Legal, Public Protection and Housing Department. A great deal of officer time and commitment is spent on preparing reports, agendas and servicing the Group.

REVISION OF CURRENT PRACTICE:

14. A need for change in the current format of the Group is broadly agreed upon between the Council and constituent members of the Group, a view reflected in the consultants' report. In paragraph 7.3.4. (page 53) the recommended actions are as follows:
 - (i) Comment upon and develop a Conservation and Urban Design Forum, which revitalises the existing Conservation Area Advisory Group, with a broader remit and membership, consisting of the local community, professional involvement and national representation.
 - (ii) Develop a conservation and design award scheme, which recognises both the quality and positive impact of new development and conservation work within the Vale.
 - (iii) Formulate a Historic Environment Strategy with the Forum.

- (iv) Establish a programme of historic environment education and awareness raising for stakeholders, the community and within the Council, through imaginative use of the web and consideration of a regular 'state of the historic environment award'.
15. The detail was further progressed at the Group extended meeting of the 26th July, 2007, at which key issues may be summarised as follows:
- The terms of reference require amending in the light of the actions described in paragraph 14 above.
 - The Group's role is excessively reactive, and greater consideration should be given to policy and other matters on the agenda.
 - Further training is needed to 'upskill' members.
16. In the recommendations of the report of 26th July, 2007, members were asked to consider providing a response to the discussions that had been held and to make any written representations or offer any further views. Three organisations (Cowbridge and District Local History Society, CPRW and Cowbridge Charter Trust) took this further opportunity to provide further written comments.

THE COUNCIL'S POSITION:

17. Conservation Area Advisory Groups are not a statutory requirement of the legislation but are, nevertheless, considered to form good practice in terms of the management of conservation areas. It is noteworthy that, of the five benchmarked authorities referred to in the consultant's report, two administer such Groups. Whilst officers recognise the benefits described in the report to be obtained from such local engagement, a degree of realism is required to be introduced from the outset in considering specific agendas for change. Three matters are of particular relevance.
- (a) The requirement for officers to service as a first priority the needs and programmes of the Council and its elected members. Resources dedicated to members of the Conservation Area Advisory Group need to be pragmatically viewed in terms of equal or greater demand from the Council's Cabinet and committees.
 - (b) The dichotomy that exists between ambition for more dedicated input to external participation (as referred to in the consultant's recommendations) and a real year by year reduction in the resources made available for servicing such objectives beyond the core system.

- (c) The paradoxical nature of Welsh Assembly targets for dealing with planning applications within eight weeks and the consideration of qualitative aspects of new development in conservation areas.
18. Considered within this framework of constraint, the Council's objectives in managing an agenda for change are considered to be as follows:
- (i) Creation of a 'Forum': ongoing commitment to a reconstituted 'forum', potentially with less formality in meeting (but see comments in 19 (a) below).
 - (ii) Providing a Wider Agenda: altering the balance between reactive and proactive issues so that the interests of the Group might be 'refreshed' in its future outlook.
 - (iii) Improving Strategic Outlook: the establishment of a better understanding at strategic level between the objectives of this Group and other environmental interests such as the Council's policy making apparatus (the Community Strategy and LDP).
 - (iv) Provision of Improved Membership: altering the representation on the Group so that new, independent skills can be brought forward with less reliance on Council officer time.
 - (v) Promotion of Greater Independency: seeking improved engagement beyond Council agendas.
 - (vi) Value for Money: achieving (i) – (v) above within the framework of decreasing resource.

DISCUSSION: THE VALE OF GLAMORGAN CONSERVATION FORUM:

19. It is intended to expand on the objectives described above. Taking each in turn, the following issues are raised to invoke constructive debate concerning the format of a new 'Forum':
- (i) Creation of a 'Forum': the emphasis might be in a withdrawal from the current committee oriented structure to a more informal meeting, with a slightly more balanced agenda. However, this would need to be perceived from a Council position of carefully controlled input in terms of officer time and resource. The Forum would continue to need to respect the existing strict targets for the administration of planning applications, and it is not proposed to change the current criteria for referral or the frequency of the meetings. However, an informal meeting might create improved opportunity for dialogue 'across the table' in distinction to the more formal presentation structure currently in use. In order to create a more balanced agenda, the Forum

might need to consider a more consistent input of other issues and to establish areas of particular interest. Members of the Forum might consider it appropriate to consider making a contribution to the agenda themselves, thereby encouraging wider and more independent dialogue than at present.

- (ii) Providing a wider agenda: it is proposed to remove the current commitment to extended meetings in response to a more consistent input of policy matters to the proposed Forum. The potential for developing proactively the interests of the Forum is noted above in (i), and this could, for example, involve independent speakers and advice.

Conservation areas form one element of the historic built environment and there is additional scope to consider further matters. This might involve consideration of further inclusions to the County Treasures list, conservation design awards, participation in European Heritage Open Days and the creation of more locally instigated enhancement schemes (such as that in Cowbridge undertaken through the Cowbridge Charter Trust).

A key issue for discussion is the capacity of the Conservation and Design Team to service the wider outlook.

- (iii) Improving Strategic Outlook: the need to improve the current insularity of the historic environment function is recognised. This would involve better understanding of key relationships with the Council's corporate policies, community strategy and the emerging Local Development Plan.
- (iv) Provision of Altered Membership: attendance is currently erratic. It is possible that the 'core' Group might be better serviced and balanced by a reduction in its current overall membership e.g. by the removal of the current Chamber of Trade representation and the introduction of a more specialised input (e.g. by ensuring regular attendance by a member of the Royal Society of Architects in Wales). The role and attendance of the town and community councils requires to be reviewed as they are already fully consulted on applications in conservation areas.

This needs further research as it is known that it is becoming generally and increasingly problematic in attracting volunteers to attend such meetings.

- (v) Promotion of Greater Independency: this is possibly the most radical of the objectives in seeking to create a stronger identification for the proposed Forum, with greater separation from the Council. For example, it might imply a standing down

of the chairmanship of the Group by the Vice-Chair of the Council's Planning Committee and the nomination of a Forum Chair, with the capacity to input into the agenda. However, the Forum would still need to be serviced by the Council's Scrutiny and Committee Services Group and Planning staff as at present, and with respect to the existing cycle of meetings in order to fulfil obligations to the very strict targets for dealing with planning applications.

- (vi) Value for Money: the progress aspired to above could only be achieved within the context of efficiency savings required on the part of the Council. In this respect there may be inbuilt value in a more independent, self-governing administration for the Forum.

CONCLUSIONS:

- 20. The consultants' identify the potential value in, and under-utilisation of the existing Conservation Area Advisory Group. Opportunities are recognised which might lead to a forum with a broader outlook concerning the historic built environment, and with wider agendas beyond consideration of conservation area management. It is thought that there is a need for a better balance in the consideration of proactive, policy/enhancement led issues and those relating to the consideration of planning applications, although the value of the latter would remain a key part of the new body's concerns. However, for any restructuring to be effective, all parties would need to recognise the constraints which exist on Council officers' time and resource in providing support for such an organisation. A move towards slightly greater independency of the Forum could lead to new and dynamic agendas, including the potential for improving the future forum's skills base.

APPENDIX 'A'

Applications **NOT** to be referred to the Conservation Area Advisory Groups

1. Single storey extensions to dwelling-houses, including domestic outbuildings.
2. Changes of user which do not materially affect the external appearance of premises.
3. Formation of pedestrian/vehicular accesses.
4. Fences, walls and other means of enclosure.
5. Erection of temporary buildings of a minor nature, and/or the stationing of caravans for periods not exceeding two years provided no major departure from established policy is concerned.
6. Renewal of planning consents where there has been no change in planning circumstances.
7. Proposals to amend detail plans where consent for similar proposals has been previously granted.
8. Listed Building Consent and Conservation Area Consent applications.
9. Applications for consent to display advertisements.
10. Extension of residential curtilages.
11. Sub-division of dwellings into not more than two residential units.

APPENDIX 'B'

Topics considered by CAAG in 'extended' and other Group meetings from 2000

6.1.2000	Applications for development situated adjacent to a conservation area.
6.1.2000	A Background to Management of the Historic Environment.
22.6.2000	Designation and de-designation of Conservation Areas.
15.11.2001	A Conservation and Design Strategy for the Vale of Glamorgan.
21.2.2002	Review of CAAG Working Arrangements.
30.7.2002	Material consideration to be considered in the Determination of Planning Applications in Conservation Areas.
28.11.2002	Enforcement Controls and Retrospective Planning Applications.
19.12.2002	Design in Conservation Areas.
23.1.2003	Design in Conservation Areas (discussion referred from 19.12.02)
16.10.2003	Trees in Conservation Areas.
16.10.2003	Conservation Area Policy.
16.12.2003	Protection of Historical Assets in Wales: A Consultation Paper (referral from Cabinet).
22.7.2004	Extended meetings: topics for discussion.
7.10.2004	Important Stages During the Processing of a Planning Application
7.10.2004	Overview of the Planning Appeal Process.
1.12.2004	Protocol for Officers and Members in Dealing with Planning and Related Matters (referral from Cabinet).
18.5.2005	Dilapidated Properties in Conservation Areas. Anti-social Behaviour Act, 2003 High Hedges Regulations 2004.
29.11.2006	Conservation Area Management in the Vale of Glamorgan (Presentation by Consultants).
26.7.2007	Conservation Area Management in the Vale of Glamorgan. Presentation of Findings of Consultants.

APPENDIX C

Cowbridge & District Local History Society

Miss Emma Harvey
Operations Manager – Planning & Transportation Policy
Vale of Glamorgan Council
Docks Office
BARRY CF63 4RT

24th September 2007

By Recorded Delivery

Dear Miss Harvey,

Conservation Area Management

As requested, please find below the Society's response to the above report produced by the Conservation Studio. For clarity, the comments are divided into two parts. The first part concerns conservation management in general, the second part covers the role of the Conservation Area Advisory Group.

1. Conservation Management

1.1. Despite the diplomatic language used, the consultant's report is highly critical of the council's management of conservation in the county.

1.2. The main criticism is levelled at the council's executive for its lack of interest in conservation.

The consultants see this as explanation for the conservation area not being '**effectively managed**' [4.4.8.] and the lack of adequate resources, lack of training, etc.

1.3. This also probably explains the council's inability to retain people in the position of Conservation Officer and the high rate of turnover in this post. More than a decade ago, comments were emerging from the department about the 'little attention' being given to the conservation team.

1.4. The consultant's further illustrate the council's lack of interest by its failure to give any mention in the Corporate Plan or the Divisional Service Plan [3.2.4./3.3.7./4.4.4./4.4.5. and 4.4.8]

1.5. The consultants are particularly critical of the executive's lack of interest in the historical aspects of conservation [4.4.5 and elsewhere]. The consultants even draw attention to the economic benefits which would result from this aspect being managed effectively.

1.6. The consultants draw attention to a serious situation in stating that the council has made no provision for the training of personnel to serve in the conservation department. If this observation is correct and is representative of the council's operations as a whole, it presents an alarming situation, but makes other statements easier to appreciate.

1.7. The consultant's report [1.1.3] indicates that the council was about to restructure the conservation section. At the July meeting it was explained that this was to divide the county into two, North and South, and allocate one Conservation Officer for each area. Although this plan appears to have collapsed with the departure of one of the Conservation Officers, the careful organisational management of resources is keep things as flexible as possible. When a shortage of resources is claimed, segmentation is not considered wise management in such circumstances.

1.8. There appears to be some confusion as problems caused by the council's delegated responsibility for listed buildings. The consultant's report raises this as a resource problem. However, at the 26th July meeting it seemed that it was no longer a problem. If it is, why does the council not simply pass the responsibility back to CADW, claiming lack of resources ?

1.9. The consultants target the lack of up to date conservation area appraisals [3.3.7 and elsewhere]. They make it clear that any valid management of conservation in the county must stem from the production of such appraisals.

1.10. An urgent problem requiring attention is that of the so called 'distressed buildings'. There are a number of these in the Vale conservation areas. The owners are deliberately allowing them to fall into decay so that they can be demolished and the land profitably exploited for new development.

This problem is theoretically covered by the serving of a Section 215 notice requiring the owner to rectify the situation. It is true that the council is not helped by the fact that the fines imposable are risibly low in relation to the development potential of the land at today's values. It would also appear that some magistrates are over lenient, probably with insufficient understanding of the serious consequences of such practice.

Some of the CAAG members have agreed to try and influence a change to this law including a substantial increase in the level of fines involved.

However, there remains the need for the council to answer a question. The demolition of a building without planning consent is against the law. Allowing a building to reach a state of collapse is a form of demolition. What is stop the council prosecuting for unauthorised demolition as presumably it would if a building was knocked down by other means?

The Welsh Office/National Assembly guidelines require that buildings making a 'positive contribution' to a conservation area must be considered in the same way as listed building if intended for demolition. The buildings under threat in Penarth and Cowbridge fall into this category.

1.11. Active management of the above problem would involve enforcement. There are a number of council staff whose job titles involve the word 'enforcement'. How they are organised and how they function requires some explanation?

1.12. Over a decade ago, the council set up the Vale of Glamorgan Building Preservation Trust Ltd. Its six directors are a mixture of councillors and others. It received funds from the council and elsewhere. It would seem that it is highly relevant to conservation in the county, but has never received a mention. What exactly does it achieve?

1.13. The Society does not see the introduction of 'Awards' holding any merit. The current scheme where the council is providing 'awards' to developers and builders is perceived with a mixture of derision and suspicion. For many council tax payers, it places the council too close to the construction industry. With the recent history of problems in such relationships, the council would do well to avoid giving this impression.

Were the council to introduce awards for new building in the conservation areas, it would make nonsense of its claim to be short of funding and personnel for conservation matters.

2. Conservation Area Advisory Group [CAAG]

2.1. The consultants are clear in their view that the council has made insufficient use of the potential offered by the CAAG.

2.2. What requires an explanation is how it came about that, when pressed for some Terms of Reference by members of CAAG, the council produced a three liner which falls substantially short of what is spelt out in circular 61/96.

In 2003, the National Assembly launched the 'Review of the Historic Environment in Wales', a countrywide consultation, calling for input from organisations on related matters including conservation. When asked why the council had not involved the CAAG, the reply was that it 'was not obliged to do so'.

Circular 61/96 makes it very clear that the Review was the very sort of exercise where the CAAG should have been involved.

It is understood that the council did not participate or contribute to this important exercise claiming 'lack of time'. This further supports the consultant's view that the council shows insufficient interest.

There have been subsequent consultations where the council has not attempted to involve or notify the CAAG. The strong impression is gained whereby the council has deliberately avoided involving the CAAG in both consultation and policy.

2.3. An area requiring considerable clarification is the manner by which planning applications are selected for inclusion on the CAAG agenda. There appears to be a tendency for small applications to be included but larger and more valuable developments excluded.

In recent correspondence with the council, the Society was told that only applications where the Planning Department considered there would be an effect on the Conservation Area were put on the agenda. This seems to conflict with the idea that it is for the CAAG to decide if there would be a resulting effect?

It is also noticeable that the reports submitted in the past for each application tended to be unbiased. More recently the reports are seeking to influence the committee towards a particular decision.

2.4. Despite the introduction of new members, it is very noticeable that the attendance of traditional core members of the committee has declined. This can only reflect their view on the usefulness or otherwise of the committee. It is to be hoped that the council's reaction to the consultant's report will go some way to resolving this problem.

2.5. This declining attendance was well illustrated at what should have been an important meeting held on the 26th July to discuss the consultant's report. The council had been warned in advance that it was a very bad choice of date. At the meeting, the council, rather bizarrely congratulated itself on the turnout. In actual fact, less than half of those entitled to attend were present. The numbers were made up by 'spectators' presumably organised by the council?

2.6. What is also regrettable is the declining presence of community councils when invited. This is not confined to the smaller communities. Barry, Penarth and Llantwit Major local councils never send a representative to the meetings they are entitled to attend. When questioned, the answer is either that they do not believe the committee serves any useful purpose or as they already submit their views in writing, as with any other planning application, to attend the CAAG meetings would only be a duplication. The council might usefully review its attitude to judge if either comment needs attention.

2.7. The Society is prepared to participate more fully in the CAAG along the lines of the recommendations made in section 6 of the consultant's report. However, this would be conditional to the work of the committee being heeded and properly reflected in the council's planning policy and decisions.

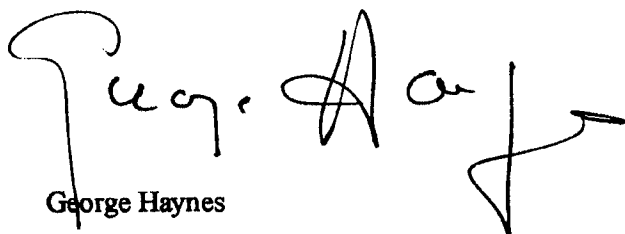
2.8. The Society would be happy to participate in training sessions. However, it would wish to see this matched by training for the development of the council's own staff as recommended by the consultants.

2.9. Coincidentally, just prior to the commissioning of the consultant's report, the Society was considering its own position vis-à-vis the committee. The feeling was that the CAAG was having little effect on the planning procedure and none as regards planning policies. The report has only served to reinforce this impression.

The consultants identify what is needed in section 2.1. Key Aspirations. Under the heading 'The council should' they list nine areas of attention where perhaps, at the moment, in only one instance the council is anywhere near the required level of achievement.

In the near future, this Society will need to see a substantial adoption of the report's recommendations in order for the Society to continue its support of the committee.

Yours sincerely,
For the Cowbridge & District Local History Society


George Haynes

**Ymgyrch Diogelu Cymru Wledig
Campaign for the Protection of Rural Wales**

**CANGEN CANOL A DE MORGANNWG
MID AND SOUTH GLAMORGAN BRANCH**



(N)

1st October 2007
Robin Simpson, 3 Parc - y - Bryn, Creigiau, Cardiff, CF15 9SE,
029 20891165,

to Emma Harvey,
Operational Manager,
Docks Office,
Subway Road,
Barry,
Vale of Glamorgan.
CF63 4RT

Emma Harvey,

Conservation Area Management in the Vale of Glamorgan

Please find attached our written representations regarding the above.

Regards

Robin Simpson

Cadeirydd/Chairman: Ysgrifenydd/Secretary: Robin Simpson
3 Parc y Bryn, Creigiau, Cardiff. CF15 9SE. Ffôn/Tel: 02920 891165
ELUSEN GOFRESTREDIG REGISTERED CHARITY 239899

www.cprw.org.uk

Conservation Area Management in the Vale of Glamorgan

Relevant issues and options

(a) Reactive Agenda (commenting on planning applications)

Question (i) : What is the perceived value and outcomes of the group ' s input to applications for development ?

Response; The promotion of good design and sustainable development is essential in the conservation areas of the Vale of Glamorgan. A high quality of contemporary design is critical so as to achieve a more attractive, sustainable, and safer built environment. We, the various civic, historical, rural protectionists, and Victorians etc - do tend to have an instinct to repeat the past, writing contemporary design out of the agenda. Whilst we have varying skills, what we have collectively is an interest and enthusiasm for the architecture and quality of our built environment. Hopefully, we can achieve an attractive environment. In our assessment of applications for development we are totally dependant on the assistance of the planning professionals, i.e. N.Lloyd and the presenting officer, with regard to planning strategies, and policies concerning the production of good design.

Question (ii) : Should the agenda be further reduced to relate to the consideration of major applications, and if so, what criteria for selection might be considered ?

Response; Raising the standard of architecture and design in the Vale of Glamorgan is an essential component of future competitiveness and social and economic success. The worst must be improved and the mediocre not countenanced. Design quality in these circumstances is a valid and important consideration. Yet, with a few exceptions, we have no formal design training and are thus precluded from judging design styles and design quality for major developments.

Question (iii) : Should the agenda be retained in favour of consideration of the range of proposals as at present, and do the criteria operate satisfactorily ?

Response; Whilst it is appreciated that the present agenda in the main is a mixture of small to medium scale developments in the form of new houses, enlarged premises, and shop fronts occasionally large developments are presented for our consideration. However, these are in the minority. In the past we have has raised questions as to why certain developments have not been presented for our consideration, and the reasons as to why our recommendations for refusal are ignored. So perhaps this aspect needs re - appraisal ?

(b) The Strategic Outlook

Question (i) : If the Group were to engage in greater involvement in policy formulation, what issues would it consider to be important (e.g. County Treasures and local listing, design awards, Local Development Plan, Conservation Area Appraisals, Supplementary Planning Guidance) ?

Response; I am not in favour of us engaging in a greater involvement in policy formulation. The development process embodies a wide range of professionals responsible for the design and construction of buildings. These include architects, landscape architects, and urban designers. The complexity of the design process is one that we should not be involved with. We have neither the skills, wherewithal, time, or interest to be involved in policy formulation.

Question (ii) Should the remit of the group be balanced in favour of wider policy issues relating to the historic built environment as a forum, in distinction to the reactive agenda as in (a) overleaf.

Response; For the reasons described above it is considered that wider policy issues should not be within our remit.

(c) Constitution and Membership:

Question (i) Does the Group have the right number of members, and what might be done to improve the fluctuating / low levels of attendance ?

Response; We have at present a membership of 18 members. We represent a wide cross - section of interest groups, i.e. The Victorian Society, St. Nicholas Society etc. It is unusual to see a large, let alone, a full attendance. Thus the membership of the group could be limited in numbers - say to about eight persons - with the capacity to co - opt, when necessary, say up to four people for specific developments. Perhaps these could come from the architectural department of the authority or perhaps from architectural / urban design students. Whilst the voluntary sector is seen as an important partner our profile is of an aged group with most of us retired. How you engage and attract a younger age profile I honestly do not know. This is a universal problem facing most, if not all, unpaid voluntary bodies.

Question (ii) How far should the group be balanced in membership to reflect wider, strategic interests, e.g. by the addition of new specialist members ?

Response; As previously stated I do not believe that policy issues should be within our purdue.

Question (iii) How frequently should policy issues be a subject on the agenda ?

Response; As previously stated policy issues should not be a subject on the agenda.

Question (iv) - in conjunction with (c) (iii) above, is there a need for further training of members to increase awareness of certain issues, and if so, what issues.

Response - please see (c) (ii) and (iii).

Question (v), How should the group create new agendas given an ongoing, identified shortage of resources available to the council to service its needs ?

Response; Given the complexities of the development process it is not our remit to create new agendas. It is the planning department who excersize the development control function, and implement planning strategies and policies. Design quality is an important consideration within this process. They are required to initiate consultations and advise councillors as to whether a development is satisfactory, requires amendment, or should be refused. We have no statutory responsibility in this matter.

----- Original Message -----
From: "lukemail" <lmillar61@literature.e7even.com>
To: <ELHarvey@ValeofGlamorgan.gov.uk>
Sent: Sunday, September 30, 2007 11:01 AM
Subject: Conservation Area Management in the Vale of Glamorgan.

Dear Ms. Harvey,

The following are my responses to the questions posed on p.4/5 of the copy report on our discussions on this topic, sent out to members of the Vale Conservation Advisory Group on 31st July 07:

a) Reactive Agenda

i) The perceived outcomes of the Group's role is the vetting of planning applications in conservation areas, on the "preserve or enhance" criteria. These are valuable judgements by informed local people, under the guidance of the Vale's professional conservation staff, whose advice is often, and quite rightly, accepted. The value of group's contributions is sometimes undermined by omission of sometimes important applications from the agenda, and by the sometimes blatant subsequent acceptance of applications with powerful commercial interests (for example, blocks of flats which are too high, but where reduction by, say, one story would reduce the no. of flats created).

ii) No, I do not think the agenda should be reduced to considering major applications - rather the opposite, because even very small applications can have significant visual effect.

iii) Yes, but with the provisos mentioned in i (and ii) above.

b) The Strategic Outlook

i) The Group should be involved in policy formulation. Comments on the issues mentioned are:

County Treasures and local listing: yes.

Design Awards: yes, to advise on the appropriateness of the designs, rather than their pure architectural merit.

Local Development Plan and Conservation area appraisals; yes to both, but it is not acceptable to expect the group as established to undertake a huge back-log of work from the Vale.

ii) The balance should be according to need, as and when things happen.

c) Constitution and Membership

i) Number of members OK, but attendance might be improved if the Vale were to give it a higher profile and involve it more in policy matters.

ii) The Group balance should be reviewed, with more attendance from councils and from specialist members (new?) and none from commercial interests (Chambers of Trade, who are uninterested anyway. It should however be possible to invite people involved in particular, mainly major developments, such as architects and developers, to have their say. This would also facilitate the correction required to some applications which are overall OK but require adjustment to be acceptable.

iii) As needed, but hopefully not more than twice yearly.

iv) Yes, general training is needed, which should be in conjunction with the Vale's own staff, where training needs have been identified. This would increase both knowledge and commitment to the Group by both 'sides', and generate, through discussion, points for further debate. The road to improvement lies in understanding and creative thinking by both, and a willingness by the Vale to accept changes driven from the working level of staff and Group members.

v) I think new agendas would arise from the sort of training-cum-consultation described above. However, if the Vale is to improve matters and catch up with the backlog of area appraisals etc., it will have to spend money on staffing. Attempts to substitute investment by depending on volunteers would induce cynicism and withdrawal of commitment by members, most of whom lead busy lives anyway.

I think most of the substance is included in the bullet points on P.5 anyway. To move forward, we have to accept the criticisms of the Vale's performance in the past, and accept that genuine attempts are being made improve the Vale's performance on conservation matters. BUT, you get 'nowt for nowt", and if the Vale really believes that conservation is valuable and necessary, it will have to put the money 'up front" for it.

There is one other area which I feel is very important. If the Vale wishes to acquire any credibility for caring about the appearance of things, it must tidy up its own act. I attach for example, three photos of the magnificent Barry Dock Office, where we meet. The pavement edge outside is weedy; plastic notices have actually been screwed to the panelled stone gate-posts at the entrance, and the wonderful cast-iron main stair is stacked-up with plastic containers and a cardboard AA notice. In fact, the whole hall area around this stair is both a mess and a wasted opportunity for displaying your treasures.

Hoping all this is helpful,

Luke Millar

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 MARCH 2008

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

MOUNT ROAD, DINAS POWYS : PROPOSED 30 M.P.H. SPEED
RESTRICTION ORDER

Purpose of Report

1. To seek Members' approval to introduce a Traffic Regulation Order to create a speed restriction of 30 m.p.h. over the length of Mount Road, Dinas Powys from its junction with Station Road to its junction with St. Andrews Road a distance of approximately 400 metres.

Background

2. The Council has introduced a 20 m.p.h. speed zone over the length of St. Andrews Road and Britway Road, Dinas Powys as part of a 'Safe Routes to School' scheme. This included a sign indicating a 30 m.p.h. speed limit for Mount Road. However, Mount Road does not have a system of street lighting, consequently it requires a Traffic Order to implement this restriction.

Relevant Issues and Options

3. The village of Dinas Powys is generally subject to a 30 m.p.h. speed restriction with a 20 m.p.h. restriction outside the school. However, Mount Road considered in this report is currently subject to the national speed limit of 60 m.p.h., with no footway or street lighting. A number of residential properties are situated along its length, and pedestrians have to walk in the carriageway, including children travelling to and from St. Andrews Major, Church in Wales School.
4. The Local Members and the Chief Constable have been consulted and their responses are awaited.

Resource Implications (Financial and Employment)

5. The scheme costs are estimated to be £3,000, which will be met from the Traffic Management Revenue Budget 2008/2009, should the proposed Traffic Regulation Order be made.

Legal Implications (to include Human Rights Implications)

6. The Council as Highway Authority has a responsibility to ensure the safety of the highway user. The Road Traffic Regulation Act 1984 gives the Council powers to introduce speed restrictions.
7. There are no human rights implications.

Crime and Disorder Implications

8. The reduction of traffic speeds is likely to engender a greater sense of security within a community, so lessening any crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

9. The proposal will benefit all sectors of the community by improving road safety.
10. Traffic signs used in the proposal will adopt the Council's requirements of the Welsh Language Scheme.

Corporate/Service Objectives

11. Corporate/Service Objectives: To provide a safe highway infrastructure.
12. There has been no stakeholder consultation yet; this will take place on publication of the notice, should the recommendation be approved.

RECOMMENDATIONS

- (1) That Members resolve to give public notice of the Council's intention to make an Order under Sections 81, 82, 83 and 84 of the Road Traffic Regulation Act 1984, as set out at Appendix A.
- (2) That in the event of no objections being received, the Order be made.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To permit the speed restriction to be introduced.

Background Papers

Vale of Glamorgan Traffic File IF/544.

Contact Officer - Alexander Thomson, Tel: 029 20673053

Officers Consulted:

Operational Manager Highway Maintenance
Operational Manager Legal Services
Accountant, Building and Visible Services

ROB QUICK

DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

To accompany Plan No. T/08/26/AT

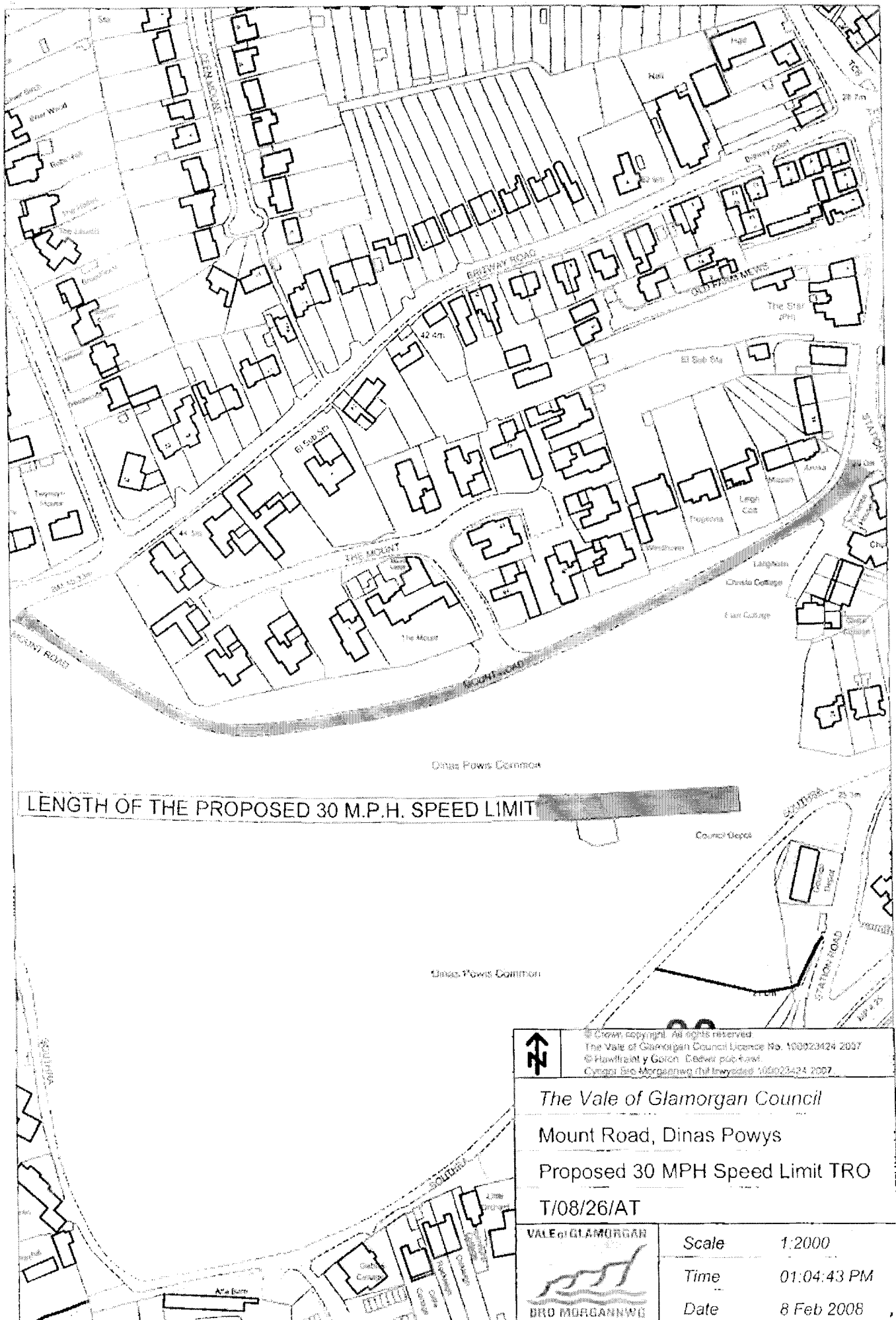
APPENDIX A

SCHEDULE

Proposed 30 m.p.h. Speed Restriction Order

Mount Road, Dinas Powys.

From its junction with Station Road to its junction with St. Andrews Road for a distance of 400 metres southwest and northwest.



© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2007 © Hawtrelat y Golech. Cofrestrwyd. Cynnal Bro Morgannwg (rhl) lwyysed 100023424 2007.		
<i>The Vale of Glamorgan Council</i> Mount Road, Dinas Powys Proposed 30 MPH Speed Limit TRO T/08/26/AT		
VALE of GLAMORGAN BRO MORGANNWG	Scale	1:2000
	Time	01:04:43 PM
	Date	8 Feb 2008

APPENDIX A 10 OCTOBER 2007 PLANNING COMMITTEE MEETING

2007/01121/FUL Received on 31 October 2007

Rhodri Davies, Asbri Planning Ltd., 32 Lambourne Crescent, Llanishen, Cardiff.,
CF14 5GG

Newydd H.A. (1974) LTD., Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff.,
CF15 7NE

Former nursery land adjacent to Cemetery Road, Barry

Erection of 61 No. affordable dwellings (made up of 39 No. houses and two blocks of 11 No. flats) and associated works

SITE DESCRIPTION

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

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

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

DESCRIPTION OF DEVELOPMENT

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

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

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

- The three bedroom dwellings have a general footprint of 6m wide x 9m deep with a ridge height of 5.5 metres and ridge height of 9.5 metres.
- The four bedroom dwellings have a general footprint of 7.5m wide x 8m deep with a ridge height of 5.5 metres and ridge height of 9.2 metres.
- The main front section of the apartment blocks measures 19.5m wide x 9m deep and both contain a rear projecting element of size 8.5m wide x 8m deep. The blocks measure 14.7m in height.

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

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

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

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

The application has been supported by the following documents:

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

PLANNING HISTORY

1986/01158/REG4 - Temporary Portakabin. Approved.

1988/00498/REG4 - Portakabin office. Withdrawn.

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

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

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

REPRESENTATIONS

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

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

REPORT

Planning Policies

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

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

Part 1 Strategic Policies

Policy 1 and Policy 2.

Part 2 Policies

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION IMPORTANCE

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS.

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

POLICY REC6 - CHILDREN'S PLAYING FACILITIES.

POLICY TRAN10 – PARKING

The following Supplementary Planning Guidance is also of relevance:

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

Issues

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

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

Site Layout

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

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

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

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

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

Scale, Design and Materials

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

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

Highways and Parking Considerations

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

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

Privacy and Amenity

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

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

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

Ecology

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

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

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

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

Other Specific Objections

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

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

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

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

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

Section 106 Issues

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

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

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

CONCLUSION

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

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

RECOMMENDATION

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

- The dwellings to be built as part of the development built under the planning permission shall be built and thereafter maintained as affordable housing units in perpetuity.
- The developer shall pay the Council a traffic contribution (£9,500) to cover the costs of administration and implementation of Traffic Regulation Orders (TRO's) required as a result of the development.
- The developer shall enter an agreement made under Section 278 of the Highways Act 1980 to upgrade the adopted highway at the access points to the development site on Cemetery Road and St. Teilo's Avenue through the provision of new street lighting, kerbing, planting and footway and carriageway resurfacing.
- The developer shall pay the sum of twenty five thousand pounds (£25,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The developer shall pay the sum of twenty five thousand pounds (£25,000) to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The developer shall provide Recreation Facilities in the form of children's play equipment on site to a specification to be agreed by the Local Planning Authority or provide a financial contribution in lieu of such provision.
- The developer shall pay a commuted sum to be agreed by the Local Planning Authority following submission of a maintenance scheme for the Recreational Facilities, to be used to maintain the Recreational Facilities for a 20 year period.
- The developer shall transfer at no cost to the Council, any areas of public open space land to be adopted by the Council and pay an associated commuted sum to ensure the maintenance of such land for a 20 year period.
- The developer shall pay the sum of sixty nine thousand five hundred and twenty pounds (£69,520) to the Council to provide or enhance Educational facilities available for future occupiers of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£3,416.00 in this case).

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

Reason:

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

2. This consent shall relate to the plans registered on the 2 August 2007 other than where amended by plans reference 002/Rev: H, 003/Rev: C, 004/Rev: A, 006/Rev: B, 009/Rev: C and dwg 020, received on the 31 October 2007.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

8. Prior to their use in construction of the dwellings hereby approved, samples of the ridge and roof tiles, bricks, render and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

16. A scheme for the maintenance of the landscaped areas within the site shall be submitted to and agreed in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the units. The areas shall thereafter be maintained in accordance with the approved scheme.

Reason:

To ensure the satisfactory maintenance of the landscaped open areas and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

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

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

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

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

APPENDIX B 13 DECEMBER 2007 PLANNING COMMITTEE MEETING

2007/01121/FUL Received on 31 October 2007

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

Former nursery land adjacent to Cemetery Road, Barry

Erection of 61 No. affordable dwellings (made up of 39 No. houses and two blocks of 11 No. flats) and associated works

PURPOSE OF THE REPORT

The following report should be read in conjunction with the report of planning application 07/01121/FUL, which was presented to the Council's Planning Committee on the 10 October 2007. At that Planning Committee, the application for 66 No. affordable dwellings was deferred for the scheme to be amended. This report details the amendments that have been submitted in response to the concerns raised by Members.

The original report is attached as Appendix A.

DESCRIPTION OF DEVELOPMENT

Original Scheme

The application was initially for 66 units of affordable housing, comprised of 42 No. dwellings and 24 No. flats (2 blocks of 12).

The scheme proposed a residential development comprised of a mix of 2, 3 and 4 bedroom terraced and detached dwellings.

- The east elevation facing Cemetery Road contained 3 terraces made up of 5, 7 and 8 dwellings respectively, and the two blocks of flats, both comprised of 12 units.
- The west elevation facing Cemetery Road contained two terraces of 8 and 10 dwellings.
- The triangular piece of land towards the west of the site contained a crescent of 4 No. detached dwellings.

Amended Scheme

The scheme has been amended to 61 units, comprised of 39 No. dwellings and 22 No. flats (2 blocks of 11). The following changes have been made to the original submission:

- The deletion of 2 houses from the eastern side of Cemetery Road on the terrace nearest to the cemetery entrance. This row has been reduced from five units to three, and a 'garden of contemplation/area of public open space' has been provided in their place.
- The deletion of one unit from the western side of Cemetery Road, at the corner of Cemetery Road and St. Teilo Avenue. This has been replaced by an additional area of tree lined landscaping.
- The reduction in the height of the apartment blocks from 14.8m to 13.6m, and the reduction in the number of units in each from twelve to eleven. Two small dormer features are proposed on the front elevations just above the eaves and two additional parking spaces have been included to serve the flats.

RE-CONSULTATIONS AND REPRESENTATIONS

Given that the scale of the development has been reduced, only the Town Council, neighbouring properties and other objectors have been re-consulted in respect of the amended plans. It is not considered necessary to re-consult other statutory consultees.

Barry Town Council have re-affirmed their 'very strong objection' to the proposal on the following grounds:

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

An additional 13 individual letters of objection and a petition containing 2,336 signatures, have also been received objecting on the following grounds:

- The development would result in the loss of an attractive green space.
- The development will cause noise and disturbance.
- There would be an increase in traffic and pollution.
- The development would have a detrimental impact on the value of surrounding properties.
- There would be no parking space for funerals and the development would result in the loss of a sensitive setting and approach to the cemetery.
- There are insufficient play areas within the development.
- Cemetery Road is a popular route with dog walkers and learner drivers.

- Cemetery Road is used by parents waiting to pick up children from St. Helen's RC Junior School on Tynewydd Road.
- The scheme is an overdevelopment of the site.
- There is insufficient parking to serve the development.
- The submitted ecology survey does not take account of all wildlife that may be living in the area.
- The development will overlook rear gardens of existing properties.
- Part of the development will overshadow the garden and house of No. 15 St. Teilo Avenue.

The objections to the application are contained within a booklet, which will be placed within the Members room prior to the Planning Committee. The original petitions are contained as Appendix B to the booklet and the original objection letters as Appendix C. The petition received in response to the re-consultation on the amended plans is contained as Appendix D and the further letters of objection as Appendix E.

REPORT

Planning Policies

The following policies remain relevant to the assessment of the scheme:

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION IMPORTANCE

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS.

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

POLICY REC6 - CHILDREN'S PLAYING FACILITIES.

POLICY TRAN10 – PARKING

The following Supplementary Planning Guidance is also of relevance:

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

Issues

This report is to be read in conjunction with the original report to the Council's Planning Committee of the 10th October 2007, and addresses the issues raised by the specific amendments to the scheme.

Whilst reducing the overall level of development within the site from 66 to 61 units, the amendments have specifically sought to bring the development away from the cemetery entrance, in order to retain a more open layout at this sensitive location. This has been achieved by omitting 2 units from the eastern end terrace and a single unit from the western end terrace.

These units have been replaced by an area which may comprise a quiet garden or area of public open space to be used in conjunction with the development, and an additional area of landscaping. Should it be considered that this area is best served as a garden for use by residents and cemetery visitors, the contributions detailed within the Section 106 Legal Agreement for a play area can be used to improve other facilities in close proximity to the site.

It is considered that the revised layout respects the setting of the cemetery entrance and would reduce the actual and perceived level of development when approaching the site from Cemetery Road. The omitted unit on the western side will serve to bring the end of the terrace behind the building line of St. Teilo Avenue, thereby reducing its visual impact along this approach road.

The two flat buildings have been reduced in height and one unit omitted from each block. Accordingly, the visual impact of these buildings will be reduced from within and from outside of the site. It is considered that their scale and form would not be incongruous in the street scene and that they would have little impact on the wider built environment when viewed from outside of the site.

Concerns have been raised in respect of the level of parking to serve the development, and 2 additional spaces have been provided in the parking area to the rear of the flats.

In addition, and to clarify an issue raised at the Planning Committee on 10 October 2007, Members should note that a Development Brief was prepared during 2002 for the site, following a decision to then dispose of the site. The brief on page 5 refers to the appropriateness of the potential development of the site for terraced town houses and that the width of the highway and avenue of lime trees provided an opportunity for an interesting and attractive frontage to be developed. It is considered that the above aspirations have been met through the current scheme.

To conclude, it is considered that the amended scheme has appropriately reduced the density and level of development, to take account of concerns that were raised in relation to the sensitivity of the cemetery approach and the appearance and character of the area.

CONCLUSION

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

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

RECOMMENDATION

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

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

Planning Authority or provide a financial contribution in lieu of such provision.

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

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on the 2 August 2007 other than where amended by plans reference 002/Rev: H, 003/Rev: C, 004/Rev: A, 006/Rev: B, 009/Rev: C and dwg 020, received on the 31 October 2007.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

8. Prior to their use in construction of the dwellings hereby approved, samples of the ridge and roof tiles, bricks, render and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

16. A scheme for the maintenance of the landscaped areas within the site shall be submitted to and agreed in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the units. The areas shall thereafter be maintained in accordance with the approved scheme.

Reason:

To ensure the satisfactory maintenance of the landscaped open areas and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.

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

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

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

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

07/01121/FUL

C

Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

49, Cornwall Rise
BARRY
Vale of Glamorgan
CF62 9AG

Monday, 04 February 2008

Dear Sir
2007/01121/FUL
Former Nursery land adjacent to Cemetery Road

This is an additional formal objection against the above planning application as set out in the Legal Notice in the Western Mail, 30th January 2008.

The Planning Officer's report to the Planning Committee, 10th October 2007 clearly states that 'the land is not identified as public open space'. This is not correct and undermined objections the public may have had about open space. In addition, the planning official's statement at the December planning committee that the UDP 'carries a presumption' that all land in urban areas is for development was potentially misleading to the Planning Committee in coming to their decision. This land is not available for development: it's open space.

Our understanding is that this land was acquired by the Council in 1902 as 'burial land' and remained that way until 1954.

Following much political debate in 1953 and 1954 the Council applied 'to the Minister for consent to the appropriation of the land' (Minute 1175 14th December 1953).

On 10th May 1954, Minute 2168, it is noted that

'The Town Clerk also reported the receipt of consents of the Minister of Housing and Local Government to the appropriation to parks purposes of the under-mentioned pieces of land:-

1.06 acres abutting upon the east side of Cemetery Approach Road (from burial purposes).

0.68 acre abutting upon the west side of Cemetery Approach Road (from burial purposes).

0.35 acre lying between Barry Road and St Teilo Avenue (from housing purposes.)'

I believe the Deeds for the land describe it as public walks and leisure grounds. In addition, an ordinance survey map for that period describes the Barry Road east corner as 'Allotment Gardens'.

07/01/21/FUL

C

The Council has failed, despite a request under the Freedom of Information Act, to produce any evidence that the land has since been appropriated for housing. The Chief planning officer was wrong to assert at the December Committee meeting that all urban land is for development. This land is not appropriated for that purpose but for walks and leisure.

The UDP frequently refers to the protection of open space.

Sports and recreation Policy 11 states 'to remedy existing deficiencies in ... recreational facilities the Council will (ii) protect areas of open space.

Policy ENV 24 states 'the conservation and enhancement of open spaces which are important for amenity, recreation and/or nature conservation within the built environment will be favoured.

Appendix 1 of the UDP also emphasises the need to 'protect open space from development.'

Planning Policy Guidance 17 illustrates a range of open spaces of public value including amenity greenspace (most commonly, but not exclusively in housing areas); greenspaces in and around housing; allotments; visually attractive green spaces close to where people live and, as a visual amenity: people enjoy having open space near to them to provide an outlook, variety in the urban scene, or as a positive element in the landscape.

The draft TAN 16 refers specifically to local authority land.

'Open space has a positive community value for recreation. Local authorities should consider the use made of the sites they own. They may not dispose of open space or appropriate it to another purpose, unless they first publish notice of their intention to do so for two successive weeks in a local newspaper and consider any objections.'

Paradoxically, in considering the land at Brookfield Avenue (Cadoc Ward), the Council placed significant emphasis on the need to retain this land as open space. The Planning Inspector thought it would be an 'intrusion into the open area that adversely affects its character and the residential amenity of the surrounding area.'

Cllr Andrew Dobbinson, Chairman of the Council's Planning Committee said that "The proposal by Barratt Homes would have adversely affected the character of the area," So why do the planners take a different view with Cemetery Approach which has been designated for leisure purposes for more than 50 years?

The October Committee report which stated that 'the land is not identified as public open space' fettered the debate on open space, a debate which could have been critical to the eventual outcome.

07/01/21/FUL

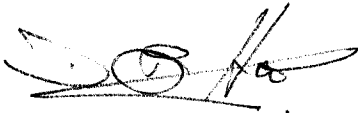
C

The whole planning process relating to Cemetery Approach has been seriously defective from the start and we now see a legal notice 'buried away' on page 29 of the Western Mail which must surely indicate that even the Council itself recognises that the process was unsound.

In addition, the report to the December Planning Committee purported to set out the grounds of public objections. It summarized them with 13 bullet points. Our Action Group has analysed all the objections and that assessment reveals a completely different picture to the official version. For example, our count revealed that 5 minor points within the Committee report were only raised once by a member of the public. On the other hand many other crucial objections, including UDP policy objections, were raised many times but not mentioned in the December report.

The Council should now step back and review these objections properly and objectively.

Yours sincerely



Dennis Harkus
Chair, Save Cemetery Approach Action Group

Copied to:

Councillors A Dobbinson: Chair, Planning Committee
 A Powell: Dyfan
 K Lewis: Chair, Town Planning Committee

07/01/21 / FUL C

6th February 2008

Ref: 2008/00075/FUL

Rob Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
BARRY
CF63 4RT

Dear Sir,

SUBJECT: TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER 1995 – WESTERN MAIL JANUARY 30TH 2008

I am writing to express my opposition to the proposed housing developments at Cemetery Approach Barry in the hope that the principles of fairness, accountability, accessibility, positive response, a caring attitude, openness and honesty laid down in the Vale of Glamorgan Unitary Development Plan (UDP) will be adhered to.

While I fully appreciate you are under no obligation whatsoever to explain these matters I am extremely interested to understand why the planning application is once again being consulted as it was apparently approved at a Council Meeting on 13th December 2007.

In general terms I would ask you to consider the adverse impacts of the proposed Newydd development in the following areas

- Traffic congestion - adding significant and regular traffic flows on to an already difficult junction at Barry Road/Ty Newydd Road
- Visual intrusion – the total destruction of a pleasant tree lined avenue situated at the entrance to the town's cemetery. The very nature of the location demands that mourners must be able to say farewell to the departed in an atmosphere of dignity and tranquillity

70 CORNWALL RISE
BARRY
CF62 9AG

07/01/21/FUL C

- 3 -

February 6, 2008

- Furthermore in considering the planning application the Council has failed to take due regard of the following policies contained in the UDP

Policy 1; 3; 8 and 11

ENV 2; 17 and 24

HOUS 11 and 12

TRAN9 and COMM 9

- The land does not appear on the "search sequence" required by the Planning Policy Wales 2000.
- The decision by the Vale of Glamorgan Council to sell the land at Cemetery Approach was not open to public consultation and scrutiny
- The tendering process in relation the sale of the land and the Development Brief were not open to public scrutiny
- The Council has not considered the fact that the land was used as a waste dump and the possible adverse environmental consequences of development.
- The Council has not considered that the land could be restricted to "use as Public Walks and Pleasure Grounds" (circa 1954)
- The Council did not engage in meaningful public consultation during the planning process. In particular the objections as outlined in the Council documents presented at the Planning Committee meeting of 13th December 2007 are neither a fair or accurate summary of the objections raised.
- The Officials of the Council were not prepared to meet with representatives of the community who were opposing the development. They did however hold regular meetings with the potential developers. This raises issues of impartiality and objectivity on behalf of the Officials.
- The Council failed to pay due regard to public opinion as evidenced in formal objections and public petition
- The Council has lost the entire file of the documentary objections submitted to the Council. In this the Council has failed to act with due care and diligence in respect of the care and security of this vital evidence.

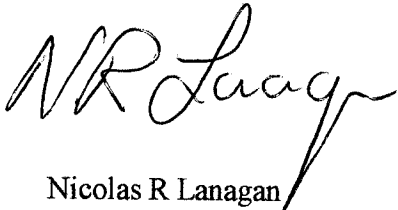
07/01/21/FUL - 4 - C

February 6, 2008

I understand that the £2million windfall to the Authority from the sale of the land has already been included in budgetary projections for the coming financial year I am sure cynics would suggest that this is already "a done deal" and this further attempt at public consultation is no more than a further charade.

I look forward to your response in due course even if this is no more than an acknowledgement. If it assists I can be contacted on nicolas.lanagan@ntlworld.com

Yours faithfully

A handwritten signature in black ink, appearing to read 'NR Lanagan', with a stylized flourish at the end.

Nicolas R Lanagan

07/01121/FUL C

HEAD OF PLANNING and TRANSPORTATION
VALE of GLAMORGAN COUNCIL
DOCK OFFICES
BARRY
CF63 4RT

MR B P EVANS
242 BARRY ROAD
BARRY
CF62 9BH

Tel 01446 407947

8 FEB 2008

Dear Sir
2007/01121/FUL

Former Nursery Land Adjacent to Cemetery Road.

I respectfully submit this my Formal Objection against the above planning application, that your office deceitfully tried to conceal from the Residents of Barry, especially the thousands who signed the partition against this development, by Publishing it in the Legal Notice on page 29 of the Western Mail on the 30th January 2008, Concealed amongst four other planning applications for 2008.

I live on Barry Road next to the proposed development, and we already suffer greatly from too much traffic and this proposal will make matters unbearable, your Highways Engineer surprisingly has not raised any objections to this scheme which suggests to me that he has not fully considered the patterns of existing and proposed movements in the vicinity of the site and Barry Road and the proximity of essential services.

For Example

Within three weeks of the completion of the roundabout, a car was overturned and the driver had to be cut out of his vehicle by the Fire Service.

There are Daily / Weekly incidents / accidents on this road junction, but not all reported to the Police.

The safety rails around the roundabout have been replaced on at least three occasions to my knowledge, caused by vehicles crashing into them,

Monday to Fridays up to nineteen cars park in this area morning and afternoons dropping off and collecting their children to and from school.

The Site Meeting was carried out in the Autumn 2007, if this was in the Spring / Summer months, a lot of the fifty seven allotment holders who have no allotted parking facilities, would have been parked in this area.

Friday the 1st February 2008, a vehicle crashed into road divider on the road junction with Barry Road, breaking a 2-5 KG lump off the top kerb stone, (I have this piece of kerb in you want it).

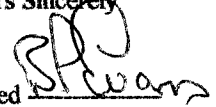
Monday 4th February 2008, two ladies crashed on this roundabout, but only exchanged details and drove off.

Tuesday 5th and Thursday 8th of February 2008, 21 and 17 cars respectfully, were parked on Cemetery Road by Residents attending funerals.

I believe the transportation issues are not adequately addressed given the proposed reduction in car parking spaces, and the risks arising for additional on-street car parking, which will have a damaging impact on the visual and parking amenities of the Cemetery and Local Environment, there needs to be proper consideration and investigation into the parking consequences for the immediate vicinity, for both Residents and Visitors, or Increased Provision within Cemetery Land itself.

Yours Sincerely

Signed



07/01121/FUL C

Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

49, Cornwall Rise
BARRY
Vale of Glamorgan
CF62 9AG

Tuesday, 05 February 2008

Dear Sir

2007/01121/FUL
Former Nursery land adjacent to Cemetery Road

This is a formal objection against the above planning application as set out in the Legal Notice in the Western Mail, 30th January 2008.

My understanding is that a part of the land in question, the east side corner with Barry Road, has been identified as allotment land on OS maps. The other parcels of land are appropriated for walks and leisure.

Under the Allotments Act 1925, Section 8, the Council cannot sell, appropriate, use or dispose of allotment land for any other purpose without the consent of the Welsh Assembly Government.

Yours sincerely



Jeanette Harkus

07/01/21/FUL C

Legal Notice: Western Mail 30 January 2008
Town & Country Planning (General Development Procedure) Order 1995
Re: Cemetery Approach

20 Radnor Green
Barry
CF62 9AR

3 February 2008

Sir

Further to previous detailed objections against the building of housing at Cemetery Approach, which appear to have been brushed aside as irrelevant (without satisfactory reasons), I wish to raise the following issues:

1. Considering that the land is publicly-owned the tendering and contract process was not open to public scrutiny.
2. Some of the aforesaid land was used as a refuse tip and this has not been fully investigated.
3. The entire consultation exercise has been unsatisfactory and the people of Barry have been ill-served by this lack of transparency.
4. Barry Town Council has been completely ignored throughout the whole process.

Yours sincerely

Dianne Hooper

Dianne Hooper

*As I did not receive an
acknowledgement for my previous
objection could you ensure I do on this
occasion.*

07/01/21/FUL

C

Legal Notice: Western Mail 30 January 2008
Town & Country Planning (General Development Procedure) Order 1995
Re: Cemetery Approach

20 Radnor Green
Barry
CF62 9AR

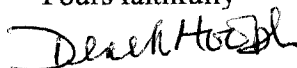
3 February 2008

Sir

This is to register the following objections to the 61-unit housing development at Cemetery Approach:

1. The committee report of October 10, 2007, is wrong and misleading about open space. The planning officer said the land had not been identified as open space. In fact, this land was identified as open space in 1954. Minute 2168 of the former Barry Borough Council's Open Spaces and Parks Committee states that the Town Clerk confirmed the Ministry of Housing and Local Government's agreement that 2.11 acres of council land on either side of Cemetery Road be designated for 'parks purposes'.
2. The Barry Town Council, which is a statutory consultee, has not been consulted on the legal notice referred to above.
3. The Barry Town Council was not consulted on the original development brief for the Cemetery Approach Road site.
4. The previous use of the eastern parcel of the land (1.06ac) as a refuse tip has not been considered. Consequently, there should have been a detailed assessment as to whether any residual contaminants or site instability would prove hazardous to public health or the structural integrity and maintenance of buildings, footways sewerage and drainage in any proposed development.
5. Planning Policy Wales paragraph 4.1.5 was not properly followed. It says the local planning authority '*should have good reasons if it approves a development which is a departure from the UDP.....and these reasons should be recorded in the Committee's minutes*'
 - (i) The proposed development is a departure from the published UDP, but there was no good reason to depart from it because sufficient land for housing had already been identified in the current UDP and
 - (ii) The reasons for departure were not recorded in the committee minutes.
6. Analysis (available if required) of the committee report of 13 December, 2007, clearly demonstrates that the detailed objections contained in 33 letters opposing the planning application were improperly represented.

Yours faithfully



Derek Hooper

07/01/21/FUL C

191 Barry Road
Barry
Vale of Glamorgan
CF62 9BG
6th February 2008

Mr R Thomas
Head of Planning & Transport
Vale of Glamorgan Council
Dock Offices
Barry
Vale of Glamorgan CF63 4RT

Dear Sir,

Western Mail Advert: Planning Application, Cemetery Approach, Barry

I refer to the above, and record my objection to the Newydd Housing Association application to build 61 dwellings on this land.

It is not certain if my previous objection was lost, or considered by the Planning Committee at its December 2007 meeting, and I refer to that letter as to the reasons for objecting to this planning application.

To repeat a few of the objections:

1. Council have not complied with own LDP.
2. Land is not designate for building houses
3. Many other more suitable sites are located in Barry
4. Development is out of proportion with locality and site
5. Residents, and ex-residents spread worldwide, of Barry have family and friends interred in the Cemetery, and the development will be upsetting to them, and destroy their tranquil, reverent, even prayerful, approach on visits.

I would also object on the grounds that the Vale Council has not followed planning and sale of assets procedures, not been open and transparent, have not consulted properly, considered the representations of Barry Town Council and the 6,000 other objectors, and the conduct of various elected members is open to question.

I trust that this is in order, and do not hesitate to contact me if you wish to clarify, answer or correct any of the issues raised.

Yours respectfully



M J Stafford CPFA, CFS

07/01121/FUL

C

Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

193, Barry Road
BARRY
Vale of Glamorgan
CF62 9BG

Wednesday, February 06, 2008

Dear Sir

2007/01121/FUL

Former Nursery land adjacent to Cemetery Road

This is a formal objection against the above planning application as set out in the Legal Notice in the Western Mail, 30th January 2008.

Barry Town Council was not consulted with regard to the Development Brief for this land.

The Brief was agreed by the Vale Council's Planning Committee and Cabinet in 2002 but the Council did not consult the Town Council, a statutory consultee.

The Vale of Glamorgan Council is very well aware that the Town Council's principle responsibility is to manage Merthyr Dyfan Cemetery and this development will have fundamental and far reaching implications on that facility and its users.

There is a strong perception within the community that the Vale's strategy with regard to this development has been, and remains, secretive.

This latter point is further evident when you consider that the Town Council was also not consulted about the Legal Notice printed in the Western Mail, 30th Jan 08.

Yours sincerely



Mrs Michelle Wall

07/01121/FUL

C

Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

18, Merioneth Place
BARRY
Vale of Glamorgan
CF62 9AJ

Wednesday, February 06, 2008

Dear Sir

2007/01121/FUL
Former Nursery land adjacent to Cemetery Road

This is a formal objection against the above planning application as set out in the Legal Notice in the Western Mail, 30th January 2008.

To the best of my knowledge the Barry Town Council was not consulted about this Legal Notice, and whether procedurally illegal or simply discourteous, serves only to reinforce the perception within the community that the Vale's strategy with regard to this development has been, and remains, secretive. The Vale of Glamorgan Council is well aware that one of the Town Council's primary responsibilities is the management of Merthyr Dyfan Cemetery, and that this development will have fundamental and far reaching implications on that facility and its users.

I am also informed that the Town Council was not consulted with regard to the Development Brief for this land. The Brief was agreed by the Vale Council's Planning Committee and Cabinet in 2002, but the Town Council, a statutory consultee, remained unaware of these plans.

These procedural violations simply serve to indicate the incompetence and/or arrogance of those involved at all stages of the decision making process.

Yours sincerely

Bryn Morgan.

07/01121/FUL

C

The Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry CF63 4RT

4 Slade Road
Barry
CF62 9AL

9th February 2008

Ref 2007/01121/FUL

Dear Sir

I am writing to object to the development of 61 high density units of housing on the former Nursery land adjacent to Cemetery Road , Barry on the following grounds
That the Planning Application procedures have not been properly followed.

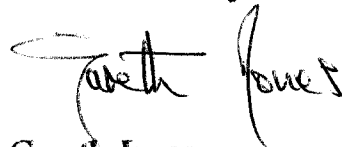
Planning Policy : Wales para 4.1.5 states that

"The local planning authority should have good reason if it approves a development which is a departure from the UDP, contrary to the Assembly Government's stated planning policies, or against the advice of a statutory consultee or the written advice of it's officers, and these reasons should be recorded in the Committee's minutes."

I am of the opinion that the statutory procedures detailed in the above quoted paragraph have not been correctly followed.

Please confirm the receipt of this letter.

Yours Sincerely



Gareth Jones

C

17th January 2008

Mr Rob Thomas
Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

04/01809/FUL

A

Sir,

Re: Application Number 04/01809/FUL
(3 Storey Commercial and Residential mixed use Development Retail at Ground Floor Level - land adjacent to Rhoose Station)

Having thoroughly scrutinised both the Application and Consultee Files we object to the above application on the following grounds:

1. APPLICANT

The Applicant shown on the Application for Planning Permission submitted in 2004 is Fourgreen Development Ltd. However, a document was discovered in another file stating that the LPA was informed in April 2007 that Fourgreen no longer had an interest in the site. Since the Applicant has clearly opted out of the proposed development one must question who is progressing this application. The Officer's Report clearly recommends approval subject to *'the applicant first entering into a Section 106 Legal Agreement.....'* Clearly the Applicant cannot possibly be Fourgreen so who is it; why have they not submitted a new Application for Planning Permission in their own name; and who will be the signatory to the Section 106? Any interested party visiting the LPA to view the Application File would naturally assume that Fourgreen was the Applicant. The LPA is presenting misleading information to the public. It would be prudent for the Members of the Planning Committee to seek a formal written legal ruling on this issue as it would appear that Members have been asked to determine an application in the absence of an Applicant.

2. CONSULTEES

Notwithstanding the above it would have been some years ago that Statutory Consultees and others were first consulted. Any representations made would therefore not reflect any new issues; concerns; policy; and guidance that have since materialised. It must be remembered that the interchange works were completed **after** the submission of this application and this would now impact on any responses. For example as a result of ongoing Yob behaviour being experienced at Rhoose Station, Ward Councillor Jeff James instigated a task and finish group to address these serious issues. (See press coverage) This would mean that any current Crime Analysis Report undertaken by the South Wales Police would read somewhat differently to that presented in the Report to Committee. The consultation process should be repeated and we would recommend that the Chair of the PACT, who has been addressing all Rhoose Issues, be included as a consultee.

This application represents a 'change of use' from the original Rhoose Point Design Guidance Document. This has not been made clear in the Report. Consultees would need to be fully aware due to the impact a 'change of use' application could have, for example, on their assets. One must question if the application was clearly advertised to the public as a 'change of use'.

This application also represents a departure from the UDP. As such WAG should have been informed and been given the opportunity to 'Call In' the application for its own determination. There is no indication in the report or the Consultee File that the LPA contacted WAG.

3. SITE INFRASTRUCTURE

The 2006/07 Scrutiny Committee was to investigate Rhoose Point issues that would include infrastructure matters. However, despite being minuted and placed in the press, this never transpired.

04/01809/FUL

A

The Director of Environmental and Economic Regeneration reported to Cabinet on 6th June 2007 – **Land at Rhoose Point: Planning, Highways and Drainage Issues – Current Position.** A further detailed report was to be submitted as soon as possible and most certainly by the end of the calendar year. This has not occurred and we question why applications for further development are being determined in the absence of an updated position. As stated above consultations in respect of this application took place some years ago. The infrastructure situation on Rhoose Point has changed significantly since then and indeed since Mr Quick's June 2007 Report.

- **Sewer Adoption**

The LPA did not consult with Welsh Water in regard to this application according to the officer's report. However, for any development site drainage is of high importance. When the interchange and station were built comprehensive drainage systems were installed – including land drains, cut off drains and soak aways etc. This proposed mixed use development could impact on existing drainage. There are currently no infrastructure agreements for the adoption of sewers (section 104) or pump station on Rhoose Point. Circa August 2006 Welsh Water made the decision **not** to enter into sewer adoption agreements with Cofton due to the serious unresolved drainage issues existing on Rhoose Point.

In September 2007 Welsh Water had a **critical meeting** with Cofton and the Council. Welsh Water made clear that the responsibility of resolving matters rested with Cofton and the Local Authority. The Ward Members were to be informed by the LA of the outcome of this meeting and disseminate the information to their constituents. (See WW letter dated 25/09/07 attached) There is no evidence that the agreed action points have been complied with by the council. Many ongoing incidents of pollution including untreated sewerage entering the watercourse adjacent to this application site have been reported to the Council/Environment Agency, supported by press coverage. It was after the interchange works undertaken by Scots Subcontractor on behalf of the Council were carried out relating to the extension of the culvert that the problems manifested themselves. Pollution in the area of the vicinity of the crossing is just one reason that is preventing adoption of sewers. Residents have not been informed of this up to date information so they would have been prevented from giving informed representations in regard to this application.

It should be noted that prior to the development of 40 units on the Bryant Homes site (01/01568/FUL) in 2002 Hyder objected to further development, raising concerns that the existing public sewerage system would be overloaded. Despite the objections by Hyder the Bryant Homes site went ahead. (Hyder letter dated 20/02/02). We are aware that WW was consulted in respect of application 06/01807/OUT that is also on the January 17th 2008 Planning Agenda. WW make it clear that the existing sewerage capacity will not cope with further surface and foul water connections. There is no doubt that had WW been consulted in respect of this application then the similar comment would have been made to prevent hydraulic overloading to the public sewerage system. (WW letter dated 16th February 2007)

The existing problems relating to pollution - sewage seepage and noxious odours – referred to above are ongoing. As well as holding up the adoption process there are serious **health and safety** implications on the environment. Until resolved the building of shops and homes in this area would be reckless development. The Planning Committee need to take into full account reports and information provided by the Environment Agency and Welsh Water. Information is attached.

- **Highway Adoption**

Members need to be aware that there is no legal certainty that highways – including the main access road – will ever be adopted.

The Council alleges that a section 38 agreement was signed on 1st April 1998 for the adoption of the section of access road (Pentir y De) up to the first mini roundabout on Rhoose Point is in place. But, nearly 10 years later, this agreement is yet to be completed. A freedom of information request for sight of this agreement is currently being progressed. Notwithstanding this we have firm evidence that condition 12 of the original outline application (93/01186/OUT), which related to the main access road was discharged by an Officer of the Council in the absence of plans approved by the LA. The Council has acknowledged this breach of the planning condition. That the LPA was party to this breach needs to be investigated as the breach has had implications on current and future development.

04/01809/FUL A

No section 38 agreements are being progressed for any of the other roads serving Rhoose Point. Instead Advance Payment Code Notices were issued to builders amounting to £1.5 million. This payment should have been made to the Highway Authority to cover future maintenance liabilities in the absence of a section 38 agreement. The LPA failed to ensure that the security was collected. The Ombudsman Inquiry into these issues cleared the LA of maladministration. However, the fact remains that the Director of Environmental and Economic Regeneration acknowledged in his Report to Cabinet in June 2007 that under Common Law responsibility for highway maintenance rests with residents on Rhoose Point. The Ombudsman was recently advised of information and evidence in our possession relating to Highway issues on Rhoose Point but has refused to undertake a further inquiry.

4. ACCESS

The Report to the Planning Committee refers to Counsel Advice having been sought in respect of access. However, a copy of the advice has not been placed on the consultee file. This information should be readily available to interested parties.

Nevertheless, the fact remains that there is currently no legal public vehicular access over the level crossing. Vehicles do drive over the level crossing on a daily basis – as does the airport bus. However, this is being 'allowed' in the absence of any legal consent being in place. Should an accident occur on the level crossing involving vehicles the legal repercussions would be immense.

The Report indicates that the HMRI has referred a draft order to the DfT to decide the legal issues but that no clear answer has been received. Members need to be aware that one of the reasons for this is that the DfT requested that the LPA provide the planning history relating to Rhoose Point and once received and disseminated a site visit would be undertaken by the DfT. The LPA wrote to the DfT on 8th January 08 advising that this application was to go before Committee on 17th January 08. The LPA acknowledged in its letter that a site visit had not yet been undertaken. One must question that the letter dated 8th January 08 gives the DfT enough time to respond.

The Report says that the Health and Safety Executive (Railway Inspectorate) has stated that it does not object. However, the report also states that when consulted the HSE (Railway Inspectorate) made no comment. This is confusing. Members should also understand that the HSE (Railway Inspectorate) the HMRI and the Office of Rail Regulation (ORR) are inter-related. The HMRI used to be a division of the Health and Safety Executive. As a result of a Government review the HMRI was transferred away from the HSE to the ORR in April 2007. The ORR was consulted in February 2007 in respect of application 2006/01807/OUT (employment site) and stated:

'This development must not interfere with the level crossing or cause traffic queues to form in the vicinity of the level crossing'.

Taking into account that the retail site is adjacent to the level crossing then such comment would also apply. Indeed the LA consulted the ORR in October 2007 but this has not been reported to Committee. It would appear that the ORR sees the use of the level crossing as a rights of way issue. That being the case it is most surprising that there is no comment on the application from the PROW department within the Council.

The Head of Visible Services is quite correct that the sole access is via the south off Porthkerry Road. TAN 18 Guidance was introduced in March 2007 and it is clear that Highways was consulted some time prior to that date. Nevertheless the reference to TAN 18 in the Report is misleading because Design Bulletin 32 was superseded by the Department for Transport Manual for Streets (MfT) published in March 2007 and not TAN 18. It was interesting to note within the MfT publication the guidance on adoption. Here, it is suggested that in the absence of any legal certainty of adoption taking place affecting a proposed development, then the developer should be required to enter into a section 106 agreement to construct new streets to the authority's standards and maintain them properly. The Report does not include this obligation within the section 106 recommendations. This vindicates our view that re-consultation should take place so that consultees have an opportunity to comment with reference to current guidance, policy and new information relating to Rhoose Point. Clearly, the Report to Committee is totally flawed in that the actual 'Report' section refers to current guidance and policy and then unfairly dismisses objections on the basis that obsolete policy and guidance was used.

04/01809/FUL A

5. WATERCOURSES

The Local Authority is already fully aware that **watercourses/groundwater/land drains** cross Rhoose Point. Cofton is yet to provide overall drainage plans. There is a requirement by the Local Authority's Engineering and Design Dept that the developer identifies these and maintains the flows within the watercourse pipes and should submit details, indicating their routes and the proposals to maintain flows. However, there is no drainage condition mentioned in the Report and no evidence that the Land Drainage Authority was consulted. Residents have stated that underground springs exist in the Torbay Terrace area that link to a new drainage system within the new train station adjacent to this proposed development. Residents have noted that groundwater egresses from an area of newly built up land just below the recently constructed roundabout. Of even greater importance is that the water then ponds at the base of the land - land that is on the very edge of the Waste Management Licensing Area hence the potential of the waste being disturbed by the water.

6. CONTAMINATION

The site is located in close proximity to what was a Waste Management Licensing Area. This area was known to be contaminated by asbestos and associated general wastes. In January 2001 the Environment Agency wrote to the LPA expressing very serious concerns at the adequacy of the 'capping' of the Waste Management Area (EA letter dated 16/01/2001). The LPA failed to inform the Planning Committee of this information in the Reserved Matters Applications were subsequently approved just a few days later. The fears expressed by the Waste Licensing Officer have never been addressed or dismissed. It was not until May 2002 that the licence was eventually surrendered and it must be a challenge on what basis the EA issued a Completion Certificate when the capping was sub-standard.

There is no evidence to show that the Pollution Control section of the Council's Environmental Health Department has carried out any risk assessment under the Council's own Contaminated Land Inspection Strategy. Therefore the Council may have failed to implement its duties under the Part 11A of the Environmental Protection Act 1990. The Planning Committee should consider these matters prior whilst determining an application that is in such close proximity to the Waste Management Area.

7. EIA DEVELOPMENT:

The LPA did not screen the site for EIA development because it was less than .5 hectares. The LPA has also stated that EIA is not required because it was undertaken as part of the original outline application passed in 1996. It is made clear in the EIA Regulations and guidance (Welsh Office Circular 11/99) that the size of a development is only an indicative threshold and that in 'sensitive areas' the size threshold does not apply. That the area is at high risk cannot be disputed and an EIA should be undertaken prior to any development taking place. Furthermore, the EIA regulations did not come into force until **March 1999** – so how could an EIA have been undertaken on an application approved in **March 1996**?

The application approved on 23rd October 2003 – which is referred to in the Report – had conditions for engineering works; groundwater; surface water; and discharges to watercourses. There are no such conditions in this application. We would question why.

The Planning Committee has the unenviable task of addressing this application. This submission is by way of assisting you to make a fair and valid decision in the interests of the public to whom you are there to represent. Our investigations have been carried out over 5 years so it is impossible to include all our findings in this one representation. However, we do attach documents that we ask you read as they are reflective of the very serious health and safety concerns that affect existing and future residents of Rhoose Point.

04 / 01809 / FUL A

Name... K.E. GALLIMORE... Signature... K.E. Gallimore

Dated... 17/8/2008

Address... c/o 9 Nythyr Eos, Rhose Point, CF62 3LG

Name... C STOCKHAM... Signature... C Stockham

Dated... 17/1/2008

17/1/2008

Address... 9 Nythyr Eos, Rhose Point CF62 3LG

Enclosed 44 Documents
81 pages - numbered
Key

LATE REPRESENTATIONS
PLANNING COMMITTEE
17/1/2008

3 Glyn y Gog
Rhoose Point
Rhoose
Vale of Glamorgan
CF62 3LJ

Mr Rob Thomas
Head of Planning
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

04/01809/FUL A

Tuesday 15 January 2008

Dear Mr Thomas

Re: Objection to planning applications 2004/01809/FUL and 2006/01807/OUT

I understand that the Vale of Glamorgan Planning Committee is due to consider the two applications, above, at its meeting on Thursday 17 January 2008, and would like to take this opportunity to register my objections to the plans as outlined.

As I am sure you must be aware, there are a number of outstanding issues relating to existing developments on the Rhoose Point estate that are deemed to be so serious they prevent the Council and Welsh Water from fully adopting the site's infrastructure at present.

If the Council and Welsh Water are not entirely convinced that the roads, groundwater drainage and sewers for the site are robust enough for the current level of development, I am astonished that you could possibly consider an application for additional dwellings in the area before the matter is fully investigated and the results of those enquiries are published. It would, surely, be impossible for the Committee to make a responsible and wise decision without all of the facts at their disposal.

Furthermore, I am aware that a legal action concerning the flooding of dwellings immediately adjacent to one of the two sites is currently being actively pursued. The action concerns the failure of culverts to the north of the affected dwellings and the proposed development site.

If the Committee were to authorise these two developments at this time, when it knows that serious doubts as to the safety of the sites are under investigation, I believe that its members could be proved to have been negligent in their duty of care to the future occupants of these dwellings should problems arise.

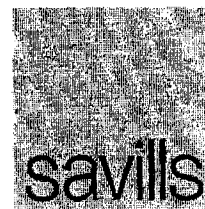
I urge the Committee to decline planning consent to these two applications, or at the very least, defer a decision until a point of time when the outcome of these investigations and legal proceedings are known.

Yours truly,



Eluned Parrott

16 January 2008
GJ/C5084L



Stephen Butler
Senior Planning Officer
Development Control Group
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Geraint John
E: gjohn@savills.com
DL: +44 (0) 2920 368 914
F: +44 (0) 2920 368 999

12 Windsor Place
Cardiff CF10 3BY
T: +44 (0) 2920 368 920
savills.com

04/01809/FUL A

Dear Stephen

Planning Application Reference 2004/01809/FUL
Land adjacent to proposed Rhoose Station, Rhoose
Proposed 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor

Further to our discussions in connection with the above I write to document the position discussed with referenced to condition 9 in particular.

The application is, as discussed, for retail development which would ordinarily include uses within categories A1, A2, and A3. We note that the condition however seeks to limit the use of the ground floor to A1 (shops) only. Sight of the committee report and the condition was the first time we were aware that such a restriction was deemed appropriate.

We have discussed the matter and you expressed the view that, in the main, A2 uses (with some possible exceptions for e.g. a betting shop) were appropriate for the site provided that shops remained the predominate use of the ground floor.

Clearly, as you pointed out, it is likely that some A2 uses might actually be less disruptive in residential amenity terms (the reason for imposition of the condition) than shops – for the reason that some (for example Banks, Building Societies and Estate Agents) would not involve the same level of deliveries etc as shops would.

Clearly we would have liked the opportunity to have made our case in this respect in full and in advance so as to obviate the need for the condition as presently drafted. Our only option at this stage is to submit a late representation to request a change but consider on balance, and in light of the discussions we had as set out above, not to do so but rather simply (as this letter does) record the position discussed.

We are hopeful that, having established the above position, that any subsequent applications to introduce A2 uses will be looked at favourably – provided of course they adhere to the above.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (L&P) Limited. Chartered Surveyors. A subsidiary of Saville plc, Registered in England No. 2805138.
Registered office: 20 Grosvenor Hill, London W1K 3HQ

04/01809/FUL A



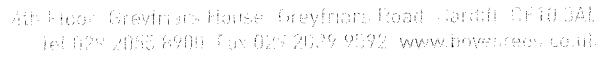
We do not want under any circumstance to delay or frustrate and jeopardise the application going forward and being favourably determined at committee, but wish to record the position discussed at this stage.

I hope and trust that this is self explanatory and is of use as an interim measure ahead of any potential future submission to request possible changes to the type of retail accommodated.

Yours sincerely

A handwritten signature in black ink, appearing to read "Geraint John", written over a large, stylized circular flourish.

Geraint John
Director



04/01809/FUL B

By Email & Post

Development Control Practice considers this at paragraph 5.111:

Dr. Richard A. L. Taylor, Department of Psychology, 111
 University Hall, McGill
 2140 Avenue des Coenches, Montreal, Quebec, H3T 3J2
 e-mail: richard.taylor@mcgill.ca

PA.50

04/01809/FUL B

"Anybody may make a planning application and no interest in the site the subject of a proposal is necessary, although as set out at (5.154) owners of land have to be formally notified before a planning application can be considered. Neither is lack of ownership a material consideration in the determination of a planning application even if there is doubt as to the feasibility of acquisition of any of the land forming a site (see Hackney LB 8/4/83 DCS No.045-495-240)."

The case referred to is attached for reference. This confirms that even though the applicants did not control crucial elements of the site, this was not a reason to reject the application (See Paragraph 4).

In this case the applicants (Fourgreen) do not own the site, but permission can be granted to them, subject to a S106 agreement. It follows from the Hackney case that ownership is not a material consideration, provided that an appropriate S106 agreement is in place.

Any permission will run with the land, as will any obligations required of the eventual developer of the site, whoever they may be.

I would be grateful for your confirmation that the application can progress, and I apologise for any confusion that our earlier correspondence may have caused.

Yours sincerely



Jane Boyes
Managing Director
for BOYES REES ARCHITECTS LTD

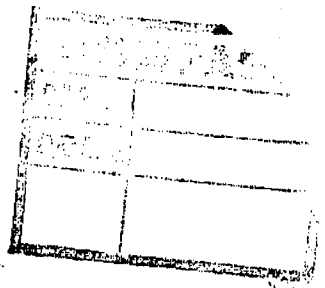


04/01809/FUL B

Department of the Environment

2 Marsham Street London SW1P 3EB
Room C7/12

Direct line 01-212 7183
Switchboard 01-212 3434



Messrs David Alterman and Company
Solicitors
149 Ballards Lane
Church End
Finchley
LONDON N3 1LJ

Your reference

Our reference

APP/5013/A/82/008610

Date

8 APR 1983

Gentlemen,

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 37
APPEAL BY SMARDENE PROPERTIES LIMITED
APPLICATION NO. TP/59165/11/7397

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr James Greenfield BA MCD MRTPI, who held a local inquiry into your clients' appeal on the failure of the Council of the London Borough of Hackney to give, within the prescribed period, notice of their decision on your clients' application to demolish Nos 1-6 the Manor and erect 45 flats, in two 3-storey blocks, with car parking, community amenity space and playground on land at the rear of Nos 24-54 (even) Manor Road and Nos 2-56 (even) Bethune Road, including the site of The Manor, Manor Road, N16. A copy of the report is enclosed.

2. The inquiry was held jointly with a public local inquiry into an application for the confirmation of a Compulsory Purchase Order made by the London Borough Council of Hackney under Section 112(1)(b) of the Town and Country Planning Act 1971 and the acquisition of Land Act 1981. A separate letter is being issued regarding the decision on the Compulsory Purchase Order.

3. The Inspector said in his conclusions on the appeal:

a. It emerges that 2 competing uses are contemplated for the land in question, namely public open space in the form of a small local park as proposed by the council with strong local support and housing development in the form of 45 flats, albeit incorporating a certain amount of community open space.

b. With regard to the proposed residential development, the scheme is with the exception of the access arrangements, virtually identical to the one considered at the earlier inquiry held in March 1981. The Inspector on that occasion concluded that the tennis court area, upon which the buildings would be mainly concentrated, forms a distinct and separate element of the gardens, whether or not it formed part of the original estate, and that its use as proposed would not detract from the overall concept. I agree with this conclusion. However, though the principle of residential development on the appeal site is accepted, the appeal in that case was dismissed because of the unsatisfactory nature of the vehicular access and of the adverse effect upon the listed buildings.

04/01809/FUL B

c. In my view these problems have been overcome in the current proposal. Whilst there is substantial doubt that the appellant would be able to acquire the necessary rights over the land of the proposed access and though the revised scheme involves the demolition of a modern block of flats, I do not regard these matters to be material in the consideration of a planning application. Certainly the use of the adjoining disused coalyard would form an eminently more suitable means of access. It would obviate the need to demolish any dwellings and would allow the preservation of a greater area of the gardens. However, I do not consider that the adverse impact of the current proposals upon the amenities of existing residential properties sufficient to warrant dismissing the appeal.

d. I also consider that the listed buildings would still have an acceptable setting even though it would be clearly different from the original arrangement. The proposed development would, if carried out, undoubtedly affect the layout of the Allens Estate as a whole and, as a result, its character. However, the Estate has undergone many changes in the past and, in my opinion, further alterations which formed part of an otherwise acceptable development would not themselves be unacceptable."

The Inspector recommended that the appeal should be allowed.

4. The Secretary of State agrees generally with the Inspector's conclusions on the planning merits of the application. He notes that the appellants do not own the land required for the proposed access and that the revised scheme involves the demolition of a modern block of flats. Such matters may be material in the consideration of a planning application but in the particular circumstances of this case it is not considered that the lack of ownership should be a reason for rejecting the application. He agrees with the Inspector that the adverse impact of the current proposals upon the amenities of existing residential properties is not sufficient to warrant dismissing the appeal and for these reasons he accepts the Inspector's recommendation to allow the appeal.

5. The Secretary of State therefore allows your clients' appeal and he hereby grants planning permission for demolition of Nos 1-6 The Manor and erection of 45 flats, in two 3-storey blocks, with car parking, community amenity space and playground on land at the rear of Nos 24-54 (even) Manor Road and Nos 2-56 (even) Bethune Road, including the site of The Manor, Manor Road, N16, subject to the following conditions:-

1. a. Approval of the details of the design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority;

b. Application for approval of the reserved matters shall be made to the local planning authority not later than 30 April 1986.

2. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

i. 30 April 1988; or

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

04/01809/FUL B

3. The existing trees on the site shall be protected from damage during the whole period of building operations and construction works (including any demolition works and site clearance) by the erection of fencing around the trees in accordance with details to be agreed by the local planning authority before the commencement of building operations, construction works, demolition or site clearance.
4. Before the commencement of any work on the site details of a private management scheme for the administration of the community amenity space and the children's playground shall be submitted to the local planning authority.
6. Attention is drawn to the fact that where any condition imposed upon the grant of planning permission requires any consent, agreement or approval of the local planning authority the applicant has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
7. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

D A ROBINSON
Authorised by the Secretary of State
to sign in that behalf

Enc

04/01809/FUL C

Goldsworthy, Marcus J

From: Goldsworthy, Marcus J

Sent: 06 February 2008 09:30

To: 'john.tilly@orr.gsi.gov.uk'

Subject: Planning Application 2006/01807/OUT Rhoose Point and Application

Dear Mr. Tilly,

You may recall a consultation undertaken with ORR regarding the above planning application and a response you provided originally on 20th February 2007 and subsequently on 22nd January 2008. We note your comments and also wish to draw your attention to a second application which the Council is currently considering which involves the development of 7 flats with retail units below. This building is proposed to be located within the Rhoose point site. And I have enclosed the site plan below for your reference. I would be grateful if you could indicate if your response to this scheme would be the same as that on the previous application and if so are you happy for that to be noted on the planning file.



Site Location
plan200401809.pdf..

Thanking you in advance of your comments.

Marcus Goldsworthy

Operational Manager

Development Control

Vale of Glamorgan Council

Docks Office

Barry

CF63 4RT

06/01/807/OUT
Appendix A

January 30, 2007

YOUR REF: P/DC/SDB/2006/01807/OUT

MR. S D BUTLER
THE PLANNING AND TRANSPORTATION DEPARTMENT
THE VALE OF GLAMORGAN COUNCIL
DOCK OFFICE
BARRY DOCKS
BARRY
CF63 4RT

Dear MR. BUTLER,

APPLICATION NO: 2006/01807/OUT
LAND TO THE SOUTH SIDE OF RHOOSE POINT - RESIDENTIAL DEVELOPMENT.

I AM WRITING IN RESPONSE TO THE RECENT PLANNING APPLICATION FOR THE SITE LISTED ABOVE.

AS PER THE GUIDELINES DETAILED IN YOUR RECENT LETTER MY HUSBAND AND I ARE AGAINST THE CONTINUED DEVELOPMENT OF THIS SITE AND WE WOULD LIKE THIS PLACED ON RECORD.

RHOOSE POINT IS ALREADY A RAT RUN FOR CARS SPEEDING AT ALL HOURS OF THE DAY AND NIGHT. THE SCHOOL BUSES AT THE ROUNDABOUT EACH MORNING ARE HAZARDOUS FOR PEDESTRIANS AND TRAFFIC.

THE QUALITY OF WATER, DRAINAGE ARE ALSO AN ISSUE NOT TO MENTION THE STRAIN OF FURTHER NUMBERS TO JOIN THE SCHOOL, FOR WHICH AT ONE STAGE COULD NOT ACCOMMODATE OUR SECOND CHILD EVEN THOUGH WE HAD BEEN ESTABLISHED HERE FOR JUST UNDER 10 YEARS.

FOR THESE REASONS FURTHER DEVELOPMENT WOULD BE EVEN MORE DETRIMENTAL IRREGARDLESS OF OTHER POINTS HIGHLIGHTED AT THE LOCAL MEETING.

YOURS SINCERELY,



MR. AND MRS. M GATE

1 MAES Y GWENYN
RHOOSE POINT
RHOOSE
VALE OF GLAMORGAN
CF62 3LA

RECEIVED DELIVERY

06/01807/OUT
APPENDIX B

Email: pk@wallimore42.freemove.co.uk

18th October 2007

Dear Sir/Madam

Re: Planning Application 2006/01807/OUT

Both accompanying attachments should be held in the consultee file associated with the above Application and be readily accessible by Councillors, Officers and the general public. However, I am aware of the reliance Members and Officers outside of the Planning Department place on the Planning Officers' Reports to Committee so have emailed copies to ensure that you do have knowledge of these representations.

When determining the Reserved Matters applications in February 2001 important information was omitted from an Officer's Report. Information from the Environment Agency alerted the Council in January 2001 of the potential threat to the health and safety of future residents due to the manner in which the Waste Management Area had been capped. I would challenge any Member of the Planning Committee in February 2001 (some of whom may be current Members) to have so readily approved the Reserved Matters Applications had he/she been aware of this information at the time. On the basis of the Planning Committee approval development commenced and properties were already occupied at the time the Waste Management License was eventually surrendered over a year later May 2002. How the site was 'signed off' should be further investigated because the fears expressed in 2001 still exist today. Indeed matters may have worsened due to flooding/drainage issues in the area.

The Applicant, Cofton wrote to Alan Bosley of the Council on 18th March 2004 categorically stating that:

'the entire civil engineering works carried out on Rhooose Point site have been undertaken with the full knowledge and approval of the Vale of Glamorgan Council'.

The Council has refuted this statement via an Ombudsman Inquiry and through a memo from its own Legal Department. We expect Cofton to be put to proof on the issue of Local Authority approval by our legal team. Should Cofton be vindicated on this matter then the resultant implications on the integrity of the Council would be most damning. One should question the manner in which Applications for the Employment Site have been handled by the LPA (Officer Delegation!) and establish the possibility of a 'hidden agenda' to obtain swift approval for this site and other Cofton associated sites (Retail) prior to the LA being placed in an adversarial position with Cofton. Common sense dictates that it would be difficult for the LPA to exercise impartiality towards an Applicant who has brought the Council into a major legal dispute that affects the very land on which planning approval is being sought.

Whatever the progress/outcome of our case I cannot emphasise more the importance of obtaining copies of 'as laid' drainage plans for the comprehensive land drainage strategy on Rhooose Point along with 'as built' plans of surface water systems and locations of oil interceptors, before any further development on and around Rhooose Point is approved.

On 13th September 2007 Officers of the Council met with Welsh Water to discuss drainage and adoption of Rhooose Point. I would urge you to obtain the minutes or an official written summary of this meeting to confirm for yourself exactly what the current adoption position is and what progress (if any) has been made. If there is even just one outstanding matter, then it would not be in the public interest to approve any planning applications until all is resolved. I initiated an Ombudsman Inquiry into issues of adoption in May 2005 and was told that my concerns were 'premature'. Far from 'premature' my concerns were actually an apt and accurate 'prediction'.

Just as importantly copies of Land Plans should be obtained from the Railway Authorities to establish as fact whether or not sections of land drainage systems and/or associated connections plus surface water systems are within the curtilage of Railway property. Evidence suggests that the boundary fences in the vicinity of Rhooose Station and the proposed Retail Development are not correctly sited. Furthermore, legal

06/01807/OUT B

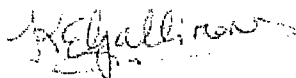
title to land directly abutting the north and south of the level crossing (the second access point favoured by the Council) has never been established. Indeed the developers took out an indemnity policy on the basis of this 'defect'. In the spirit of assisting the Council, a copy of this policy was provided by residents to the Director of Planning some considerable time ago.

In so far as the change of use application on the Employment site is concerned there is some doubt as to whether or not a boundary fence erected in August 2005 (evidenced by video coverage) along the north of the application site follows the line of the original boundary fence that was removed during so called 'ground clearing' activities. This would bring into question as to whose land the carrier drain is situated. Is it on Coston owned land or land in the jurisdiction of the Rail Authority? As it is the plan accompanying the Application does not even depict 'as laid' land drainage systems - never mind whose ownership they are in!

I hope that the enclosed will assist you and give you an insight into the sensitive position the Council is placed. The Council must ensure that all due care and diligence is conducted on any planning and legal matters relating to Rhoose Point and that those making the decisions will ultimately be responsible for their actions.

Please email an acknowledgement of this communication.

Yours sincerely



Karen Gallimore - Stakeholder Rhoose Point

Encs: Copy Representations - Hugh James Solicitors
Copy Representations - Karen Gallimore Stakeholder

cc. The leader

Director of Environmental and Economic Regeneration
Director of Legal and Regulatory Services
Cllr H Jw James - Ward Member for Rhoose
Cllr A Debburja - Chairman for Planning
Cllr N. Hodges - Chairman Scrutiny
(Economy & Environment)

Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

06/01807/OUT

C

17th January 2008

Sir

Application 2006/01807/OUT
Land to the South side of the railway line Rhooose Point

I note from the Agenda for the Planning Committee meeting that a letter I sent to Councillors and Senior Officials within the LA has been attached as Appendix A. This letter does **not** constitute my representations to the proposed development. I therefore attach the **correct** letter of representation made to the Head of Planning dated 19th September 2007 as an appendix to this submission. I also attach a letter sent by our acting solicitors in relation to the proposal.

Matters have moved on since I made my representations in September of last year. I therefore wish to make further representations as follows:

- This application represents a 'change of use' from the original Rhooose Point Design Guidance Document. This has not been made clear in the Report. Consultees would need to be fully aware due to the impact a 'change of use' application could have, for example, on their assets, structures etc. It must also be questioned if the application was clearly advertised to the public as a 'change of use'.
- A 'change of use' application requires a **full** planning application. This application is in outline. The LPA needs to be questioned as to why it accepted an application in outline
- This application also represents a departure from the UDP. As such WAG should have been informed and been given the opportunity to 'Call In' the application for its own determination. There is no indication on the Consultee File that the LPA contacted WAG.
- A plan depicting the carrier drain crossing the northern boundary of the site was received by the LPA on 16th October 2007. This revision plan was not placed on the Application File to be readily accessible for the general public to access. Therefore the public have been prevented from giving fully informed representations

06/01807 | OUT C

- The revised plan was not forwarded to statutory and non- statutory consultees. This has prevented them from giving fully informed responses
- The Supporting Planning Statement promised a strategic level employment study and a report detailing the marketing initiatives would be produced **as part of the Application**. Richard J Hutchings produced such a document but this was not placed in the Application File for public viewing.
- Hutchings and Thomas, agents for the applicant, were informed in writing on the 10th November 2005 of a legal dispute in connection with the 'Employment Site' and acknowledged this letter in writing. Clearly had anyone shown interest in purchasing the site for employment use then this ongoing legal issue would have had to have been declared. This information and documentation is not included in the marketing study. The legal issues would no doubt impact on the desirability of the site.
- The EA officer who responded to the application as a statutory consultee was clearly unaware that an artificial culverting system already crossed the site and responded accordingly
- The HSE advised the LPA to obtain a response via its PADH+ system. There is no evidence that, despite being given training to access this facility, that the LPA did so. Due to the acknowledged contamination on the site the LPA need to be challenged as to why it did not pursue the response in the proper manner.
- The Operational Manager for Engineering and Design (drainage) referred to land drainage ditches crossing the site. These ditches were filled in by the developer in November 2004. The Enforcement Section attended in response to a complaint and deemed the works as 'site clearance'

The Operational Manager failed to recommend that the LPA seek the views of the EA. The EA has a strict policy on culverting. The carrier drain system discharges into the eastern quarry via a cascade and then the waters go to sea. Discharge Consent would be required. It should be noted that in other Rhooose Point applications a recommendation is given that the EA be specifically consulted. Questions must be asked of the Operational Manager as to why this advice is missing – especially when a culverting scheme already exists on the site.

According to the Consultee File it is proposed that the current land drainage system be redirected – albeit no precise details of this are shown on the Files. Such works undertaken by the developer would require Land Drainage Consent under section 23 of the Land Drainage Act 1991 and approval of the Local Authority under the Public Health Act 1936. Again, these advisements are missing from the Operational Managers response. The Operational Manager also needs to be challenged on this point.

06/01807/OUT C

Amongst other types of water flows the carrier drain also takes highway drainage from north of the site. The burden of responsibility of the maintenance and control has been deemed by the LA to rest on residents. Members need to challenge that existing and future residents should be expected to be responsible for highway drainage?

- I support the comments from Highways and refer Members to the document dated 14/12/2004 from Colin Prosser to Lucy Turner of the LPA.

The LPA has dismissed the objection by Highways on the basis that its report refers to obsolete guidance ie Design Bulletin 32. **However, I have examined the Highways report and NO SUCH REFERENCE IS MADE.** The objection was raised by referencing the Traffic Impact Assessments undertaken by the developer and a previous application (03/01380/OUT that was refused on the basis there was no secondary access point to Rhoose Point. The report was written in September 2007 when the new guidance that superseded DB 32 was in place i.e. The Department for Transport Manual for Streets (MfS) which was published in March 2007. It was interesting to note within the MfS publication the guidance on adoption. Here, it is suggested that in the absence of any legal certainty of adoption taking place affecting a proposed development, then the developer should be required to enter into a section 106 agreement to construct new streets to the authority's standards and maintain them properly. The Report does not include this obligation within the section 106 recommendations. Clearly, the Report to Committee is totally flawed in that the actual 'Report' section refers to current guidance and policy and then unfairly dismisses objections on the basis that obsolete policy and guidance was used. Members should request that a further response be requested from Highways that would take into account current policy and guidance and would also encompass the up to date information in respect of highways and sewers.

- A PROW exists on the eastern boundary of the site. The site location plan does not depict the PROW but nevertheless the lack of response from the PROW department is unacceptable. The failure to depict the PROW would also prevent the public from making fully informed representations.
- WW waters response dated the 16th February clearly states that existing sewerage system would not cope with any additional surface and foul water. WW proposed a condition accordingly. The Application for Planning Permission states that the surface and foul water will go to the 'existing mains'. As this can clearly not be the case then an appropriate planning condition or obligation relating to surface and foul water infrastructure should be included for any development on this site. There are currently no infrastructure agreements for the adoption of sewers (section 104) or pump stations on Rhoose Point. Circa August 2006 Welsh Water made the decision not to enter into sewer adoption agreements with Cofton due to the serious drainage issues existing on Rhoose Point.

06/01807/00T C

In September 2007 Welsh Water had a critical meeting with Cofton and the Council. Welsh Water made clear that the responsibility of resolving matters rested with Cofton and the Local Authority. The Ward Members were to be informed of the outcome of this meeting and disseminate the information to their constituents. (see WW letter dated 25/09/07 attached) There is no evidence that any of the agreed action points have been complied with.

- It is clear that the person who responded on behalf of NR was unaware of the existence of the carrier drain that lies within inches of NR property and structures. NR has acknowledged interference to its structures adjacent to the proposed development (see letter dated 21/10.2005 attached). An all party meeting was held at the Alps on 24th March 2006 (see copy minutes attached). NR agreed to certain action. The outcome is not known but should be pursued as this proposed development is directly affected by two railway culverts and flows of water coming from 3 as yet unknown sources. A follow up letter was sent by the LPA to NR on 7th January 2008. This does not sufficient time for a response
- A follow up letter was sent to the ORR on 7th January 2008. There is not enough time for the ORR to respond.
- The Country Side Council for Wales was **not** consulted. The CCW stated in June 1994

'The small eastern quarry, in particular, is a valuable area which we would wish to see maintained in its present condition and treated as a remote zone'.

The carrier drain discharges into the eastern quarry via comprise a huge concrete cascade built without planning permission and in the absence of a Discharge Consent. The quarry has then been dug up to accommodate a drainage channel to the sea.

- The 2006/07 Scrutiny Committee was to investigate the unresolved Rhoose Point issues. However, despite being minuted and placed in the press, this never transpired.
- The Director of Environmental and Economic Regeneration reported to Cabinet on 6th June 2007 – **Land at Rhoose Point: Planning, Highways and Drainage Issues – Current Position**. A further detailed report was to be submitted as soon as possible and most certainly by the end of the calendar year. This has not occurred and we question why applications for further development are being determined in the absence of an updated position.
- Under the terms of the section 106 agreement it is proposed that the MUGA is located on the Waste Management Area. Information is attached proving that this area is **unsafe**. To quote:

06/01807/OUT C

'The existence of a certificate of completion (for the Waste Management Area) does not guarantee that the land is suitable for any particular uses. Subsequent redevelopment on or near to the waste may result in the waste being disturbed and the likelihood of pollution or harm increasing'.

This is information must be addressed with **great care** because there are **very serious** implications on the **health, safety and welfare** of existing and future residents. I would go as far as to say that the very **worst** type of development on this area would be playing fields etc where children and youths would play games in the course of which the top surface of the site would most definitely be disturbed. The LPA **must** be challenged on information it has had in connection with the Waste Management Area since early 2001.

- The LPA did not screen the site for EIA development even though the size of the site would mean that it falls well within the applicable and indicative thresholds and criteria. The LPA has stated that EIA is not required because it was undertaken as part of the original outline application passed in 1996. However the EIA regulations did not come into force until March 1999 – so how could an EIA have been undertaken on an application approved in March 1996?

That the area is at high risk from flooding and contamination cannot be disputed and an EIA should be undertaken prior to any development taking place on the 'Employment Site'.

Also, as stated above, it is proposed that the existing carrier/land drain system (built without planning permission and relevant consents) be diverted. Land Drainage projects fall within Annex 11.1 (c) of the EIA regulations so this project would require screening for an EIA in its own right. Members need to be aware that since the system has been deemed private by the LA then the permission of all landowners with an 'interest' in the system would need to be obtained prior to any works being undertaken by the developer. If just one landowner objects then the developer would have to seek an Order from WAG to undertake the works. The Officers Report makes no reference to this legal aspect.

- Residents have a shared interest in the artificial land drainage system that crosses the northern boundary of the site in that they are reliant on the proper maintenance and control of it to protect them from flooding. Also, the land interests are directly affected for those homeowners who have a section of carrier drain in or under their property. The EA gave a very comprehensive response to the former residential use application for this site that went to appeal (03/01380/OUT) and was then withdrawn by Cofton when WAG declared that a Public Inquiry would be held. The EA stated:

'It is the responsibility of the applicant to ensure that the development will not affect any existing legal water interests in the area'.

06/01807/OUT C

The Applicant, Cofton, is a defendant party in an ongoing civil case. Cofton is obliged by the terms of a Court Order to comply with a Court Direction by 5pm on Friday 18th January 2008 ie tomorrow. I am unable to go into specific detail but suffice it to say that should Cofton comply as ordered there will be implications that affect this proposed development on the 'Employment Site'. The LA has been aware for some years that an ongoing legal dispute and our solicitor made representations on our behalf specific to this application. There is no reference to this in the Officer's Report although I would deem an ongoing legal dispute in connection with the site as a material consideration. The LPA needs to be challenged as to why the considering of this information was not part of its determination.

Documents are attached in full support of these representations.



Karen Gallimore - Stake Holder - Rhoose Point

c/o 9 Nyth-yr-Eos.
Rhoose Point.
CF62 3LG

Enclosed 41 Documents
83 Pages - numbered

LATE REPRESENTATIONS
PLANNING COMMITTEE
17/1/2008

06/01807/OUT

3 Glyn y Gog
Rhoose Point
Rhoose
Vale of Glamorgan
CF62 3LJ

Mr Rob Thomas
Head of Planning
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

C

Tuesday 15 January 2008

Dear Mr Thomas

Re: Objection to planning applications 2004/01809/FUL and 2006/01807/OUT

I understand that the Vale of Glamorgan Planning Committee is due to consider the two applications, above, at its meeting on Thursday 17 January 2008, and would like to take this opportunity to register my objections to the plans as outlined.

As I am sure you must be aware, there are a number of outstanding issues relating to existing developments on the Rhoose Point estate that are deemed to be so serious they prevent the Council and Welsh Water from fully adopting the site's infrastructure at present.

If the Council and Welsh Water are not entirely convinced that the roads, groundwater drainage and sewers for the site are robust enough for the current level of development, I am astonished that you could possibly consider an application for additional dwellings in the area before the matter is fully investigated and the results of those enquiries are published. It would, surely, be impossible for the Committee to make a responsible and wise decision without all of the facts at their disposal.

Furthermore, I am aware that a legal action concerning the flooding of dwellings immediately adjacent to one of the two sites is currently being actively pursued. The action concerns the failure of culverts to the north of the affected dwellings and the proposed development site.

If the Committee were to authorise these two developments at this time, when it knows that serious doubts as to the safety of the sites are under investigation, I believe that its members could be proved to have been negligent in their duty of care to the future occupants of these dwellings should problems arise.

I urge the Committee to decline planning consent to these two applications, or at the very least, defer a decision until a point of time when the outcome of these investigations and legal proceedings are known.

Yours truly,



Eluned Parrott

17th January 2008

Mr. Rob Thomas

(01446) 704630

(01446) 704847

P/DC/SDB/2006/01807/OUT

Planning&Transport@valeofglamorgan.gov.uk

Mr Andrew Bailey
Rhoose Community Group
24a Porthkerry Road
Rhoose
CF62 3HD

06/01807/OUT
C

By Email and Post (Email : andrew@rhoose-community.org.uk)

Dear Sir,

Town and Country Planning Act, 1990 (as amended)

Planning Application No. 2006/01807/OUT

Proposal: Residential Development and community uses with associated infrastructure

Location: Land to the south side of the railway line Rhoose Point, Rhoose

I write in response to your correspondence received on 13th January 2008 regarding the above, and seek to address some of the concerns you raise therein.

Firstly, I would like to correct your assumption that the latest Section 106 agreement to be drafted to accompany the above application replaces the original section 106 agreement which accompanied the original Rhoose Point application signed in March 1996. This is not the case, the latest agreement relates directly to the proposal for the remaining site at Rhoose Point and does not remove the original obligations contained in the 1996 agreement. However, it does strengthen the Council's position in respect of the recreational facilities as follows.

As you state in your correspondence, the original agreement contained clauses for a sports field and changing rooms. It has subsequently become clear that the £55,000 (index linked) would not be sufficient to provide such facilities. Therefore, the Local Planning Authority has successfully negotiated with the developer to provide these facilities instead of paying an inadequate financial contribution – this will supersede the original agreement.

The obligation in respect of the Nature Reserve Centre still stands and the Council has recently established a working group to take this forward alongside the other remaining Section 106 issues at Rhoose Point. The latest agreement to include a clause of £25,000 for community facilities is in addition to rather than instead of this obligation.

Continued./...

06/01/807/OUT

The £3000 bus subsidy contribution was never sought, largely due to complications with the adoption of the Highways serving the site which you are no doubt aware of. This obligation is now time expired. However, you will note that the latest agreement in respect of the above application seeks to secure £50,000 for public transport services.

The Council will nevertheless pursue the possibility of reclaiming the £3,000 referred to above.

The Local Planning Authority has carried out all the relevant statutory consultations for this planning application and has taken on board the representations received. Your comments on previous consultations undertaken on the Vale of Glamorgan Unitary Development Plan are separate to the formal consultation undertaken on the application in question.

Likewise I do not think it appropriate to speculate on potential future development proposals that the applicant may choose to put forward in Rhooose. Such matters are not under formal consideration by the Local Planning Authority at present and are not relevant to the determination of the above application.

The issue of the level crossing and public safety has been fully considered and is addressed in the planning committee report, which can be viewed at the Vale Council's Web Site.

The necessary procedures will be in place to ensure that any necessary works will be implemented by the developer to bring the recreational facilities forward on the land to the south of the transport interchange, and the suggested S106 Agreement includes clauses to appropriately phase the development of the playing areas, changing facilities and non residential elements of the scheme.

I must contradict your statement that the application was dropped into the system late in December 2007, when in fact the application was received complete on 19th December 2006 and has this far been the subject of almost 13 months of consideration and negotiation. I am satisfied that the community of Rhooose will benefit substantially from the package of measures to be included in the latest Section 106 to accompany the above application.

I trust the above clarifies the Council's position.

Yours faithfully,

Rob Thomas
Head of Planning and Transportation

06/01807/OUT C

From: Andrew Bailey Rhoose Community Group 24a Porthkerry Road Rhoose CF62 3HD	To: The Vale of Glamorgan Council Development Control Dock Offices Barry Docks Barry CF63 4RT

Objection to Planning Application 2006/01807/OUT

Never have I read such a humiliating document as the Planning Committee Report for the 17th January 2008 recommending that the employment land in Rhoose Point be used for housing. The developer, Cofton Ltd, has run rings around your feeble attempts to enforce your existing agreement. They will get everything they initially wanted, and more. You (and as ratepayer, me) considerably less than the first deal struck, with just the ratepayers getting to pay for the privilege.

What did you think you were buying, back in 1996 when you signed the Rhoose Point Section 106 agreement? Since your officers drafted the agreement, we know it contains things you wanted. The golf course and clubhouse were not actually paid for (and so never were going to happen) but there are contributions from the developer (Cofton) for:

- Sports Field Changing Rooms (£55000 in 1996, **£76120** in 2007)
- Nature Reserve Centre (£20,000 in 1996, **£27680** in 2007)
- Bus Service Subsidy (£3000 per year)

So the residents of Rhoose could reasonably expect a sports field in the near future. Did we get it? No. Did you ever collect this money? No. Will you get your hands on the next lot? On previous form, unlikely, as you are going for that least enforced method of collection, the section 106 agreement.

The first two items on the list are index-linked contributions. They now stand at **£103800**, which may be small change to Peter Hain MP but is a little large to be overlooked by the officers who drafted the latest deal. If you had bothered to ask the community if they had any ideas for the money you would know that **we** had asked for these funds be combined with money unlocked from the sale of the land to the North of the railway line in Rhoose to produce some outstanding community facilities. Your planning professionals decided that this was "not relevant¹".

¹ Land to the North of the Railway Line, Rhoose, Vale of Glamorgan: Representations, Council Responses and Proposed Changes to the Draft Development Brief (July 2006).

06/01807/OUT C

Now the Council has no enthusiasm to build the Nature Reserve Information Centre that once was a significant part of the legal agreement between them and Cofton. We know this because they are not seeking any more money from the development of this land, and they cannot collect the money owed unless it is used for the purpose specified. So if the Council are not taking the money they wanted back in 1996 and are legally entitled to:

a) When did the Council decide to give Cofton £27680?

b) More importantly, who made the decision?

Rather takes the shine off the Community Facilities Contribution, doesn't it? I make Cofton £2680 up on the deal.

I know it is Council policy to seek contributions of 1% of capital costs from developments over £250000, but since by recommending this plan your own officers have pretty much torn up Council policy, could not that hunk of change be better spent in Rhoose, rather than creamed off for the Public Art Fund and the wider Vale? Which public consultation identified this overriding need for some ghastly sub-Moore piece of concrete? If it was bronze we could at least look forward to scrap merchants stealing it and save us the continued shame of gazing at the results of planning failure.

Come to that, what public consultation? The Vale of Glamorgan Council decided what was best for Rhoose the first time around and then failed to get that. Now when it comes to the last chance to screw the developers for the money to fix Rhoose Point ... silence. The section of the report on representations misses out the more vigorous expressions of feelings that planning developments at Rhoose create. How many representations did you have over the Unitary Development Plan in relation to the land North of the railway line? Over a thousand. People do not go door-to-door distributing forms and pack public meetings just because it is another in-fill housing estate. The community was aggrieved because Rhoose Point failed to deliver on the promises made. There was no pub, no employment, no nature reserve centre, no golf course and no sports field. The Council has failed to enforce the legally binding agreement it drew up and now it parades this shabby fix as a success.

If a deal is to be done, here is the minimum I would expect you to negotiate, since you have all the cards.

Protect **all** the amenity land from development, not just the asbestos contaminated bit Cofton is eager to pass on. That means everything from the West of Rhoose Point to Fontygary Caravan Park is secured for public sporting and recreational benefit. Who owns this chunk of prime coastal real estate? Step forward Cofton, who have already put this land forward for housing development under application 2002/00962/OUT. For this is the real reason that Cofton is keen to resolve Rhoose Point. Once you have compromised your own policies and conceded that vehicle access over the level crossing is not a barrier to development, the reason for the oversized roundabout built at the station becomes clear.

06/01 807/OUT C

Improve the safety of the station level crossing. No development on this site until there is a significant contribution towards a pedestrian subway or bridge at the existing level crossing. Just because pedestrians and vehicles have been using the crossing without incident does not mean it is safe to encourage more people to cross the tracks. Should the frequency of trains increase, or a fatality occur, who will pay for the safety improvements that will be required? You will no longer be able to turn to Cofton. From my own experience of using the station for the daily commute, stop all but emergency vehicles crossing using those fancy pop-up bollards, because people do not seem to have grasped the fact they are stepping out into the road from the station. The current layout encourages pedestrians and vehicles to mix in a dangerously informal fashion.

Enforce all the provisions from the existing section 106 agreement, combining the sports field changing rooms and nature reserve centre into one quality building for the benefit of the entire community. Our self-funded community group came up with a practical, economically sustainable scheme for this site based on this idea (please see appendix A).

No housing development until:

a) There has been an independent report paid for by Cofton on the standard of capping of the asbestos contaminated land to the South of the station. If remedial work is required before it can be used as a sports field, the entire cost is to be borne by the developer.

And

b) The sports field is built and in use to the required standard.

Conclusion.

This whole application reeks of a done deal. From the timing, dropped into the system late in December 2007 to be decided on in January 2008, to a report that recommends acceptance on conditions so disadvantageous to the Council and the community of Rhoose. If you as a Council decide not to enforce your own planning system and then invite the developer responsible to walk all over you, there is nothing I can do.

Just please, do not dress it up as anything other than a craven abdication of your responsibilities.

19th December 2006

06/01807/OUT C

Appendix A:

The Rhoose Community Group Project is designed to turn a recovered industrial site in Rhoose into a:

- Nature reserve
- Sports field
- Adventure playground
- Multipurpose Community Centre.
- Permanent Beach Sports Venue.

The project is designed to use the £100,000 in unclaimed funding from the Rhoose Point housing development section 106 agreement. This money must be used for changing rooms for the sports field and a nature reserve information centre. Our proposal is to combine these functions within one building as the centre of a sustainable project. In short to provide a sporting, recreational and cultural venue for Rhoose.

We would use the existing unclaimed funding to apply for match funding from other sources, such as the Aggregates Levy Sustainability Fund for Wales which funds environmental and amenity benefits to communities affected by aggregates extraction.

We would seek to attract commercial funding and sponsorship by providing a unique venue in South Wales. The centre of the project would be a revenue generating permanent beach sports venue. This is the same format as the successful Nivea Sun Yellowwave Venue in Brighton (see www.yellowwave.co.uk).

The community centre would also be the hub for conservation volunteers working in the nature reserve and those participating in the planned green gym (see <http://www.btcv.org.uk>).

The project is designed to be environmentally, socially and economically sustainable. It would secure permanent employment within Rhoose, preserve the amenity value of the coast and encourage public participation in both sport and nature conservation.

06/0/807/OUT D

From: Andrew Bailey Rhoose Community Group 24a Porthkerry Road Rhoose CF62 3HD	To: Rob Thomas Head of Planning and Transportation The Vale of Glamorgan Council Development Control Dock Offices Barry Docks Barry CF63 4RT

Your Reference: HP&T/DRT/lje22
12th February 2008

Dear Mr Thomas,

With reference to your letter of the 30th January, your assessment of the planning gain you have negotiated is over optimistic.

The first problem is with the existing (1996) section 106 agreement funding. You wrote

"The Nature Reserve money will be recouped, and the transfer of the open space land to the Council is still required and being sought. One thing that is clear is that £20,000 (index linked), will not provide a nature reserve centre, **but it can be used for related purposes.**"

However the existing 1996 section 106 agreement says about this money (clause 10.2.3.2).

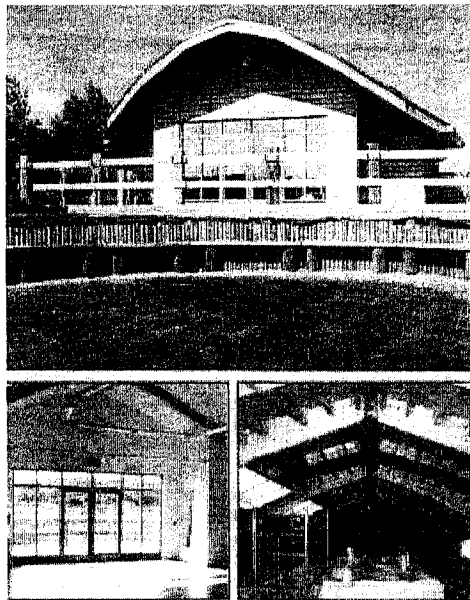
"10.2.3.3 the provisions of clause 10.3.3 shall apply (mutandis mutandis) to sums paid under Clause 10.2.3.2."

Clause 10.2.3.2 says

"10.3.3 The Council **shall not** use the contribution referred to in Clause 10.3.1 otherwise than towards the provision of changing rooms as referred to in that Clause and shall on the 5th anniversary of payment return to the Owner the unexpended balance of such sum together with interest (from the date of payment to the date of repayment) at not less than the base lending rate from time to time of Lloyds Bank Plc."

Change the words changing rooms to nature reserve information centre and you see you can **only** use this money for the provision of a nature reserve information centre, **not related purposes**. Therefore this money, which is now worth over £27680, cannot realistically be claimed unless it is combined with the planned sports field changing rooms. It is better to get this money out of Cofton and combine it with the changing room money and any other money that we can reasonably lay hold of to create something worthwhile. The Nature Study Centre at Dow Corning (see photo) was recently nominated for an award from Building Control, the Vale of Glamorgan Council. Will the new facilities at Rhoose be half as good?

06/01807/OUT D



The second problem is with the Rhoose Working Group. You wrote:

"The working group has only recently been established ... it met for the first time on Thursday, 24th January and is being chaired by Mr Miles Punter, the Head of Visible Services. My Division is represented by Victoria Abraham, Principal Planner (Development Contributions) and also involved are officers from within Parks and Grounds Maintenance, Environmental Health and Drainage."

So the working group only met for the first time after the recommendations for planning gain were drafted and the group has no representative or input from any stakeholders in Rhoose. For the community to support the project the community must be part of the project, including the planning. Would not a wider consultation be appropriate so that the recommendations for planning gain meet the needs and aspirations of the community?

"With reference to public art, the Council has a percent of art policy, which has been endorsed by Cabinet and Planning Committee. It applies this percent for art policy on all relevant applications (above a certain threshold of development)."

Policy is meant to inform decisions, not control them. Could not the Council, in this particular instance, be more flexible and combine this money with the other community contributions?

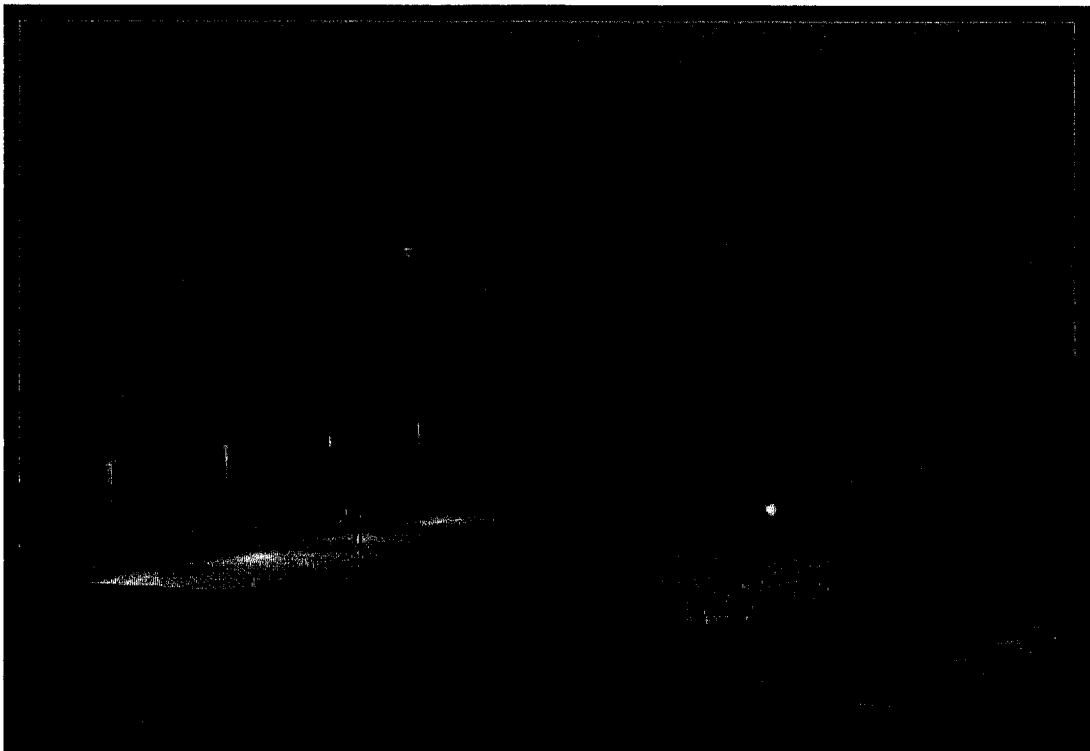
"I am disappointed at the comments in your last paragraph of your letter. Having raised comments throughout your letter about shortcomings and the need for enhanced community facilities, you then appear to express the view that anything we will seek to provide will be vandalised in any event."

Mr Thomas, as a ratepayer and a resident of Rhoose, I want the best value for money from this deal. You are attempting to sell me (and the rest of Rhoose) on the Multi Use Games Area (MUGA) as the best design solution. I did some research, and I found out that they are not the best thing in every situation and on the balance of probability not the best thing for Rhoose. As

06/0/807/OUT D

for the potential for vandalism rendering the MUGA unusable, I quote Phil Beaman, operations manager - parks and grounds maintenance, Vale Council. He wrote in the GEM "the cost of vandalism on most occasions exceed the immediately available budgets".

I regret that I see nothing in the current plan to support your assertion that you are "pursuing all avenues to realise enhanced community facilities." Indeed the current proposals will have the opposite result. The currently legally agreed section 106 funding is unclaimable (as the nature reserve information centre money can only be used for a nature reserve information centre) and the new plan closes off potential sources of additional funding.



"I am afraid that a permanent beach facility, is not something that can realistically be requested under the current applications for reasons outlined above."

There are no reasons given for stating the permanent beach is unrealistic, except that the idea did not originate from your department. Combining the nature reserve centre money with the existing planned community contribution and the public art would give an extra £77680. Instead of settling for a set of changing rooms, we could then have a Green Sports Pavilion. For a project to be economically viable, a project must fulfil one basic condition: its value when completed must be greater than or equal to the cost of producing it. A permanent beach would cost no more to build, would be used more and would cost less to run than the proposed MUGA. Unlike a MUGA, there is a good possibility it would make money and so make the pavilion self-funding. Certainly the Nivea Yellowwave centre (see picture) is thriving in the British climate, and Rhose would have the advantage that the developer is

06/0/807 /OUT D

picking up the bill for construction. It is better to combine the planning gain from the development of the employment land in Rhoose into one sustainable facility than allow it to be dissipated amongst a number of projects.

Mr Thomas, you say you are "disappointed" at my lack of enthusiasm for the current planning gain on offer. I am disappointed that after over a decade of waiting, the chance to finally produce something of lasting value to the community of Rhoose will be squandered on the lowest common denominator.

Yours sincerely

Andrew Bailey.

06/01/807/00T D

From: Andrew Bailey Rhoose Community Group 24a Porthkerry Road Rhoose CF62 3HD	To: Rob Thomas Head of Planning and Transportation The Vale of Glamorgan Council Development Control Dock Offices Barry Docks Barry CF63 4RT

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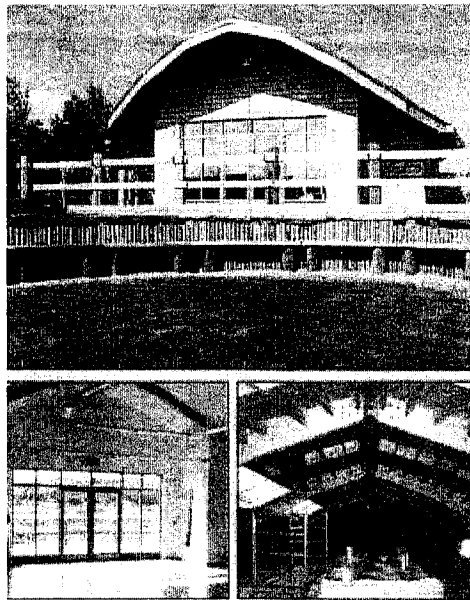
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06/01807/OUT

D

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Policy is meant to inform decisions, not control them. Could not the Council, in this particular instance, be more flexible and combine this money with the other community contributions?

"I am disappointed at the comments in your last paragraph of your letter. Having raised comments throughout your letter about shortcomings and the need for enhanced community facilities, you then appear to express the view that anything we will seek to provide will be vandalised in any event."

Mr Thomas, as a ratepayer and a resident of Rhoose, I want the best value for money from this deal. You are attempting to sell me (and the rest of Rhoose) on the Multi Use Games Area (MUGA) as the best design solution. I did some research, and I found out that they are not the best thing in every situation and on the balance of probability not the best thing for Rhoose. As

06/01807/OUT D

for the potential for vandalism rendering the MUGA unusable, I quote Phil Beaman, operations manager - parks and grounds maintenance, Vale Council. He wrote in the GEM "the cost of vandalism on most occasions exceed the immediately available budgets".

I regret that I see nothing in the current plan to support your assertion that you are "pursuing all avenues to realise enhanced community facilities." Indeed the current proposals will have the opposite result. The currently legally agreed section 106 funding is unclaimable (as the nature reserve information centre money can only be used for a nature reserve information centre) and the new plan closes off potential sources of additional funding.



"I am afraid that a permanent beach facility, is not something that can realistically be requested under the current applications for reasons outlined above."

There are no reasons given for stating the permanent beach is unrealistic, except that the idea did not originate from your department. Combining the nature reserve centre money with the existing planned community contribution and the public art would give an extra £77680. Instead of settling for a set of changing rooms, we could then have a Green Sports Pavilion. For a project to be economically viable, a project must fulfil one basic condition: its value when completed must be greater than or equal to the cost of producing it. A permanent beach would cost no more to build, would be used more and would cost less to run than the proposed MUGA. Unlike a MUGA, there is a good possibility it would make money and so make the pavilion self-funding. Certainly the Nivea Yellowwave centre (see picture) is thriving in the British climate, and Rhoose would have the advantage that the developer is

06/01807/OUT

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picking up the bill for construction. It is better to combine the planning gain from the development of the employment land in Rhose into one sustainable facility than allow it to be dissipated amongst a number of projects.

Mr Thomas, you say you are "disappointed" at my lack of enthusiasm for the current planning gain on offer. I am disappointed that after over a decade of waiting, the chance to finally produce something of lasting value to the community of Rhose will be squandered on the lowest common denominator.

Yours sincerely

Andrew Bailey.

Thomas, Rob

From: Andrew Bailey [andrew@rhoose-community.org.uk]
Sent: 04 March 2008 22:07
To: Rob Thomas; Jeffery (Cllr) James; Gwyn (Cllr) John; GCKemp@valeofglamorgan.gov.uk; addobbinson@valeofglamorgan.gov.uk
Subject: Rhooose Beach Sports Tourist venue as Planning Gain from Application No. 2006/01807/OUT



Rhooose Green Dear Mr Thomas
Sports Pavilion a... 02.doc (32 KB)

Sorry to keep on banging on about this, but I think the current planning gain is missing a trick. Combine the money, create a unique venue and you could be making something worthwhile.
Andrew Bailey.

06/01807/OUT

D

From: Andrew Bailey Rhoose Community Group 24a Porthkerry Road Rhoose CF62 3HD	To: Rob Thomas Head of Planning and Transportation The Vale of Glamorgan Council Development Control Dock Offices Barry Docks Barry CF63 4RT

4th March 2008

Planning Gain from Application No. 2006/01807/OUT

Dear Mr Thomas,

As you still have not responded to my email of the 12th February and with the next planning meeting looming, I must again point out that you have negotiated a bad deal for the planning gain.

Unclaimable Nature Reserve Centre Money (£27,680).

You have not disagreed with my analysis that this money will be unclaimable from Cofton, as it cannot be used for related purposes as you blithely assumed. See clauses 10.2.3.2, 10.2.3.3, 10.3.1 and 10.3.3 of the 1996 Rhoose Point Section 106 Agreement.

You have also have not disagreed that this means that even if you collect the planned Community Facilities Contribution from 2006/01807/OUT, Cofton will still be a minimum of £2680 up on the deal.

The Green Sports Pavilion and Permanent Beach

A constructive and realistic proposal that would be cheaper to build, cheaper to run, financially self-supporting and offering a greater range of possible events and users would normally be welcomed.

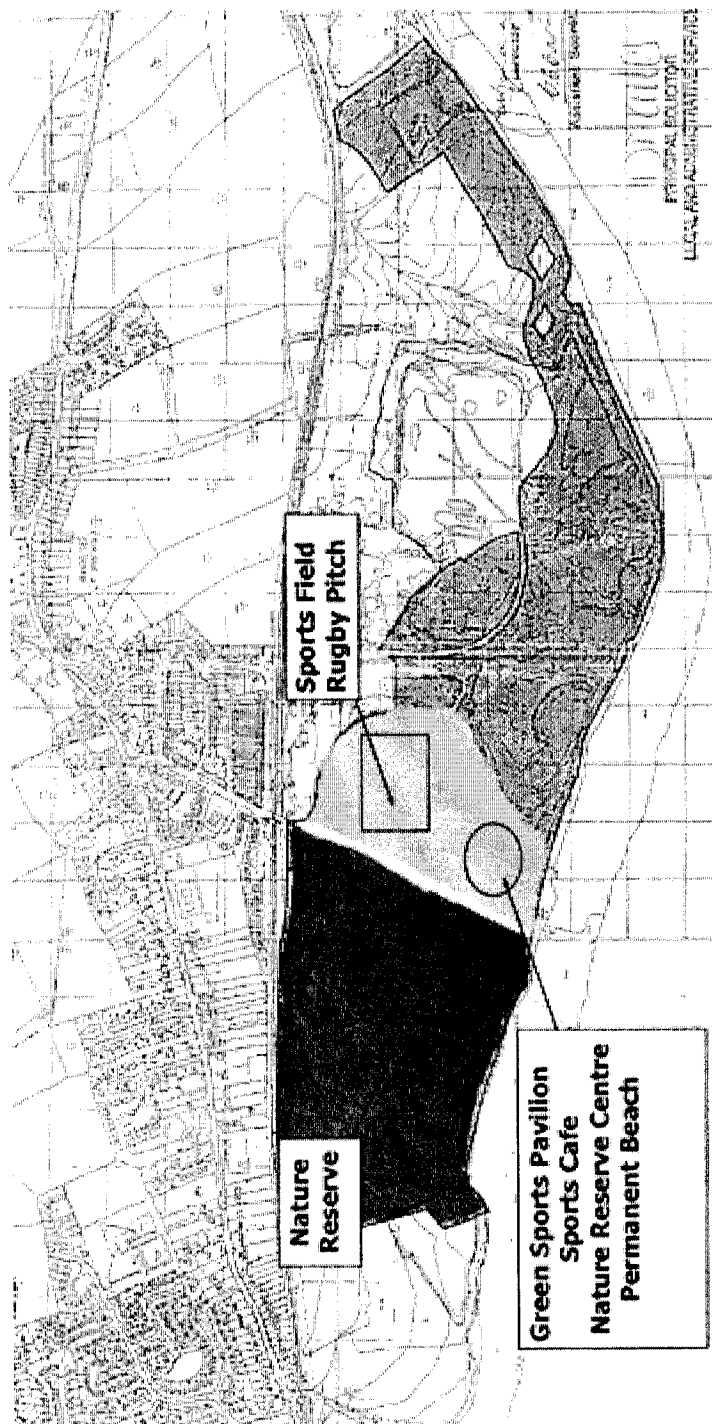
"I told you so" is a sterile response in the aftermath of a poor decision, so I have included my proposals instead.

Yours sincerely

Andrew Bailey.

Rhoose Green Sports Pavilion and Permanent Beach

Council Proposal	Rhoose Community Group Proposal	Why?
Football Pitch	Sports Field Rugby Pitch Expanded Nature Reserve	Preserves amenity value for entire village. Protects valuable coastal habitat. Creates more funding opportunities.

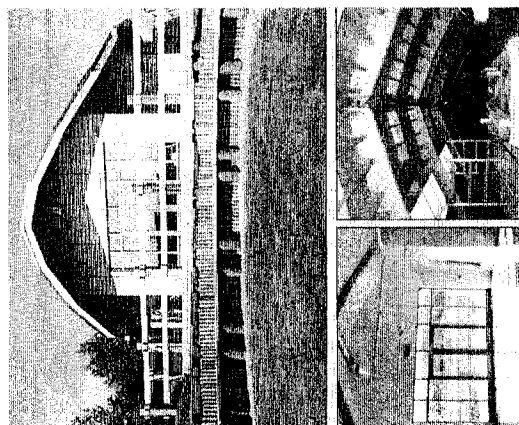


<http://www.rhoose-community.org.uk>

06/01807/OUT D

06/01807/OUT D

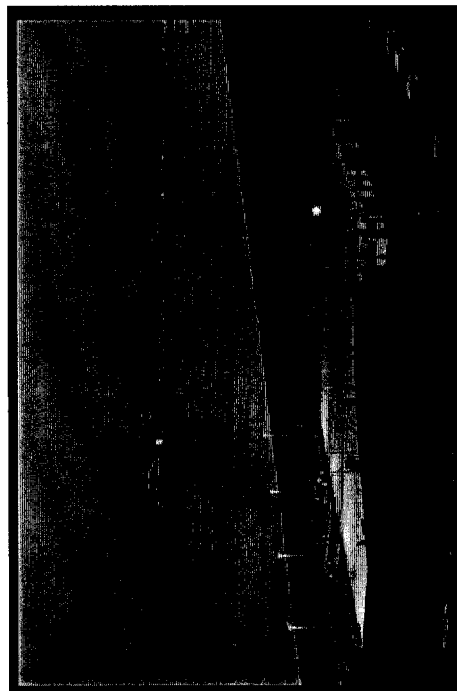
Council Proposal	Rhoose Community Group Proposal	Why?
Changing Rooms	Green Sports Pavilion at centre of beach sports venue. The pavilion would include facilities for • Sports Field Changing Rooms • Nature Reserve Information Centre • Sports Cafe	Makes use of funding from existing Rhoose Point section 106 agreement. Provides a new community facility that links the functions of the sports field and the nature reserve. Creates a BTCV "Green Gym" venue. Supports Vale of Glamorgan Community Strategy for improved health and well being, environment and sustainable development.



<http://www.rhoose-community.org.uk>

06/01/07/OUT D

Council Proposal	Rhoose Community Group Proposal	Why?
Multi Use Games Area (MUGA)	Permanent Beach providing all year round playing surface for: • Beach Rugby • Beach Football • Beach Volleyball • Free Running • Trampolining • Climbing wall Adventure Playground	The MUGA will be expensive to build and maintain (the taxpayer will pay for the upkeep). Sand is cheap to provide and cheap to maintain. Permanent beach has a greater chance of attracting commercial sponsorship. Creating a beach sports venue would encourage visitors to Rhoose. The permanent beach format has already been successfully built at Brighton <u>Yellowwave</u> A permanent beach and sports café would be revenue generating, making the site economically sustainable.



<http://www.rhoose-community.org.uk>

94Fontygary Road
Rhoose
Vale of Glamorgan
CF62 3DU

06/01000/OUT

APPENDIX A

Mr Rob Thomas
Head of Planning & Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

11th August 2006

Dear Mr Thomas

**Application No 2006/01000/OUT
90 Fontygary Road, Rhoose**

I object strongly to the above proposal for the following reasons:

Unacceptable Tandem development and intensification of residential development

Current policy has previously resulted in the refusal of outline planning permission for two other applications in the vicinity. These are 02/00410/OUT at 94 Fontygary Road and 01/01305/FULL at 42 Fontygary Road. Both of these application were turned down as being contrary to advice within paragraph 9.1.2 of Planning Policy Wales march 2002, Policies H9 and H18 and the adopted South Glamorgan Structure Plan 1989 and Policies HOUS9, HOUS12 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.

In this application 4 of the proposed properties are tandem developments, and an additional 5 properties will be unacceptable intensification of residential development on the site, which would adversely affect the amenities and privacy of the occupiers of the neighbouring dwellings. The siting, size and design of the dwellings would not enhance the local character of the surrounding area and would represent an overbearing and unneighbourly form of development.

Increased Traffic Congestion

A significant increase in traffic has been noticed in the last few years. An additional 5 properties would increase the current traffic which is already of concern in Fontygary Road, where traffic calming measures have already been added. A large proportion of families walk their children along the path to the front of the property. The addition of another road which has to be crossed would add to the danger experienced by these young children.

06 / 01 000 / OUT

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Privacy of neighbouring plots

Daylight and privacy would be affected on all neighbouring plots. With particular reference to 94 Fontygary Road, Plots 1 and 6 would have the most impact on daylighting and overlooking onto the property at No.94.

Increased noise

There will be increased traffic due to the addition of a road through the plot of No.90. The turning point is also right outside the bedroom window of No. 94. The additional area of public space around this would also be of concern regarding the security of No.94.

Impact on local amenities

This development follows a number of other developments around Rhoose. These other developments have already resulted in Rhoose school being overcrowded, and no additional resources have been put in place to accommodate the additional pupils, and many are already taught in portacabins. This is of great concern to me as I have a young child who will be attending this school in the near future.

Housing not in keeping

The proposed housing is of contrast to other houses in the area. Many are bungalows each with their own distinct individuality. Although details of the proposed houses are not included, it is clear from the footprint that they are considerably smaller than the other adjacent housing, and therefore can be considered to be out of character.

Reduced Ecological Amenities

The plot of 90 Fontygary Road has large and mature garden which is home to a wide range of wildlife. Further information regarding the great biodiversity of this plot is included in an Appendix. There is Public open space in the form of a park to the front and to the rear of the property, which is enjoyed by a number of the villagers. The enjoyment and appreciation of such villagers would be reduced if the current view of hedgerow and trees were to be replaced by yet another multiple housing development.

06/01000/OUT

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I question of require clarification regarding the following points of above proposal:

Demolition of Garage

The applicant requests to demolish garage, however there is no garage at present on the site. The 'existing garage' is nothing more than a garden shed and greenhouse. There has been no motor vehicle access to the property whilst we have been neighbours, just a footpath going to the front of the existing property.

Existing planting

A number of trees are marked on the new Outline Planning, but do not appear to be in the same positions as the existing mature trees. Key trees in maintaining the privacy of No. 94 do not appear to be shown and I am concerned that the proposals may involve removal of these trees. The trees of most concern are those which would be in the NW of the garden of Plot 1, and a large Ash to the North of the existing 'garage' which is on the border between the plot of 90 and 94.

I am pleased to note that the existing boundary plantation at the rear and between plot 90 and 94 is to be maintained and hope there is no disruption by any building activities to the existing trees or the mature hedge.

I trust that these objections will be taken into consideration of this application, and would be grateful if you would advise me of the decision in due course.

Yours sincerely



Dr. L.S.Nixon

06/01000/007 A

Appendix

Existing Wildlife and Biodiversity

On our plot (No.94) we have regularly come across reptiles and amphibians (slow worm, common frog, common toad) including high numbers of breeding slow worms and young. We have regularly have encountered hedgehog within our plot, which emerge from 90 Fontygary Rd in the evening and return there and there is or was a dedicated 'hedgehog house' structure in that plot. We also see invertebrates such as dragonflies, damselflies, moths, butterflies, woodlice, beetles etc. Bats regularly forage in the garden, and seen flying from one side of our property to the other and therefore entering and leaving 90 Fontygary Road.

We have identified mistle thrush, wren, coal tit, blue tit, great tit, chaffinch, song thrush, robin, blackbird, starling, green woodpecker, redstart, wren, wood pigeon, grey wagtail, collared dove, carrion crow and sparrowhawk within our garden. We have noticed several species of birds to breed each year within the hedge between our plots within trees of 90 Fontygary Rd.

Numerous mature trees are scattered across the plot including maple, spruce, fir, copper beech, ash, horse chestnut, sycamore. These trees and their canopies are very visible from the public open space backing onto the plot and doubtless appreciated by those who we regularly see walking there. Also, the rear portion of the plot houses a mature orchard which we believe to be fifty plus years old, and consists of a variety of traditional species.

The property has been vacant for a period of several years nonetheless its grounds have been maintained during this time. However a large and well established mature pond we believe was emptied earlier this year for an unknown reason. I am unsure whether this pond is still capable of holding water or not. In view of the close proximity of the plot to the Readers Way pond that has an exceptional population of great crested newt, I am concerned about their reasons.

Given that 90 Fontygary Rd is larger and contains more variety of vegetation and is less disturbed than our own plot it seems very likely that any fauna we have noticed using our plot is also using and quite possibly more dependent on our neighbour's.

06/01000/OUT A

109 Fontygary Road
Rhoose
Vale of Glamorgan
CF62 3DU

8th August 2006

Your Ref: P/DC/RD/2006/01000/OUT

Mr R Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

Dear Mr Thomas,

We would like to comment on planning application no 2006/01000/OUT at 90 Fontygary Road, Rhoose and would ask you to take the following comments into account.

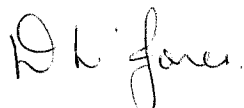
The proposal includes the demolition of one of the few remaining bungalows of character in the village of Rhoose which has served as a landmark in the village for many years.

The proposal is a significant over-development of the site and will completely change the nature of this part of the village.

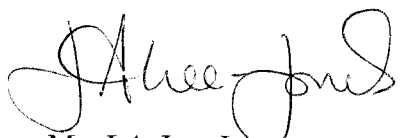
There has been excessive over-development in the village already, with the result that the facilities of the village go nowhere near supporting the residential development. To date the majority of this development has been on the periphery of the village: overloading one of the few traditional areas of the village with yet more development seems totally unnecessary.

We would like to object to the proposed development most strongly on the above grounds.

Yours faithfully,



Dr. D. L. Jones



Mrs J.A. Lee-Jones

07/01635/FUL A

TO SARAH DOWD 01446 704847

FROM R J POWLS

RE PLANNING APPLICATION

2007/01635/FUL

LETTER ENCLOSED (2 PAGES)

RECEIVED

20 DEC 2007

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: JMC/SD
NO: 15009
ACK: A

07/01635/FUL

A

SENT BY FAX 19 DECEMBER 2007

Planning Office
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

8 Dros Y Mor
Penarth
Vale of Glamorgan
CF64 3BA
Telephone: 029 2070 5195
Fax: 029 2070 5195
Mobile: 07976 153771
Email: russell.j.powis@btinternet.com

19 December 2007

Dear sir

"Holm House", Marine Parade, Penarth
Application 2007/01635/FUL

I wish to forward my objections with regard to the Amendment of conditions of application 05/01728/FUL.

I would also like to voice my concerns that, yet again, I have not been notified of the proposal, despite the fact that our house is only 3 properties away from Holm House. Because of this failure on the part of the Council, I only became aware of the application two days ago. I am therefore submitting my objections by faxed letter.

The grounds for the objection are

1 when the original consent was granted it was subject to a number of conditions and in particular conditions 5 and 7 which were intended to protect the interests of other residents in the near neighbourhood.

Nothing has changed in the period since the hotel opened to change the requirement to protect the interests of local residents. The fact that the business appears not to be as profitable, or viable, is totally irrelevant for this purpose.

2 The projected effect on parking in the area surrounding Home House was substantially understated in the original application. The expectation that 60% of guests travelling to a "boutique hotel" would have done so by public transport, primarily by train, rather than by car is quite frankly laughable. The reality is that there is inadequate parking on-site for residents as the applicants materially underestimated, deliberately or otherwise, the numbers of hotel visitors travelling by car.

07/01635/FUL

A

What has happened since the hotel opened is that there has been a large increase in roadside parking nearby with both the road and pavements in Marine Parade often being blocked by delivery lorries unable to access the property. In addition there have been numerous instances of cars and vans/ lorries illegally parking on bends and blocking the entrances to Dros y Mor and to houses on Marine Parade.

Following the introduction of the one-way system along the Esplanade, there has been a substantial increase in the volume of traffic using Marine Parade. This, coupled with the fact that it is also a bus route, makes Marine Parade considerably more dangerous for all road users.

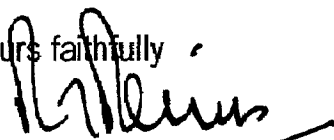
The effect of allowing the proposed alteration will be to exacerbate further the problem as it will attract more members of the public, most, if not all, of whom will travel by car. As there is AT PRESENT inadequate on-site parking for guests, I cannot see how the proposal will do anything other than make the position much worse.

3 Although the original application appeared to have support from local residents, the reality is very different. Many of the supporters live a considerable distance from the property and are not therefore in any way affected either by the original application or this application. In addition one of the supporters was the vendor of the property and, I understand, may have had a financial interest in the successful outcome of the original application. That support is hardly unbiased.

4 The application to remove the music/ noise restriction in a residential area is quite unacceptable. This will result in local residents being subjected to intolerable noise levels in the evenings, particularly in the summer months when residents will want to sit outside in their gardens.

I look forward to hearing that the application has been refused.

Yours faithfully



Russell J Powis

A1

07/01635/FUL

Dowd, Sara

From: Howard & Olive Ponsford [ponsford@talktalk.net]
Sent: 16 January 2008 09:06
To: MJGoldsworthy@valeofglamorgan.gov.uk
Cc: SDowd@valeofglamorgan.gov.uk; drthomas@valeofglamorgan.gov.uk
Subject: planning ref: 2007/01635/FUL -

from Howard W. Ponsford, 4 Glynne Tower, 12 Bridgeman Road, Penarth, CF64 3AW. I write to support the application for a full licence at Holme House, Marine Parade, Penarth. It is ridiculous that such a splendid hotel is denied the opportunity of using the first class facilities on offer. Howard W. Ponsford.

①

B

9 Dros y Mor

Penarth

CF64 3BA

07/01635/FUL

18/12/07

Re Town + Country Planning Act, 1990

Application No. 2007/01635/FUL

Location: Holm House, Marine Parade,

Proposal: Amendment of condition of application
05/01728/FUL

Dear Head of Planning + Transportation,

I am sorry that I am unable to address you by name; the reason is that I am unable to read your signature on your letter of 30/11/07, a copy of which was passed to me yesterday by a neighbour.

I am concerned + surprised that you did not write to me personally as my wife + I own a property very close to Holm House - essentially next door but one; neither were, I believe, any notices exhibited in public areas. It is therefore no more than fortuitous that I am able to comment on the application, and this at a somewhat late date.

② Perhaps in this context you might be good enough to appraise me of the normal procedure for promulgating planning applications to those who might be affected. Also I have been told by neighbours who were informed directly that this was only very recently, and evidently after letters of support for the application had been received from residents far removed from the immediate vicinity of Holm House; is this in fact true? - because if it is there are serious questions to answer. 07/0/635/FUL B

As regards the application itself there are a number of issues that concern me:

1) I am sceptical of the veracity of the statement that the majority of guests travel by public transport to what aspires to be a 5 star hotel; is there documentary proof of this? If all, or at least the large majority, of guests arrived by car - which would seem the most likely - then that would probably require about 12 parking spaces, in addition to those required for staff. Are there sufficient parking spaces in the hotel grounds for this? The reason I ask is that neighbours have again informed me that cars unable to be accommodated within the confines of the hotel have been parked dangerously and illegally (on the pavements) on Marine Parade and Dros y Mor. Opening up the hotel to non-residents would clearly aggravate this situation significantly - by probably at least 10 more cars.

③ 2) It is stated that there are 12 rooms at the hotel but 48 covers i.e. double that necessary for residents. On the other hand it is also said that the dining accommodation comprises 1 table for 10 and 8 tables for 4 i.e. 42 covers; which is correct? Either way it would seem that plans have been afoot prior to this application to cater for a high proportion of non-residents. Was this in accord with the conditions of the original planning approval?

3) Mrs. Semins says that she has received no complaints whatsoever about her hotel operations. I have again been informed by neighbours that they have complained not only about cars parked inappropriately on the public highway or pavements, but also about noxious odours emanating from the kitchen's venting system. We have not really moved into our new home yet so we cannot personally verify any of this, so would value further advice.

07/01635/FUL B

4) The request for permission to play live music is 9 feet in need of considerable clarification: Is it to be accompanied by dancing and/or singing? If the former, and from the description of the dining area, it would presumably have to be outside, in which case would there be a decibel limitation? Perhaps, however, none of the above is relevant as

④ Mrs. Serrano is only asking to be allowed to play live background music which I suspect Condition 7 allows anyway. 07/01635/FUL B

Unfortunately I have, personally, not been able to assess these various matters as well as I would have liked, as I only, by chance, became aware of the application yesterday. As I said before I remain extremely concerned by what would appear to be inadequate and unacceptable promulgation of information by your department.

However on the basis of the information that I have at present I would oppose the application on the grounds of:

- A) Inadequate car parking facilities, which I am told has already resulted in dangerous parking on the public highways + pavements.
- B) The potential for noise pollution destroying the amenities of the neighbourhood.

I do not see how there has been any change in the circumstances of the hotel or neighbourhood that would justify either removing Condition 5 or amending Condition 7.

Yours sincerely,

Qu Jones

PA.98

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07/01635/FUL

Dowd, Sara

From: Thomas, Rob
Sent: 16 January 2008 09:40
To: Dowd, Sara; Goldsworthy, Marcus J
Subject: FW: 2007/01635/FUL

Another letter

Rob Thomas
Head of Planning and Transportation

From: john keys [mailto:john.keys@tesco.net]
Sent: 15 January 2008 19:28
To: drthomas@valeofglamorgan.gov.uk
Subject: 2007/01635/FUL

We write to express our support for the application made by Holm House Penarth to open their restaurant and spa to non-residents. As residents of Penarth (37 Whitcliffe Drive), we feel that the application is not only reasonable but necessary if Penarth is ever to move forward and hope to attract both day and overnight visitors.

John & Julie Keys

Goldsworthy, Marcus J

07/01635/FUL

From: Mark Stevenson [mark@planning-construction.co.uk]
Sent: 28 February 2008 23:25
To: Goldsworthy, Marcus J
Cc: Thomas, Rob
Subject: Removal of Condition: Skomer 07/01635 - Planning Committee Meeting 21.2.08

Marcus,

I am sorry to have to trouble you further on this Application but I must refer to the Planning Committee Meeting on Thursday 21 February at 6pm and I note you were present at that meeting as were I and my clients.

I have been instructed to write in the strongest possible terms regarding certain concerns my clients have following the Committee Meeting where Councillor Maureen Kelly Owen was allowed to speak on behalf of the Objectors.

The concern relates to three issues:

First, the extent to which the comments made by Councillor Owen were factually correct or truthful rather than hysteric hypothesis; the reason for this observation is a genuine belief that even if Councillor Owen was supporting the Objectors it should nevertheless have been balanced advocacy in order to be credible. One example [and there were a number of others] of what my clients consider unbalanced relates to the references to parking on the road; to this extent a Google satellite image was presented to support this conjecture. As a matter of fact the satellite evidence was out of date and related to the construction period when not unnaturally there was additional parking of contractors vehicles; the point here is that if evidence is to be submitted it must be capable of reply and be credible – clearly questionable here. Of more concern is the apparent operation of a taxi/mini bus business by one of the objectors apparently without valid permission and those vehicles do indeed park on the road with the subsequent allegation that my clients hotel has caused bus parking by clients/customers outside on the road which is refuted by my clients and which allegations have no truth or substance.

Second, it seems only fair to have invited a Councillor supporter of the proposal [which was denied] to debate the issues with the opposing Councillor in order to achieve a fair and reasonable balance to be struck; hence the appearance of natural justice taking place can be achieved.

Third, despite my clients providing a detailed and factual response to the Objectors Comments it appeared to us as observers that this was not given to Committee Members for them to take into account although it is acknowledged that you made the Committee Members aware of its existence; could I please have your confirmation that this has now been done to each Member?

It is my clients' intention to address these and other points in a further Note to the Committee if only to put the record straight.

I look forward to receiving your comments at your earliest convenience.

Regards

Mark J B Stevenson
Barrister
Planning and Construction Law

Mitre House
6 Fairfield Road
Caerleon
Newport
NP18 3DQ
Wales

United Kingdom

07/01635/FUL

B2

Mob: +44 7980 289691

Tel/fax: 00 44 1633 431084 and 0131 605 1696

e-mail: mark@planning-construction.co.uk

Skype free call: mjbstevenson

C

07/01635/FUL

Miss Sara Dowd

5 Dros y Mor

Planning and Transportation

Penarth

The Vale of Glamorgan Council

The Vale of Glamorgan

Dock Office

CF64 3BA

Barry Docks

Tel. 02920705898

Barry

CF63 4RT

18 December 2007

Dear Madam

Town and Country Planning Act 1990 (as amended)

Application No. 2007/01635/FUL

Location. Holm House, Marine Parade, Penarth

Proposal. Amendment of condition of application 05/01728/FUL

I refer to the above. As a resident of Dros y Mor I am obviously almost contiguous with Holm House and anything happening there will affect me and my neighbours materially. The purpose of this letter is to record my opposition to the proposal. The grounds for that opposition are as follows

- The situation in respect of the property is exactly the same as ascertained when the original planning conditions were imposed. The effect on the environs, the totally residential nature of those environs, the conservation status of the area and the design of the hotel are entirely unchanged. The only change is that the proprietors, by their own admission, want amendments only so as to be able to achieve a particular hotel grading. With respect, that simply shows a dysfunction in the process of establishing the hotel – the hotel simply does not meet relevant grading criteria and it is absurd to fundamentally change planning in response to an entirely new factor which is unique to the hotel owners – the original planning concerns re the property remain unchanged.
- Planning should relate to the relevant circumstances of the neighbourhood. This application relates entirely to a specific individual economic interest of the proprietors. Presumably if the grading issue had not arisen this new application would not have been made
- The area is a conservation area. It is, and always has been an exclusively residential area and is a surviving representation of the Penarth of the past. There has never been a business as such here and it is the home of families and retired people. That

07/01635/FUL

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situation should not be prejudiced. A business of this nature would create noise, disruption and congestion – the application states that circa 50% of guests come by public transport when rooms are fully occupied. There is as I understand it only sufficient parking for the number of rooms plus a small excess. If that is so then by definition if the public can use the pool, Jacuzzi, restaurant etc. there will be a material parking problem. Visitors will park on Marine Parade and there is a particular problem as that is a part of a one way system and driving down it is difficult. Also, delivery vehicles and hotel staff already park on Marine Parade near the entrance to Dros y Mor - which makes exit into Marine Parade dangerous

- The area was quiet. If the public are allowed to use the facilities there will inevitably be noise and disruption. In the High Street or defined commercial areas this would be no problem but in a conservation area which is entirely residential it is.
- The hotel was originally described as "bijoux bed and breakfast" without facilities for the public at large but now we appear to be contemplating a bigger more public venture.
- Whereas the owners were reportedly happy at the licensing hearing to confirm that they did not contemplate allowing the public on the premises (and I appreciate that the licensing and planning processes are separate) we have a changed view here. I believe you can take some cognisance of that change and to refuse the application as it would inevitably open the way for further developments which would irretrievably alter the character of one of the historical areas of Penarth

For the above reasons I am firmly opposed to this application – which is fundamentally unsuitable for a residential neighbourhood within a conservation area.

Yours faithfully



Geoffrey W Williams

07/01635/FUL

12 Dros-Y-Mor
Marine Parade
Penarth
Vale of Glamorgan
CF64 3BA.

The Planning Committee
Vale of Glamorgan Council
Civic Offices
Holton Rd
Barry
Vale of Glamorgan
CF63 4RU

19th February 2008

Dear Councillors,

Re: Holm House, Marine Parade, Penarth
Application No. 2007/01635/FUL
Proposal: Amendment of condition of application 05/01728/FUL

Please find enclosed a petition containing some 60 plus names and addresses, mainly from residents of Marine Parade and Dros-Y-Mor, objecting to the above application.

Also attached are images from Google Earth showing the entire length of Marine Parade and the view of Holm House and its small car park. The images clearly show that there is insufficient space for commercial vehicles to park and manoeuvre in the hotel car park or indeed enough room to accommodate guests **and** the general public who may be using the facilities. The image also shows that access through Marine Parade has been reduced to single file traffic due to vehicles parked outside the hotel on both sides of the road. You can also see the density of parking that already exists at the top of Marine Parade again reducing the traffic to single file and cliff hill also shows a high density of parking. If the hotel's facilities were open to the public, the increased level of commercial activity will cause further problems to access through Marine Parade and the general disturbance by cooking smells, noise, delivery vehicles, customers arriving and leaving will seriously reduce the standard of living in this residential and conservation area.

I formally request on behalf of the signatories therein the petition and the attachments enclosed be "tabled" at the planning meeting of the 21st February 2008.

Yours sincerely,



Adrian Gray

07/01635 /FUL C.

Holme Place Hotel, Marine Parade, Penarth

We, the undersigned, have signed this petition to express our opposition to the application by the proprietors of the above hotel for a change of planning consent so as to enable the hotel and its facilities to be open and available to the public at large. The hotel is within the first area in Penarth to have been designated as a conservation area— an area which arguably is the last example of Penarth as was during its heyday. It was and still remains a residential area. The proposals would operate to the prejudice of the last remaining example of historical Penarth and totally alter the character of the area. Also, the ensuing extra parking congestion on Marine Parade would inevitably further prejudice the conservation area.

NAME

ADDRESS

Adrian Gray	12 DROS-Y-MOR	PENARTH
Joyce W. Fitchard	1 DROS-Y-MOR	"
John S. Sweetman	3 DROS Y MOR	PENARTH.
William	8 DROS Y MOR	PENARTH
St. David	8 DROS Y MOR	PENARTH
St. David	Fubank Bank	Penarth
P. Roberts	3 AVEL-Y-MOR	Penarth.
I. WHEADON	14 MARINE PARADE	PENARTH
S. WHEADON	14 MARINE PARADE	PENARTH
M. BOWEN	15 MARINE PARADE	PENARTH
B. RANOM	CAFFWANS, MARINE PDE	PENARTH.
J. Radcliff	"	"
R. Radcliff	3 The Glades,	Penarth
R. Radcliff	"	"
R. Radcliff	4 Cliff Parade	Penarth.
R. Radcliff	8 Cliff Parade	Penarth.
L. Thompson	"	"
A. Williams	1 RAISDALE HOUSE,	PENARTH
E. Williams	1 RAISDALE HOUSE,	PENARTH
John	2 RAISDALE HOUSE	Penarth
M. Catwell	"	"
George	Augusta Cott. Ralsdale Rd.	Penarth
L. J. Hillen	"	"
D. D. Jones	5 RAISDALE CLIFF	Penarth
Alma Jones	11 DROS-Y-MOR	PENARTH.
G. Garpari	11 DROS-Y-MOR	Penarth

07/01635/FUL C,

Holme Place Hotel, Marine Parade, Penarth

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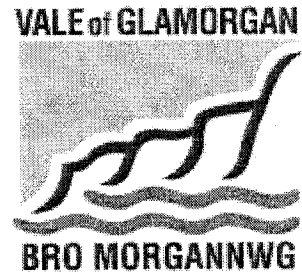
NAME

ADDRESS

L. J. Greenberg	4, Cosmeston Cottage, Lavernock Road, Penarth
G J GRAY	PIERMASTER LODGE, 8 BRIDGEMAN RD, PENARTH
W. Moore	MARINE PARADE CF 64 3BG
K. V. Jones	Marine Parade CF 64 3BG
S. Ralls	8. Dwyer near Marine Parade
J. Randall	Mooring - Marine Parade
C. J. Randall	Mooring - Marine Parade
J. Robinson	6 Portland Close Penarth
J. Robinson	6 Portland Close Penarth
J. Wynn	6 Cliff Parade, Penarth
B. W. Wiggins	6 Cliff Parade, Penarth
B. W. Wiggins	20 D Marine Parade Penarth
C. M. Simpson - Weeks	20 D Marine Parade Penarth
L. M. M. Jones	4 & 5 Tower Hill, Penarth
M. J. P. P. P.	4 Marine Parade Penarth
E. O. P. P. P.	4 Marine Parade
M. O. P. P. P.	15 Marine Parade Penarth

07/01635/FUL C1
MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU



To: Miss Sara Dowd

Dept / Adran:
Date/Dyddiad 2nd January 2008
:
Your Ref / P/DC/SD/07/01635/FUL
Eich Cyf:

From / Sue Brown
Oddi Wrth: Pollution Section
My Ref/Cyf SFB/217180
Tel / Ffôn: 01446 709872

Fax / 01446 709449
Ffacs:

Subject / **Re: Planning Application No - 07/01635/FUL**
Testyn: **Holm House, Marine Parade, Penarth, . CF64 3BG**
Amendment of condition of application 05/01728/FUL

I refer to your memorandum received by this department on 3rd December 2007, this department has comments to make regarding the above application .

This department has no objection to the application for the removal for condition 5 also in principal we have no objection to the amendment of condition 7 subject to certain conditions.

We advise the following;

1. That amplified music/ live entertainment, other than background music, be restricted to the restaurant area only.
2. Doors and windows shall be closed to the restaurant area and any immediately adjoining rooms whilst music/entertainment is taking place.
3. Amplified music shall take place in the building only.

If you require any further information please do not hesitate to contact me.

Sue Brown
Environmental Health Officer

D
07/01635/FUL

20 D Marine Parade
The Holmes
Penarth CF64 3BE
Vale of Glamorgan

The Vale of Glamorgan Council
Planning and Transport Dept.
Dock Office
Barry Docks Barry CF63 4RT

14th December 2007

Your ref.P/DC/SD/2007/01635/FUL

Dear Sirs

For the attention of Miss Sarah Dowd

My attention has been drawn to an application by the owners of Holm House, Marine Parade, Penarth to have conditions 5 and 7 removed from the planning permission previously granted by yourselves.

I am sure that when you insisted on these two conditions being applied to the original planning consent you did this after due consideration of the facts in that original application.

I cannot see how anything has changed within the short time that the hotel has been opened for the terms of the original planning permission to be changed

The applicants now wish to open their restaurant, Bar and Spa to the general public. This would be a very dangerous precedent to set

Marine Parade is an established residential area in a conservation area where private owners are spending considerable amounts restoring and renovating superb Victorian Buildings

I am sure that you made the right decision to include conditions 5 and 7 when you granted the original planning consent and will do so again in your response to this further amendment.

This objection to the removal of conditions 5 and 7 is shared by Professor and Mrs M Millodot of 20 A Marine Parade and my wife and myself

Yours faithfully



B. Simpson-Wells

E

07/01635/FUL

10 Dros Y Mor,
Marine Parade,
Penarth.
CF64 3BA
13.12.2007

Dear Sir/Madam,

Application No. 2007/01635/FUL Holm House, Penarth

I strongly object to the above planning application and append below the reasons.

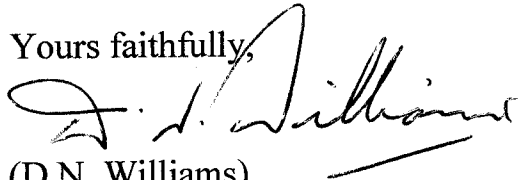
1. Impact on Traffic. I am very concerned that allowing non-residents to use the facilities will increase the through traffic in Marine Parade considerably. There is a great deal of through traffic presently, this having increased substantially since the Esplanade road became a one way system. It is palpable nonsense to claim a figure of 50 to 60% of guests will travel by public transport and is an insult to the intelligence of readers of this application; practically every if not all guests will arrive in their own cars. Furthermore, road parking would create additional problems.
2. Public Nuisance
 - a. The application to provide live music horrifies and dismays me. The music would not be restricted to opera and jazz singers, although these in themselves would be totally unacceptable, but to bands and groups. It would have a tremendously detrimental effect on the lives of the Marine Parade residents and feel it would impinge on our Human Rights.
 - b. The consumption of alcohol by the public at these premises would inevitably, at some time, create a public nuisance with 24 hour availability.

I believe that many of the support letters appertaining to the last application did not live in Marine Parade or in close proximity. If this applies to the support letters for this application, I do hope you will take into consideration that the above problems will have no impact on them at all.

07/01635/FUL E

Finally, the owners have stated that Mrs Morgan, an immediate neighbour, is fully supportive of this application. This is no surprise to the other neighbours – she sold the property to the applicants.

These objections and thoughts are submitted for your kind consideration.

Yours faithfully,

(D.N. Williams)

Mrs.J.W.Pritchard
1 Dros Y Mor
Marine Parade
Penarth
Vlae of Glamorgan
CF64 3BA

F
07/01635/FUL

Planning Office
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

11 December 2007
Ref: "Holm House" Marine Parade Penarth
Application No: 2007/01635/FUL

Dear Sir ,

I wish to put forward my objections with regards to the Amendment of conditions of application No: 05/01728/FUL

The grounds for the objection are:

1. The bed and breakfast establishment is in a totally residential area of Penarth and benefits from a low noise Karma , which we wish to see preserved ,and as the property has been in business for 5 months or so , the noise levels haven't been greatly affected due to the low volumes of people on the premise at any one time. If the amendment was allowed then there would be drastically increased numbers of non residential guests , availing themselves of the facilities.
2. By removing the clause restricting the use of the restaurant and bar from Bona fide guests to anybody and everybody , then the potential for persons to drink excessively , make a nuisance of themselves on leaving and exiting the premise along Marine Parade are exponentially increased , due to the fact they leave the premises. At the present time guests don't leave the premises at night only in the morning afternoon period.
3. In respect of clause 7 , the playing of background music is fine , as it is in the background and therefore passively quiet , but to allow live music would result in increased volume , nuisance and disturbance to the neighbours adjacent to Holm House.
4. Also by removing clause 7 , then there is the possibility in the summer months to have outside live entertainment which would be unthinkable and unbearable in a prominent "Residential Street".
5. The possibility of crime and disorder would be restricted if the property and specifically alcohol is not available in this prominent residential area

Thank You for Your consideration

J. W. Pritchard

Mrs. Joyce Pritchard

9
07/01635/FUL

5 Awel-y- Mor
Marine Parade
PENARTH
CF64 3BN
9th December 2007

Dear Sir/madam

Application by Holm House
Marine Parade, Penarth

I wish to object to the application to have planning conditions amended at the above named property. I have the following observations to make:

- 1. Should the application be granted the premises would be out of keeping with a quiet residential area.**
- 2. Currently, local residents are able to use the restaurant/music facilities on Penarth esplanade also without using their cars, so walking to a local venue is nothing new.**
- 3. It is stated that Mrs Morgan, the immediate neighbour, is fully supportive of the amendment. What is not said is that Mrs Morgan sold the premises to the applicant, so she can hardly do otherwise.**
- 4. I find it incredible the claim that up to 60% of guests travels by public transport, primarily by train. Is there documentary evidence to support this, as it has an important bearing on the off-street parking arrangements?**
- 5. With my limited knowledge of music I must admit I have never considered opera or jazz singers as muted background entertainment. In every show I have attended both have made it very difficult to have an enjoyable conversation with friends. In my view, this is just a highfalutin ploy to have the current restrictions relaxed without too much thought being given to the immediate residents.**
- 6. Can I just enlarge on the point I have made about immediate residents; a number of letters of support given at the original application were from residents and friends who live both out of sight and earshot of the premises. These supporters would be unaware that anything was amiss if a full-scale military band was to play at the premises. This cannot be fair. Does the same apply this time?**
- 7. My letter from you is dated 30 November, and was received by me on 7 December. I am given to understand that already there are a number of letters of support received by your office. How did this come about? Do the supporters get prior warning? Is the matter decided on the number of letters received one way or the other, or, as I think proper, each letter is weighted on the residential proximity to Holm House?**

I submit these observations/objections for your consideration and look forward to hearing from you.

Yours sincerely

T. J. Faherty

H

07/01635/FUL

Miss Sara Dowd
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT

B. CARPINI
11 DROS - Y - Mor
PENARTH
CELL 4. 3B4

Ref: P/DC/SD/2007/01635/FUL

20 December 2007

Dear Ms Dowd,

Re: Application No: 2007/01635/FUL

I write in response your notice letter of 30 November last and the above planning amendment application. Having considered the current application in detail, I wish to formally record my strong objection to it on the grounds set out below (and in my original planning objection letter of 2 February 2004 where relevant).

1. Removal of Condition 5

The applicant was fully aware of the relevant planning restrictions from the outset, namely use limited to residents only, and should not have committed to achieving a 5 star rating if this was likely to be dependant upon factors outside their control such as successfully amending the planning restrictions on the premises. Whilst I am sympathetic to the difficulties outlined, this is matter to be taken up between the applicant and the grant funder, and such issues should not influence or be in the contemplation of the planning authorities. I also understand from my enquires of Visit Wales that full access to restaurant facilities for non residents was a prerequisite for 5 star accreditation at the time of the original application in 2004 irrespective of the new harmonisation scheme referred to by the applicant. This is similar to the accreditation schemes such as that offered by the AA.

I do not understand the argument put forward about full occupancy; such occupancy is permitted within the restrictions of the current planning consent? I presume the project's original financial projections demonstrated that the business would be sustainable within the terms of the planning restrictions, namely trade from residents only, thus obviating the need for further trade from non residents? It is sound business practice to undertake a sensitivity analysis to allow for fluctuating occupancy numbers, and any decision to proceed with the development based on a need to attract further income from non residents to make the business viable, must be taken at the developers own risk. It is not proper to expect the planning authority to compromise its original decision at the expense of the amenity of local residents, simply to remedy any risk decision on the part of the applicant.

(i.) The applicant suggests that periods of full occupancy have demonstrated minimal impact on the locale and its residents thus justifying the lifting of the restrictions. This is not a view shared by myself and many other residents in the area, and so cannot be promoted as a justification for the amendment application. There is impact at full occupancy, and increased numbers through non resident access will further impact on the amenity of the local residents.

07/01635/FUL

H

Even though the applicant states they will not allow an excessive number of non residents to use the premises when the hotel is under the full occupancy quota, this cannot be guaranteed or properly policed. I also note that the applicant focuses their arguments on justifying use of the restaurant and bar, but does not otherwise mention the use of other facilities such as the spa or pool, which are also Value Wales prerequisites. Access to all the facilities required by Value Wales will inevitably increase the number of non residents using the premises. Will these numbers also be calculated against the under occupancy figures, for example if there are 15 spare covers in the restaurant so that an additional 15 people can potentially use the bar before dining, will that number be proportionately reduced if 10 non residents are using the spa and swimming pool at the same time? Frankly this seems like an unworkable proposition and poses the real risk that total numbers will exceed the 100% occupancy figure put forward to justify the application.

I would also refer to the issue of safe use of the premises. I understand that the original fire inspection assessed the building as safe for a limited number of people - free access to the public will present a very real risk that such a maximum safe number may be exceeded. Even if the applicant purports to restrict access by non residents, this may again be unworkable in situations such as where residents choose not to dine in the restaurant but otherwise remain on the premises.

Most importantly, both the original requirement to have a full access to restaurant facilities above will also place a matching need on the applicant to obtain what amounts to a full on license?, This coupled with the harmonisation requirement for free public access to all hotel facilities not only flies in the face of the original planning restrictions, but potentially also that of the licensing authorities who only thought it appropriate to grant a resident only license.

(ii.) The applicant has made an assertion as to numbers of resident using public transport, but this number is likely to vary and in any event, it does not reflect the number of vehicles used by staff, deliveries and trades people. Total numbers are considerably in excess of those purely calculated on guest numbers and will be further increased if the planning amendment is granted. Parking around the premises in Marine Parade is at a premium, particularly in summer when visitors to the area often park on the Parade and then access the Promenade via two lanes that lead down to it. Any additional parking burden will have a disproportionate impact on the already overcrowded locale and its residents, and I would mention that hotel staff have been known to park on the Parade and on one occasion in my own road. I have had sight of Mr J M Jones' letter of objection of 18 December, and would wish to endorse and incorporate his comments relating to the parking situation in the area.

(iii.) Turning to the issue of noise, the very fact that Marine Parade is a quiet residential area makes additional noise all the more intrusive. Whilst guests might not be overly 'boisterous' as claimed, this cannot be guaranteed where entertainment is provided, and certainly not where non residents choose to use the facilities. Even, at a low level, the increased traffic to the premises, opening and closing of car doors, and other ancillary intrusions attached to a busy hotel, will have a significant noise impact in the locale - especially my own premises which is directly adjacent to the hotel. It should also be borne in mind that noise made in the night time, particularly in the later hours, is far more intrusive than that made in the day.

Mrs M Morgan was in fact the original vendor of the premises so it is hardly surprising she does not object.

I would be interested to see copy correspondence from local residents described as wishing to use the premises - do these residents live in immediate proximity to the hotel? I can see no value in the 'sustainability' argument, residents are free to walk to other amenities in Penarth if they are concerned about environmental impact, this argument is tenuous at best.

07/01635/FUL H

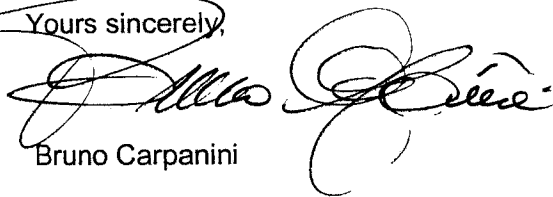
2. Amendment to Condition 7

The planning restrictions were known to the developers at the outset and if they were unacceptable the development should not have been carried forward. Clearly the planning authority felt it appropriate to impose the conditions and nothing has changed since that decision. The hotel was always projected to be a 5 star establishment and presumably the planning restriction was imposed bearing in mind the anticipated clientele. If anything, allowing public access further reinforces the need for the original restriction to remain as the proprietors are less able to anticipate the nature and behaviour of non resident guests.

Turning to the issue of live music and its impact in the neighbouring properties. Live music in a commercial locality such as a town centre will not impact on adjoining properties in the same way it will in a quiet residential setting. Even low level noise can be intrusive, particularly at night. Many people may have experienced unacceptable levels of noise when a neighbour holds even a modest house party; this is no different but is likely to occur on a more regular basis. Further, a live band, or even a singer using a backing tape, cannot generally be kept to the low levels similar to those that can be achieved by simply playing a background CD – I have 40 years experience of developing and running restaurant and hotel businesses which featured both live bands and background music. Opera is not known for being quiet, quite the contrary, it generally relies on powerful singers and dramatic music.

In closing, I reiterate my strong objection to the application and would ask you consider the points I have raised in the light of such other objections you may receive and the overall concern felt about the development and its impact on the amenity of local residents.

Yours sincerely,



Bruno Carpanini

Ps Please find enclosed a photograph of the trucks and vans belonging to the Parks Division which park in the area I pointed out on the aerial photo.

The parking is caused by the impossibility to park on the Parade and promenade. This is in total view of our bedroom and lounge everyday.

Another point I would like to make is that I also complained to the management of Holm House about the fumes emanating from the kitchen area which most of the time impedes us from opening our windows on the hotel side of the building and furthermore we cannot hang out our washing without it being tainted by odious smells.

07/01635/FUL

H



No 5
ADEL
MOR

No 11
M. PARADE

No 10
M. PARADE

No 12
D/MOR

No 1
D/MOR

No 11
D/MOR

No 10 D/MOR

No 9 D/MOR

No 8 D/MOR

TRUCKS
PARKING
HERE

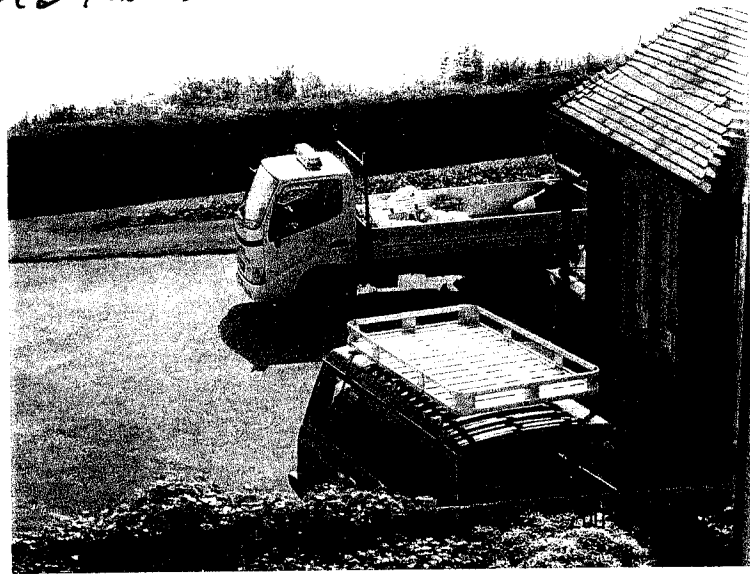
HOLM HOUSE

RECEIVED

21 DEC 2007

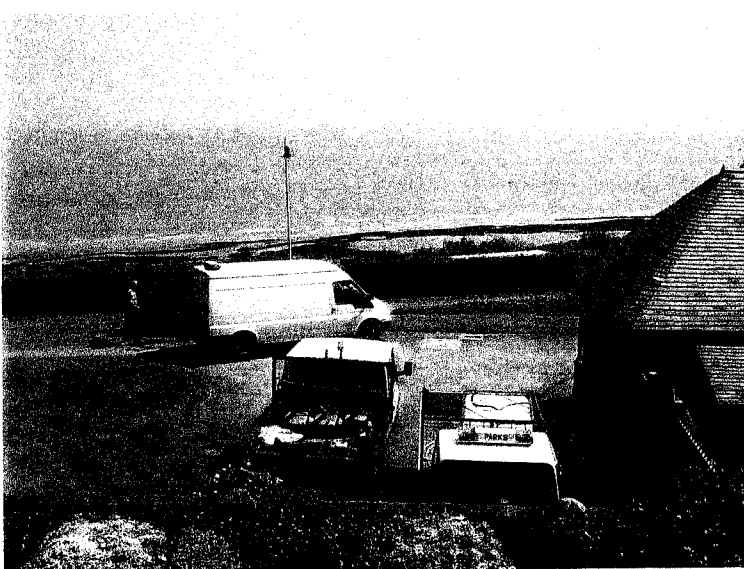
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

PHOTOS TAKEN FROM OUR
ROUNDER WINDOW

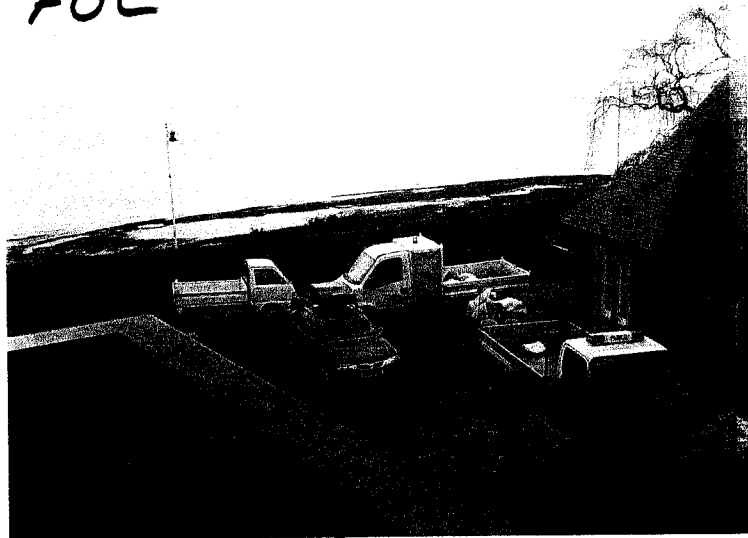


07/01635/FUL

H



07/01635/FUL



OUR
LOUNGE BALCONY



PLEASE STOP THIS !!




Penarth 20th December 2007-12-20

07/01635/FUL

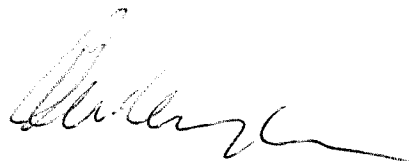
THE VALE OF GLAMOTRGAN COUNCIL
Your Ref: P/DC/SD/2007/01635/FUL

To whom it may concern,

I wish to object to the planning permission application at 'Holme House', Marine Parade, Penarth, Amendment of condition of application 05/01728/ful, because of the lack of parking places for customers, the increase in the level of noise and traffic through Marine Parade.

I feel that allowing this development would impact adversely on the residential quality of Marine Parade and could lead to disinvestment in the keeping of high quality houses with a risk of decay.

I also feel that the reasons given in the application show little commercial acumen and a defective perception of reality, as it believes that it will be popular among Marine Parade residents, and that they will attract a clientele which favours public transport to access the facilities, something which my knowledge of the area, and culture makes me doubt. I am also surprised that the applicants had not researched what was required to achieve the five star status they feel is necessary to succeed, before investing in the development of their facilities.



DR ADRIAN PIERRY
2 MARINE PARADE
PENARTH
CF64 3BE

Our Ref: MC/KW

VALE OF GLAMORGAN COUNCIL
PLANNING & TRANSPORT DEPT
DOCK OFFICE
BARRY DOCKS
BARRY
CF63 4RT

J 07/01635/FUL

LLANGOEDMOR
10 MARINE PARADE
PENARTH
VALE OF GLAMORGAN
CF64 3BG

21 December 2007

FOR THE ATTENTION OF SARAH DOWD.

Dear Sir,

RE: "HOLM HOUSE" MARINE PARADE, APPLICATION NO 2007/01635/FUL

I write to object to the removal of conditions 5 & 7 of the above application.

My reasons for objection are as follows;

1. We live almost directly opposite the premises and since its opening as a hotel, have already had to tolerate situations you should not have to in a residential street. We have already had to write in to and receive from Mrs Sessions the applicant a written apology about noise generated by the premises. Staff working at the premises park their vehicles off site, restricting parking places to residents and their visitors in the parade.
2. Large delivery vehicles regularly park outside the premises instead of pulling into the hotel, therefore restricting the road to single file.
3. The hotel has a gravel driveway and vehicles leaving and entering the hotel at night wake us up on a regular basis to the extent that we have to keep our windows shut.

We believe that the removal of Clause 5 & 7 will exacerbate the problem as a lot more people will be free to come and go almost on a 24 hour basis and the increase in noise and traffic will become unbearable in what is a quiet residential street.

We cannot believe that the majority of their guests walk to the hotel and use public transport. We live opposite and whilst we have seen numerous cars on a daily basis pulling in, we have never seen anyone walking in with a suitcase. There is very little parking on site at the hotel and with an increase in usage people will park on the main road.

Mrs Sessions stated that her neighbour Mrs Owen has never complained, what she doesn't state is the vested interest she has in the property in actually selling it to her in the first place, so as hardly likely to complain anyway.

We believe that you got it right first time with the inclusion of Clause 5 & 7 and the removal of either of these will greatly diminish the quality of life for those living adjacent to the property.

Yours faithfully



M CAMILLERI

K

07/01635/FUL

Coastguard Cottage
2 Marine Parade
Penarth

20th December 2007

Application no: 2007/01635⁵/FUL - (05/01728/FUL

To Whom it may concern (Planning officer, Vale of Glamorgan)

I wish to object to the planning permission for Holm House,
Marine Parade. The grounds I am objecting to are:

1. **Lack of provision of parking** as admitted by the applicant
2. **Disruption of traffic and noise** caused by non residents arriving and leaving premises to an already overused road following the implementation of a one way system and the development of 22 flats in Bridgeman road.
3. **Misuse of a conservation and residential area**

I am not impressed by the applicants methods of acquiring this permission.

- Her letter to yourselves contains many contradictions not least that 5 star clients would arrive by public transport. No reliable evidence can substantiate this claim.
- Of the letters of support received by your office I am aware that the 'local residents' in support of this plan are unreliable because they are personal friends of the applicant and therefore cannot hold any weight to the case.
- Initial research would have enlightened the applicant that a business project was unlikely to succeed in a residential area with planning restrictions.

I hope that this objection will be considered and that the planning permission will not be granted.

Yours sincerely



Alison M Pierry (Mrs)

O'Keefe, Kevin T

07/01635 / FUL

From: Gpowysjones@aol.com

Sent: 21 December 2007 13:25

To: Planning&Transport@valeofglamorgan.gov.uk; developmentcontrol@valeofglamorgan.gov.uk

Subject: Holm House, Marine Parade, Penarth. Application Ref : 2007/01635/FUL

For attention of : Sara Dowd

Thanks for notifying my client Mr A Gray of the above-mentioned application. He lives at 12 Dros-y-Mor, Penarth immediately adjacent to the application site. He is likely to be the person most affected by the proposal. He therefore wishes to object to the application on the following grounds:

1. My client and others objected to the original application to change the use of the premises to a hotel. The concerns expressed then have been found to have been justified since the anticipated effects have occurred in practice. The current operation has materially affected my client by reason of noise & disturbance; cooking odours; overspill parking and the general nuisance arising therefrom. Certainly my client finds the locality a far less pleasant place to live than when the premises was run as a care home.

2. Of course, since planning permission has been granted, my client can do little about the consented operation. Even though disappointed that planning permission was granted, my clients concerns were ameliorated to an extent by the imposition of conditions, designed to limit the effect of the operation on its surroundings. Had the applicants felt aggrieved with the conditions concerned, they could have appealed or make application to remove them when the consent was first issued. Instead, they persevered with their investment. They now seek to remove the controls felt necessary by the Council but 2 years ago to protect neighbouring residents. If the conditions were a pre-requisite of consent then, they should remain so now particularly in circumstances where the applicants seemed to have accepted them as reasonable but a short time ago.

3. The s73 application seeks the removal of condition 5 and the amendment of condition 7: the precise extent of the amendment is not explained. My client objects to both proposals on the grounds that the noise and disturbance currently experienced at times will be intensified and become commonplace. What is sought in effect is consent to operate as a bar/restaurant and a spa facility open to all, such operation being sometimes accompanied by loud music. Given the professionalism of the operators and the anticipated demand it is likely that the venue would become extremely popular and busy. It should be apparent that any such operation should not be allowed to develop in the heart of a largely quiet and high quality residential area. There is also the prospect, borne out by current experience, that on-site car parking provision is insufficient. Cars would be parked in surrounding streets and the noise and disturbance caused by customers leaving the premises to their cars or on foot, particularly late at night and at week-ends, could not fail to leave its mark on local residents.

4. The justification provided by the applicants is not convincing. Certainly, the planning system should not be abused to assist the premises in gaining a tourism regrading. It is suspected however that the underlying motive has more to do with increasing the turnover/ profitability of the venture. My client has no objection in principle to a business attempting to better itself, but not at this cost to himself or other local residents. The Council will no doubt also bear in mind that any planning permission runs with the land. That is, however well meaning the assurances given by the current operators, the premises could be sold and run by others with, possibly, fewer scruples.

I would be grateful if you'd acknowledge receipt of this email and take its contents into account in making your recommendation. I would be grateful for further notification if the application is amended.

Regards

G Powys Jones MSc FRTPi
Town Planning Consultant
The Maltings
East Tyndall Street
CARDIFF CF24 5EA

Tel : 02920-464433
Fax : 02920-464345

07/01635/FUL

L

M 07/01635/FUL

2B, 15 Marine Parade, St Maeburne
Penarth, Vale of Glamorgan
CF64 3BG

21 December 2007

Planning and Transportation Department
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Sirs

RE: TOWN & COUNTRY PLANNING ACT
APPLICATION NO: 2007/01635/FUL
LOCATION HOLM HOUSE MARINE PARADE PENARTH

I refer to a notice of the application for an amendment to planning which has been forwarded to me by the occupier of number 10 Dros-y-Mor, Penarth.

I would firstly like to state in the strongest terms, that I feel your department has been sadly lacking in not giving notification of this application directly to the occupiers of number 15. The application made make will have a considerable effect on the facilities and amenities of all those in the surrounding area and as you should be aware, number 15 is close to the property for which the application has been made. I would like you to reply to me separately on this point because I feel that you have not carried out your duties and obligations to which I believe you are bound and, if I do not hear from you I shall have to consider taking steps with regard to making a formal complaint.

I am sure that the planning department is aware that following the conversion of the Esplanade into one way traffic, there has been a very considerable increase in the volume of traffic using Marine Parade to the disadvantage of all residents. The proposal to open the facilities of Holm House to non-residents is bound to increase the volume of traffic using Marine Parade. I find it very hard to credit the applicant's statement that 60% of their current residents come by public transport and would be very glad to see the supporting evidence of this statement. To say that the majority of people using the facilities offered by the establishment as non-residents would walk to the premises is I feel stretching credulity to the extreme. If people do indeed come to this establishment without the use of a car, I feel certain that they would inevitably require a taxi to take them home after their night out and, this will lead to the increase of traffic flow which all the residents of Marine Parade would like to minimise. Any increase in the use of the establishment will have an adverse effect on all local residents by nature of the sheer volume of people using the facility.

Cont'd

07/01635/FUL

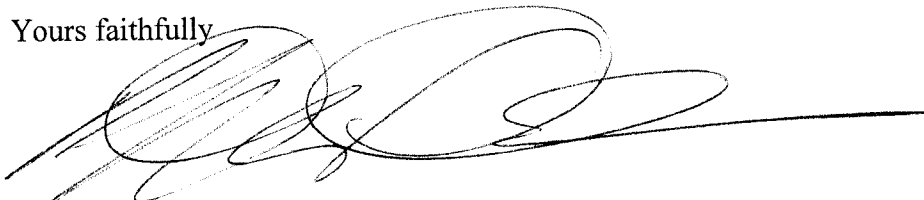
M

I would also oppose the lifting of the restriction with regard to the use of live music. Again I feel that not only will this cause inevitably an increase in the noise in the area but, the additional use of the facility will be an added inconvenience and nuisance to all the residents in the immediate area. The ability to organise events with live music will cause more people to use the facility as non-residents which will again increase traffic flow which point I have made with regard to the other part of this application.

I feel that the comment made by the applicant with regard to them being unable to be graded "5*" is totally irrelevant, if the conditions could not be met then any grants that were made to the establishment would have been made in error and should be the responsibility of either the Assembly or the applicant and should have no bearing whatsoever with regard to any planning application.

I would once again reiterate my opposition to both parts of this application and I also look forward to receiving a reply to the point made in my first paragraph regarding your departments notification of the application to residents who would be affected by it.

Yours faithfully

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Peter Wilkins

Dowd, Sara

N
07/01635/FUL

From: Will Houghton-Jones [will@vividiti.com]
Sent: 15 January 2008 11:29
To: MJGoldsworthy@valeofglamorgan.gov.uk; SDowd@valeofglamorgan.gov.uk;
drthomas@valeofglamorgan.gov.uk
Cc: susan@holmhouse.co.uk
Subject: reference is 2007/01635/FUL – Holm House, Marine Parade, Penarth

Dear Sirs,

I run an independent Web Design and Marketing Consultancy based in Penarth, catering to wide range of clients across the UK.

Being previously based in London for a number of years, my clients and friends are often intrigued to understand why I settled in Penarth, as they have little or no knowledge of the local area. I am always pleased to informing them of the delightful sea views, beautiful relaxing parks, period properties set in tree lined streets, idyllic town centre with its lovely coffee shops and plentiful amenities, as well as the fantastic schools for our two young children and the wonderful friendly atmosphere created by the local community.

I have a number of clients, friends and relatives whom often visit Penarth and was delighted to hear the prospect of the new Holme House Establishment opening its facilities to non residents. This would not only be a great opportunity for local Penarth residents to benefit from fantastic new 1st Class dining and leisure facilities, but it would also be a much needed exclusive local establishment at which to entertain clients within walking distance of Penarth town centre.

I truly hope The Vale planning dept. can find it within themselves to allow this wonderful Hotel, that has clearly been constructed with a great deal of thought and consideration for the reputation of the local area, to realise its full potential and allow non residential guests to benefit from its facilities.

Yours Faithfully

Will Houghton-Jones

Will Houghton-Jones
Managing Director

Vividiti

+44 (0)29 20 7111 21

+44 (0)29 20 7111 21

will@vividiti.com

52 Althorp Drive, Penarth, Vale of Glamorgan, CF64 5FF, UK



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Version: 7.5.516 / Virus Database: 269.19.2/1224 - Release Date: 14/01/2008 17:39

Ⓢ
Dowd, Sara

07/01635/FUL

From: MICHAEL GRIFFIN [michaelgriffin524@btinternet.com]

Sent: 15 January 2008 11:08

To: SDowd@valeofglamorgan.gov.uk

Subject: Holm House

Dear Sir,

I wrote in support of the licensing of Holm House recently in the following terms :

We understand that the proprietors of the above small hotel have made a re-application for a Residents' License. Holm House has been designed to a high standard and is well suited to and well integrated into its surrounding residential area. It is located close to the one-time Raisdale Hotel that has now been redeveloped for residential purposes. As a facility, it replaces that hotel and provides Penarth with a quality establishment. In our opinion it should be licensed to fully realize its potential as a first-class hotel. On that basis we, the undersigned, support the re-application.

Since then, the hotel has operated with impecable regard for the neighbourhood and has received very favourable press comment, both for its quality of accommodation and its cuisine. It seems to me that to extend its license would have no ill effects and would widen the benefits of having a first class hotel in Penarth more obviously to its residents. I fully support the application to do so by Holm House.

Michael Griffin

P
07/01635/FUL
Dowd, Sara

From: jayne [jayne@gems-agency.co.uk]
Sent: 15 January 2008 11:21
To: drthomas@valeofglamorgan.gov.uk; MJGoldsworthy@valeofglamorgan.gov.uk;
SDowd@valeofglamorgan.gov.uk
Cc: Susan Sessions
Subject: Holm House

To Whom It May Concern:

Re: Holm House

Gems has been running from Penarth for nearly 19 years. We are a very busy film & TV crewing agency which supplies Camera & Sound men, Costume Designers, Hair & Make Up Designers, Assistant Directors (1st, 2nd & 3rd), Script Supervisors, Location Managers, Production Staff and other grades to all the major films and TV dramas.

For example;

Penny Smith, Hair & Make Up Designer and Jo Beckett, Script Supervisor on 'The Palace' (transmitted last night on ITV1)

Anthony Wayne, Executive Producer, Claudia Cimmino, Production co-ordinator and Zoe Morgan, assistant Script Supervisor on the new 'Bond 22' (currently in production.)

We are in desperate need of a smart restaurant within walking distance from our offices in Glebe Street.

To be able to take clients who are here for meetings, maybe only for the day somewhere which we believe to be private and exclusive in Penarth would be most beneficial.

I can not imagine what trouble could occur by accepting non-resident diners as surely Holm Houses' appeal would only be to an up-market and discerning clientele?

Please do contact me further for references and other information.

Yours faithfully
Jayne Pearce

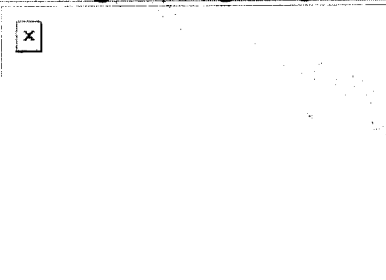
jayne pearce

029 2071 0770 t

029 2071 0771 f

jayne@gems-agency.co.uk

www.gems-agency.co.uk



his email is confidential. The contents may not be disclosed or used by anyone other than
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P 07/01635/FUL

or telephone +44 (0)29 2071 0770. We cannot accept any responsibility for the accuracy or completeness of this message as it has been transmitted over a public network. If you suspect that the message may have been intercepted or amended, please call the sender.

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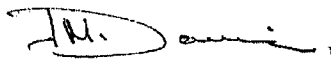
6,Dros-y-Mor,
Penarth
CF643BA

14th January 2008

The Planning Officer,
Vale of Glamorgan Council,
Civic Offices,
Holton Road,
Barry
CF634RU.

Dear Sir/Madam,

I understand that some of my neighbours in Dros-y-Mor have objected to none residence being able to use the facilities at Home House. I do not agree in any way that these objections are valid, and would advise you that there has been no inconvenience noise or nuisance caused by this hotel. If the hotel was opened to none residence, the very upmarket nature of this business and characters of the owners would insure that this hotel would not only be a well needed facility but an asset to Penarth and the area. Why should a small number of people spoil the pleasure of so many.



Yours Faithfully

Mrs J.M.Davies.

R

07/01635/FUL

NEW SKOMER
MARINE PARADE
PENARTH
VALE OF GLAMORGAN
CF64 3BG
Tel. 029 2070 3480
Fax. 029 2030 6797
15th January 2008

To Miss Sara Dowd,
Planning Department
Vale of Glamorgan

Dear Miss Dowd,

Application No.2007/01635/FUL
Location : Holm House, Marine Parade, Penarth
Proposal : Amendment of condition of application 05/01728/FUL

I refer to your letter to me dated 30th November 2007 regarding the above application, and inviting me to make comments.

Receipt of this letter came during the run-up to Christmas and regrettably I was unable to meet your original deadline. Nevertheless I hope that you will give serious consideration to the following comments which I wish to make before determining the application; in my opinion they are highly pertinent to the decision your authority has to take.

I live immediately next door to this hotel, and am well acquainted with the property in two ways:

Firstly, as its closest neighbour I believe that I can comment as well as any other regarding the impact of the business on the locality in terms of neighbourliness- noise, traffic pollution etc. Regrettably, I detect in the locality a strong antipathy towards the business: this has existed right from the start, when the hotel was first proposed, and it continued through the recent application for an extension of the drinks licence down to the present day. I think it is vital that your authority considers the true merits of any objections being raised rather than taking them at face value. In my experience, since the hotel opened last May, I have not had occasion to complain at all: it is evident that it is being operated extremely discreetly, as befits both its setting in Marine Parade, and the kind of clientele that the owners are seeking to attract.

Secondly, I was formerly the proprietor of Skomer Residential Home, the previous name of the property until I sold it the Extraordinary Hotels in 2004. I therefore am well aware of the sensitivity of operating a business in this locality, and the need to respect local amenity. From my experience and observation, it appears that the overall impact on the area, in terms of traffic, cooking smells, noise, of the Hotel is not much different from that of the Residential Home. In all probability, the week-day traffic to and from the Hotel is less than it was for the Residential Home.

07/01635/FUL

R

In my opinion, there is a great demand amongst people in Penarth to be able to enjoy the facilities offered by Holm House, without having to either to stay there, or to dine there courtesy of a guest. Penarth and indeed the Vale generally, cry out for facilities such as have been created here. It should follow therefore that the Vale of Glamorgan Council should in principle support this enterprise, and not see it restricted in its early years so as to jeopardise its viability.

I realise that as the local planning authority you have to assess these issues purely in terms of its planning merits. In this case I strongly suggest that any objections that area being raised should be considered for their validity before you decide how much weight to give them.

You should certainly not be swayed by any number of objections that are, on investigation, proved to be groundless.

I consider that this application should be approved forthwith; if however, as officers, you have reservations, you should **defer consideration** until such time as any material objections can be addressed by the applicant.

Yours sincerely



Mrs. Margaret J. Morgan

s

S

07/01635/FUL

Tel 029 20 703744

"Gwystones"

4 Dros-y-Mor

Penarth

Vale of Glamorgan

CF64 3BA

RPM/LG

15th January 2008

Planning Officer,
Vale of Glamorgan Council,
BARRY.

Dear Sir,

RE: HOLM HOUSE, MARINE PARADE, PENARTH

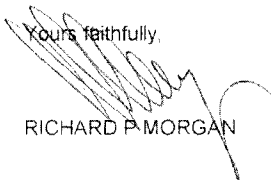
I understand from a neighbour that an application has been made for a Non Resident Licence for the above premises, I also understand that those who objected to the earlier Licence have been written to again to enable them to comment on the new application.

As you know I was a supporter of the original Licence and I am also a strong supporter for a Non Resident Licence, however, I do feel that the Council are being somewhat biased in only writing to those that objected to give them an opportunity to give their views.

Over the last 10 years we have seen Hotels and Bed & Breakfast disappear from Penarth and it is a much needed facility for the area, and a massive investment has been made in the property, unlike others in the area, especially Bridgeman Road where properties have been allowed to rot and become derelict.

I truly believe that the Council should be proactive in this matter and support the application for a Non Resident Licence.

Yours faithfully,


RICHARD P MORGAN

Dowd, Sara

From: cle [cle@gems-agency.co.uk]
Sent: 15 January 2008 11:09
To: MJGoldsworthy@valeofglamorgan.gov.uk; SDowd@valeofglamorgan.gov.uk;
drthomas@valeofglamorgan.gov.uk
Cc: susan@holmhouse.co.uk
Subject: Holm House

To however it may concern:

I write with reference to:-

2007/01635/FUL – Holm House, Marine Parade, Penarth

I would just like to voice my concerns over the continued restrictions to residents only of Penarth's Holm House Hotel Restaurant.

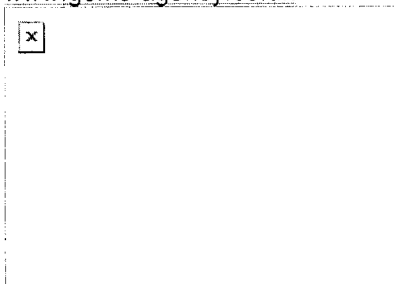
Penarth has been in need of a nice quiet little establishment such as this for a long time where we are able to entertain clients who are accommodated elsewhere, with first class food and hospitality within walking distance of our business and homes.

As this establishment only ever seems to attract a more discerning cliental I really cannot see how we could ever been seen as a nuisance. There is ample parking so it is not necessary to congest the surrounding streets and the whole ambience of the place does not appear to attract the rowdy element.

Please do not hesitate to contact me if you wish to discuss this matter further.

Yours faithfully

Cle Hope
GEMS DIARY SERVICE AND AGENCY
029 2071 0770
www.gems-agency.co.uk



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U
07/01635/FUL
Dowd, Sara

From: Chris & Caroline Oxenham [caroline.oxenham@btinternet.com]
Sent: 15 January 2008 14:11
To: MJGoldsworthy@valeofglamorgan.gov.uk; SDowd@valeofglamorgan.gov.uk;
drthomas@valeofglamorgan.gov.uk
Cc: susan@holmhouse.co.uk
Subject: Planning Ref 2007/01635/FUL

Sirs,

I wish to support the above application on the following bases-

As a chartered civil engineer with considerable experience in design and construction of road networks I do not agree with objections to the proposal on grounds of traffic noise when the size and type of hotel is considered. Have any objectors carried out a study to convince the VOGC of the validity of their claim in this in this regard?

I consider that the VOGC should actively seek to support a young and quality business seeking to provide a much needed local facility.

C.W.Oxenham.B.A.(Hons),C.Eng.,MICE.

✓
07/01635/FUL
Dowd, Sara

From: Chris & Caroline Oxenham [caroline.oxenham@btinternet.com]
Sent: 15 January 2008 14:19
To: MJGoldsworthy@valeofglamorgan.gov.uk; SDowd@valeofglamorgan.gov.uk;
drthomas@valeofglamorgan.gov.uk
Cc: susan@holmhouse.co.uk
Subject: App No.2007/01635/FUL

I support the above application.

I assume that planning officers have inspected the hotel and are able to confirm that it is up-market, quiet and discreet.

It is ludicrous to think that it would attract a noisy clientele.

Objectors should seek to support such a beautifully appointed hotel rather than seek to oppose it.

Caroline Oxenham.

W 07/01/635/FUL

Dowd, Sara

From: David Graham [davidr.graham@virgin.net]

Sent: 15 January 2008 07:45

To: SDowd@valeofglamorgan.gov.uk

Subject: Holm House

We are fully in favour of removing the current dining restrictions placed on Holm House. This would benefit the community as a whole.

David and Susie Graham CF64 3AW

X

07/01635/FUL

18 Penarth Portway
Penarth
Vale of Glamorgan
CF63 1SQ

Karen.Oxenham@uk.pwc.com
Tel: 07815 882345

14 January 2008

Planning Department
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Dear Sirs,

Planning ref: 2007/01635/FUL – Holm House, Marine Parade, Penarth

I am writing to give my support to the above referenced planning application, which seeks to lift restrictions on the use of the restaurant and spa at Holm House to residents only.

I am a resident of Penarth and past guest of Holm House. For instance, I have used the Hotel to host and entertain my family members on the occasion of a 60th birthday celebration. We used all hotel facilities, including a number of rooms, the restaurant, spa and spa treatments. All of my family were thrilled with the quality of the service and the extremely luxurious standards of accommodation and facilities. I have also been lucky enough to stay at the hotel on a second occasion, in celebration of a friend's birthday. My friends, family and I cannot praise this hotel highly enough.

I am a frequent traveller, and my profession requires me to stay in hotels in London, throughout the UK and occasionally in mainland Europe and the USA. Most hotels I have stayed at pale in comparison with what is provided (and for a similar budget) at Holm House. It is justified in receiving the many prestigious awards it has received in the very short time it has been open. Penarth and the Vale of Glamorgan ought to be extremely proud and count themselves lucky in having this gem in its geography.

However, far from supporting such a prestigious and exclusive venue, by allowing access to its facilities for residents only, the Vale has appeared to put barriers in the way of this hotel, which I believe can only restrict its success and the positive impact it can have on Penarth.

I find it increasingly frustrating that, in light of the failure of the Vale of Glamorgan Council to support any changes that promote the economic regeneration of our town (dare I name the Coastal Walkway, inadequate town parking, etc.), this gem of a Hotel is being forced to battle for support. This is doubly annoying given the Welsh Assembly Government endeavors to support entrepreneurship, and expenditure of significant amounts of our taxpayers' money in encouraging investment in Wales by 'outsiders'. Local entrepreneurs (such as this hotel's owners) must be allowed to realise the full extent of their business capability, otherwise what hope do we have for the successful Return on Investment that WAG and the Vale is seeking in its economic support and regeneration policies. Currently, by imposing restrictions, we are at risk of discouraging any future entrepreneurs to invest in our town.

X
07/01635/FUL

I appreciate that there has been some concerns amongst a very small number of residents that there may be inconvenience caused by non-residents' traffic at the hotel. In other circumstances I may understand such concerns. However, I ask you to visit the hotel restaurant and spa facility yourselves so that you can appreciate the type of guests that this facility attracts. This is not a low cost, fast food outlet attracting high volumes of people.

I urge the council to approve the above planning application, so that I and other residents of Penarth can make use of this wonderful restaurant and spa facility. Please do not continue to restrict it to only those who are visiting the town, and therefore deprive us of a wonderful local facility.

Yours faithfully

Karen Oxenham

Y 07/01635/FUL
Dowd, Sara

From: Goldsworthy, Marcus J
Sent: 15 January 2008 09:19
To: Dowd, Sara
Subject: FW: Holm house

For the file

Marcus Goldsworthy
Operational Manager
Development Control
Vale of Glamorgan Council
Docks Office
Barry
CF63 4RT

-----Original Message-----

From: David Graham [mailto:davidr.graham@virgin.net]
Sent: 15 January 2008 07:42
To: MJGoldsworthy@valeofglamorgan.gov.uk
Subject: Holm house

I am fully in favour of removing the restrictions for dining at Holm House. This place is a gem in Penarth and should be nurtured and not held back.

David Graham, 8 Glynne Tower, Bridgeman Rd, CF64 3AW

 07/01635/FUL
Dowd, Sara

From: Mikepenarth@aol.com
Sent: 15 January 2008 09:19
To: MJGoldsworthy@valeofglamorgan.gov.uk; SDowd@valeofglamorgan.gov.uk;
drthomas@valeofglamorgan.gov.uk
Cc: susan@holmhouse.co.uk
Subject: Planning 2007/01635/FUL - Holm House, Marine Parade, Penarth

Sirs

I e mail in support of the application by Holm House to extend their restaurant and spa facilities to non residents. This venture has successfully become part of the life of Penarth without ANY visible detriment to the local area and the people who live here. No cars have needed to use the road and I can only see limited use if this application is granted.

The management of the Hotel is highly professional and they have made positive relationships with local people and we would ourselves like to enjoy the facilities on offer occasionally.

I trust that this application will be successful as it deserves to be.

Yours faithfully,

Mike and Sally Talbot

The Coach House
Tower Hill
Marine Parade
Penarth
CF64 3BJ

02920701088

07/01684/FUL

APPENDIX A

**Richard & Clare Hallam
3 Park Road, Penarth, Vale of Glamorgan CF64 3BD**

**Vale of Glamorgan Council
Planning Office
Barry Docks
Barry
CF63 4RT**

4th Jan 2008

**Dear Miss Ferreira
APPLICATION No 2007/01684/FUL**

Thank you for alerting me to this planning application as I had received no notification from the applicants.

I visited your offices earlier today but you were unavailable to discuss my concerns.

May I make the following points which I know you will review and I would also appreciate notification of your site visit as I would like to ensure you are aware of some key issues affecting this proposal which are not evident from the Full Application lodged with your Offices:

- 1. When we originally purchased no.3, access between our properties was never properly resolved by the applicants and we have had to put up with this unacceptable position since then – boundary division was never completed.**
- 2. The above point will add to the privacy issue compounded by the proposed building works as I note from the plans that several additional windows will be facing our boundary?**
- 3. Through arrangements with Ed Baker, we had to pay £1500 to have a substantial tree treated on the boundary in question, directly adjacent to the Laundry Room at**

07/01684/FUL

- no.2. The proposed building works would appear to negate the benefits of this expenditure.
4. An expert opinion of the Drainage structure would be critical before any decision on significant additional pressure on it. Again, we had to call out a specialist firm only 12 months ago as our driveway manholes were lifting and bubbling right back to our Coach House. This was clearly as a result of historical inadequacies to take the capacity and you can imagine the type of waste flowing in our rear garden and down the complete driveway. The firm took a full day with comprehensive pumping equipment to clear the structure at a significant cost of £1200 to us.
 5. Car Parking in Park Road is already under extreme pressure from the lack of provision for this relating to the wonderful Marie Curie home. You only need to visit during the day to see the impact of this – cars are always parked in the hatched boxes right on the apex of the road and this is a severe risk to Public safety.
 6. The road drainage system at the entrance to our driveway is completely blocked as you will note from a site visit – we have tried to alert the Vale to this without success. I mention this as the cause is entirely by vehicles using our entrance as a point for a three way reversing turn. These vehicles are entirely linked to Parkside Residential and many of them are the copious number of Taxis along with delivery HGV's and Ambulances. There have been many instances where access and exit to our private drive has not been available and this proposal will only exacerbate this situation.
 7. The plans lodged with your Dept, and the Full Application papers, indicate provision of 17 Parking spaces. This is entirely mis-leading in that 3 of them are on the driveway approach to no.2 and could not be used. In addition, these are all spaces that are part of existing arrangements – as far as I can see **NO ADDITIONAL PARKING PROVISION IS BEING PROVIDED AS PART OF A 30% INCREASE TO THE BUILDING.**
 8. And that leads me on to another huge concern for me – could this not be seen as un-necessary over development

07/01684/ FUL

A

in a private residential road? I appreciate the Social need for such Services but, using Penarth specifically, I have never known a town with the volume of such Services already available?

9. I already have some concerns over the waste skips used at Parkside (they are kept by the way in the area indicating two parking spaces on your plans). Inevitably they are always full and there is frequently other waste in that area not contained. The proposed development will add to this clear Health & Safety issue and the area in question directly faces our property and is not that far away.

My wife and I rarely see need to raise issues in this way and resolution in our world is always via sensible discussion. The staff at the Home are excellent and friendly and we have never had any noise problems. However, I believe my above points indicate our real worry and concern over what is proposed and we ask that you fully consider these in your review of this Planning Application.

Your Sincerely

Clare & Richard Hallam

Hand delivered on 01 Jan 00.

Tel: 02920 706164

07/01684/FUL A

Miss M.C. Ferreira,
Planning Department,
Vale of Glamorgan Council
B Barry.

Penarth
Vale of Glamorgan
CF64 3BD

Dear Miss Ferreira

Re. 2007/01684/FUL
1-2 Park Road Penarth

With reference to the above planning application, I make the following comments. I live directly opposite No 1+2 Park Road and believe that the new proposed building will have a visual impact on us. However, it is the resulting effects that the new building will bring which causes concern to residents.

The application states that there will be an increase in staff (17-21), 10 additional rooms (approx. 30% increase) and total of 17 parking spaces are nominated. These are all existing spaces and I can see no provision has been made to meet the increased needs of extra staff, visitors, essential service and delivery vehicles etc.

Street parking in Park Road is already intolerable with cars from Marie Curie (Bridgeman Road) staff who park all day plus visitors to the Hospice. I am disabled and am unable to use the dropped kerbs as they are always blocked in daytime. A increase in vehicles will exacerbate this situation.

At times, access to & from my home is partially and totally blocked by inconsiderate drivers. Most delivery vehicles are unable to enter No 2 drive because the entrance is too narrow and can sometimes only be used by blocking the drives of private homes.

07/01/84/FUL

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I ask that a review of the following be carried out before a decision is made.

- clearly marked and extra designated parking spaces within the boundaries of No 1 + 2
- Provision be made within No 2 boundary for 'rubbish' bins to be discreetly placed for access & collection.
- Consideration of widening gate/driveway No 2. to enable delivery vans to have easier access.

I look forward to receiving your comments.

Yours Sincerely,

R. + P. Morris.

07/01684/FUL

A

Ty Zaria
Park Road
Penarth
South Wales
CF64 3BD

Tel: 029 20704938

E-Mail : michaelgriffin524@btinternet.com

Head of Planning and Transportation
Vale of Glamorgan Council
Docks Office
Barry Docks
BARRY
CF63 4RT

Monday 7 January 2008

Dear Sir,

Planning Application No. 2007/01684/FUL Parkside Residential Home 1-2 Park Road

1. We object to the above proposal. We do so on the basis of over-development and the consequential adverse effects that development would have on the safety of traffic in Park Road and on the street scene in this important Conservation Area.

2. Even to the casual observer, it is obvious that Park Road is already under severe pressure from traffic. This is the result of the inadequacies of two establishments in the immediate area to provide sufficient parking space for staff and visitors. This state of affairs must reflect on the failure of the Planning Authority to ensure adequate provision in the past both at the Marie Curie Hospice in Bridgeman Road and at the Parkside Residential Home. Staff and visitors to the Marie Curie Hospice regularly use Park Road to park cars on both sides of the road. This establishment was recently extended and it has been noticeable that the demand for on-street parking in Park Road increased as result. Most of the staff from Parkside Residential Home use Park Road for parking on instruction from their management, it would seem. Apparently, 'notional' parking areas in this establishment are largely inoperable because of lack of manoeuvrable space thus they are reserved for waste bins and kept clear for ambulance visits. Visitors to Parkside invariably use the road for parking, there being no provision within the site. As a result, Park Road becomes a virtual one-way cul-de-sac for much of its length during the working day. It becomes extremely inconvenient for residents to access and egress their homes and it is dangerous to manoeuvre. (Photo Exhibit 1 shows a typical weekday street scene outside Parkside).

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3. During the summer, Park Road also becomes a convenient parking area for day trippers, thereby adding to the general chaos. Those attracted to the regular sailings from Penarth Pier and to seasonal events find Park Road a convenient location, thus ensuring that there is little relief from the excessive use of Park Road, even at weekends.

4. The inadequacies of these establishments and the unsuitability of their locations in residential areas becomes even more apparent when deliveries are made, (Photo Exhibits 2 - 8 taken from Ty Zaria show typical scenes). Officers and Councillors will note, we trust, the inappropriate size of the vehicles attempting deliveries and accept that neither they nor the applicant have any powers to restrict their size. Officers and Councillors will note too that, on every occasion, the drivers of these vehicles feel obliged to park on the pavements of Park Road to avoid becoming a total obstruction to vehicular flow. An inspection of the present state of pavements and the records in the Highway Maintenance Department will confirm the ever-occurring damage to the footpaths that is the result. Residents and other pedestrians walk these pavements at their peril.

5. Officers and Councillors will again note that on occasions it is not only difficult to access and egress their homes but virtually impossible, (Exhibit 8). Because Park Road is a cul-de-sac it will not take Officers and Councillors much stretch of their collective imaginations to realize that delivery vehicles and refuse collection vehicles invariably have to reverse in or out, as do ambulances. The latter being an extremely dangerous manoeuvre as they approach the 4-legged junction with Marine Parade, Bridgeman Road and Holmsdale Place. Council cleaning services are unable to operate properly in these conditions. As a result, Park Road is bypassed, it would seem, and is one of the dirtiest roads in the Vale. Parkside refuse bins also feature large in the street scene, both before and after collection. Their early morning collection by large refuse vehicles being an unwarranted disturbance of residents.

6. The application to extend Parkside Residential Home by another 10 units would significantly increase the capacity of this establishment. Staff would increase, as would visitors, and deliveries would become more frequent or longer in duration. It follows that the traffic problems in Park Road would also significantly deteriorate beyond the present point which is already wholly inappropriate for a Conservation Area. This road is dangerous, inconvenient and totally untypical of its statutory listing. It is worth noting that a previous planning application for an extension to No.14 Park Road was rejected because of its effect on the "street scene". It is expected that Officers and Councillors will take a similarly stringent view about the need to protect and enhance the street scene when determining this application.

ts.

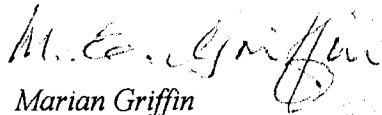
07/01684/FUL A

7. It is also worth observing that a third similar establishment in the area creates none of the problems listed above. We refer, of course, to Gardenhurst Day Centre, a Council-run facility in Holmsdale Place that provides adequate car parking, causes no traffic obstruction and makes little, if any, impact on the Conservation Area. We trust, therefore, that the Council will feel justified in using Gardenhurst as a yardstick when considering this proposal.

8. We remain opposed to this application. However, if the Council were minded to grant planning permission we would urge that it be on the basis of fewer units and one that includes a condition that adequate access to operational parking be provided within the application site, (as opposed to the 'notional' provision the applicants might claim). Additionally, that all vehicles should be required to access and egress Parkside in a forward gear. There is no shortage of space to the fronts of 1-2 Park Road to make this condition viable and there is plenty of scope for the accesses to be widened.



Michael Griffin



Marian Griffin

Cc. Councillors M Kelly-Owen and C Williams.

(We trust you will support the above objection and views which we believe are shared by many of the residents of Park Road.)

Enclosures : Photo Exhibits 1 - 8

Visi

07/01684/FUL

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PINEFIELD
16 PARK ROAD
PENARTH
VALE OF GLAMORGAN
CF64 3BD
Tel: 02920 707480

7th January 2008

Yr Ref: P/DC/MCF/2007/01684/FUL

Head of Planning & Transportation,
Vale of Glamorgan Council,
Barry.

Dear Sir,

Town & Country Planning Act, 1990 (as amended)
Application No. 2007/01684/FUL
Location: Parkside Residential Home, 1-2 Park Road, Penarth
Proposal: 2 storey rear extension to provide 10 en-suite rooms,
Extension to dining area and laundry

Regarding the above application we wish to register comments on this proposal as follows:-

Park Road is a cul-de-sac, with only one access to the road and we live at the far end of this access. There is at present a big parking problem around this access presumably caused by the close proximity of the Marie Curie Hospice and Gardenhurst and already there is considerable congestion around the access caused by vehicles parking on all available spaces including on zig zag lines and around the corners. Because of the difficulty of parking, delivery vans presumably making deliveries to Parkside, often block the road and we ourselves have been inconvenienced from time to time being prevented from driving out of the road until the vans move.

With the prospect of more building work and further development to be carried out at Parkside we assume there will be more vehicles coming into the road causing further parking problems and further congestion, together with mud and debris on the road.

Should this proposed extension go ahead we wonder whether there are plans for further on-site parking to minimise congestion. Further development and increased congestion to an already over-developed and congested area does not seem acceptable in what we are led to believe is a conservation area.

Yours faithfully,

E.H. GRANGER / V.M.J. GRANGER

07/01684/FUL A

5 Park Road
Penarth
Vale of Glamorgan
CF64 3BD

MCF

9th January 2008,

Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry Dock
Barry
CF63 4RT

Dear Sirs,

**Re: Planning Application No. 2007/01684/FUL
Extension to Parkside Residential Home, 1-2 Park Road, Penarth**

We refer to the planning application at the above address and we are writing to say that we have grave concerns about the proposed extension to the residential home.

This would appear to be a clear case of over development in a residential area.

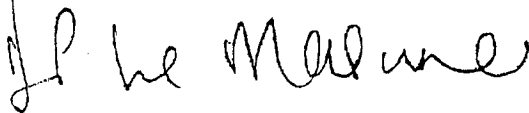
Presumably the increase in the residential home will result in increased staff requirements and visitors calling at the premises.

There is already a problem in that staff park in the road outside our own private houses and this problem would be increased by the suggested extension.

We are not sure what car parking arrangements exist at the present time but if staff have to park in the road it appears that the parking facilities are obviously inadequate.

We are also concerned at the proposed development in what is a conservation area and we therefore object to the suggested extension.

Yours faithfully,



MR D P & MRS S C LE MASURIER

07/01684/FUL

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Planning and Transportation Dept
Vale of Glamorgan Council
Dock Office
Barry

"Tanglewood"
Park Road
Penarth
Vale of Glamorgan
CF64 3BD

7th January 2008

Dear Sir / Madam

Town and Country Planning Act
Application No. 2007/01684/FUL
Parkside Residential Home, 1-2 Park Road, Penarth
Proposal: 2 storey rear extension to provide 10 en-suite rooms, extension to dining area and laundry.

We have been unable to ascertain whether or not the proposed extension to provide 10 en-suite rooms represents an increase of 10 or more residents at Parkside Home, or whether some of the existing residents at Parkside will be moving into these rooms in line with the requirements of the regulatory bodies to make improved facilities available for residents. As we have not been able to get an answer to this matter we are submitting our comments in the form of paragraphs A and B as follows:-

A even if the proposal relates to no increase in the number of residents at Parkside then we consider:-

- that the extension still represents a severe over-development of the site in a quiet residential road
- if the extension is built over all or some of the current available parking spaces within the boundary of the property, this will further increase parking in the road. Staff already park in the road for the duration of their shifts. Additionally, visitors to Parkside have to park in the road. We would be concerned about even more cars parking in the road.

B if the proposal does relate to an increase in the number of residents at Parkside then:-

- we consider that the extension represents a severe over-development of the site in a quiet residential road
- we are concerned about the inevitable additional parking in the road for the extra staff required, for relatives and a variety of additional visitors. Already most of the staff and visitors park in the road as they are unable to park within the boundary of the property
- if the extension occupies the few existing parking spaces at the back of Parkside, then all of the parking will be on the road at the inconvenience of local residents
- additional people will be back and forth to the home, even more deliveries, more GP visits, more ambulances etc

1/2

07/01684/FUL A

- Park Road is a cul de sac with no turning circle so cars parking have to turn in the road itself, often using the drive entrances nearest to where they have parked. Also more delivery vehicles would have to do the same should the existing space within the grounds be reduced by the proposed extension.
- Residents in Park Road are already heavily inconvenienced by the large volume of cars using the road for parking. People parking in the road are mostly involved with Parkside Home and Holme Tower, and this includes dangerous parking on the area with restricted slashed markings. The opening of the road is heavily congested from Monday to Friday 9.00am to 5.30pm and in the last few years this density is gradually moving further up the road.
- The routine of Parkside Home starts very early everyday. Between 6.00am and 8.00am dustcarts arrive to empty the dustbins at Parkside, staff depart and arrive for shift changes, ambulances arrive to pick up residents for hospital appointments etc. Any increase in the number of residents will inevitably increase this volume of activity. The existing pattern and volume of activity at Parkside so early in the day is noisy and is already unfair on residents living in the road, especially to those of us in close proximity to Parkside Home.

We would like all of the above points to be considered in relation to this application.

Yours faithfully,



Rodney and Isabel Bull

07/01684/FUL

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First Floor Flat,
Midway,
4, Park Road,
Penarth,
Vale of Glamorgan,
CF64 3BD.

2nd January 2008.

Head of Planning and Transportation,
Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry,
CF63 4RT.

Dear Sirs,

Re: Ref. P/DC/MCF/2007/01684/FUL.
Town and County Planning Act, 1990 (as amended)
Application No. 2007/01684/FUL.
Location: Parkside Residential Home, 1-2 Park Road, Penarth.
Proposal: 2 Storey rear extension – 10 en-suite rooms, dining area, laundry.

With reference to the above planning application, we wish to make the following objections:-

1. We feel that this is a complete over development of the rear garden of this property, leaving very little area for parking, deliveries, ambulances etc.
2. At present, we count at least four staff cars outside our property for full working shifts, also the owners cars making periodic visits. With an extra 10 bedrooms, there is bound to be additional staff, therefore additional cars parking in the road.
3. A site visit will also show how many employees from Park Side and Home Towers park their cars on Park Road, added to the number of visitors to both. With this constant street parking, we sometimes have difficulty turning into our drive, with cars parked either side of the road and close to our entrance.
4. We would also make a comment about the existing property not being able to have access facilities due to the width of the drive entrances for lorry deliveries.

07/01684/FUL A

collections and the rubbish, which is brought down every day to the pavement and could cause a health hazard, as the bins are rarely sealed and sea gulls are often picking pieces out of these bins.

We hope that you will listen to our objections to this planning application.

Yours faithfully,

Mr. R.J.Lloyd
Mrs.L.M.Lloyd.

Mr. R.J. Lloyd
Mrs. L.M. Lloyd

Appendix B



07/01/84 /FUL

Registered by The National Assembly for Wales
Parkside House, 1 Park Road, Penarth, Vale of Glamorgan CF64 3BD Tel (029) 2070 0236
Fax: (029) 2070 5601 email: care@tlcuk.co.uk

COPY

13th February 2008

Dear Councillor

I am writing to you with regard to a planning application which we have made for an extension to Parkside House Residential Home in Park Road, Penarth and which is due to be dealt with by the Planning Committee on 21st February.

I understand that you are not free to make any comment on the application but I just wanted to draw your attention to certain aspects of the application that perhaps are not obvious:-

- (i) There is a shortage of good residential care for the elderly that can also accommodate people suffering from Alzheimer's. Parkside House has been taking care of this most vulnerable section of the community for the last 22 years and what we would like to do is extend our services and our care to accommodate 10 more people in comfortable spacious surroundings, enabling them to have a good quality of life.
- (ii) The extension covers a section of the grounds to the rear of the building. It will not be visible from the front of the building. The extension is planned to be built on an area that is not now used as a sitting area or a parking area and therefore does not take away from the amenities of the gardens. The architect has, in fact planned an imaginative and peaceful courtyard area which both the existing and the new accommodation will have access to.
- (iii) We understand that some residents of Park Road have expressed concerns over parking. Park Road is often over parked due to people visiting and working in Marie Curie and to people parking especially in the summer, whilst going down to the beach or out for the day on the Balmoral or Waverley. The planned extension to our Home will not materially affect the parking situation since we can provide parking for up to 15 cars as our architect has demonstrated. Our architect has made some adjustments to the existing parking which will make the parking and manoeuvring of cars on site much easier as a result we expect visitors to Parkside to be ready to use on site parking in preference to street parking.

As we already operate as a residential home the extension will not result in any additional delivery vans or waste collection vehicles coming to Park Road.

I hope that you will feel able to support our Planning Application - I'm sure you will feel as I do that our elderly and infirm deserve the best care and the pleasantest accommodation achievable.

Yours sincerely

Meriel Watkins

Meriel Watkins
Director

07/01684/FUL

B



Registered by The National Assembly for Wales

Parkside House, 1 Park Road, Penarth, Vale of Glamorgan CF64 3BD Tel (029) 2070 0236
Fax: (029) 2070 5601 email: care@tlcuk.co.uk

Ms Ferreira
The Planning Department
Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

Dear Ms Ferreira

Planning application by Llangoedmor Properties Limited re extension to Parkside House, 1-2 Park Road, Penarth

As I mentioned to you over the telephone there are a couple of points in favour of the above application which I feel have not been given sufficient emphasis. Accordingly I am writing this letter to highlight the points in question.

The points are as follows:

1. The purpose of building the extension is not only to increase the number of rooms, but also generally to improve the facilities of Parkside House for the benefit of residents of the existing accommodation. If the extension is built we will be looking at what improvements can be achieved by replanning parts of the internal lay out of the existing building. Such alterations will be directed to making more amenity space, (including additional bathrooms) available to the residents of the existing building. The result of such alterations will reduce the number of bedrooms in that part of the House. The net increase in the number of residents will therefore be less than 10 in all probability.
2. I have made a point of visiting Park Road on the last two Saturdays and Sundays, when of course Parkside is as busy as on any other day of the week, commercial and business calls apart). On each visit the number of vehicles parked in Park Road was minimal. On week days the number of visitors to Parkside is not significantly greater than at weekends. This does not seem to be the case at Marie Curie which is the source of most of the traffic to and from Park Road in the week. Parkside is not the cause of the overparking which sometimes occurs in Park Road.
3. Parkside, at 1 & 2 Park Road has been a Residential Home for more than 20 years. The adjoining properties, Gardenhurst on one side and 3 Park Road on the other were both local Authority Homes, I believe before the last war. As you know Gardenhurst is now a Council Community Centre. 3 Park Road became a nursing home in about 1992, and was only returned to domestic use in about 2002. My point is that the

Parkside House is the tradename of Llangoedmor Properties Limited. Registered in England and Wales. Company No. 1627747

DIRECTOR D.L. Watkins; E.M. Watkins, S.L. Otto-Jones and J Otto-Jones COMPANY SECRETARY D.L. Watkins MANAGER Mrs. Alison Aplin

07/01684/FUL B

extension of 1 Park Road will not be effecting a change of any significance to the area.

I should be grateful if you would both draw the above points to the attention of the Committee and take them into account in your evaluation of the Application

Yours sincerely



D L Watkins

Appendix C

07/01684/FUL

Petition regarding Application No. 2007/10684/FUL, 1-2 Parkside, Park Road.
 Proposal : 2 storey extension to provide 10 en-suite rooms, extension to dining area and laundry.

We, the undersigned, object to the above proposal and request that the Council refuse planning permission. We do so for the following reasons:

1. As residents in the Penarth Conservation Area we support the Council's policy to preserve and enhance the special character of the Area. We expect the Council to permit only those developments that are in keeping with the character and quality of their surroundings, in accordance with the Council's own 'Guide to Living and Working in Conservation Areas'. The above proposal would amount to over-development and the effects would be damaging and out of character.
2. In particular, we deplore the present deterioration in traffic conditions and in the appearance of Park Road caused by traffic generated by 1 - 2 Parkside. We deplore the dangerous state of pavements in Park Road damaged by heavy delivery vehicles servicing 1 - 2 Parkside.
3. In particular, we object to the loss of residential amenity and privacy that would be suffered by the immediate neighbours of 1 - 2 Parkside if planning permission were to be granted. We object to the inevitable further deterioration in traffic conditions in Park Road that would result from additional traffic if permission were granted.
4. We draw Councillors' attention to individual letters of objection and to the strength of feeling demonstrated by the number of signatories below.

Signature	Name	Address
P. Morris	P.M. MORRIS	14 Park Rd.
<i>[Signature]</i>	R.W. MORRIS	14, Park Rd.
<i>[Signature]</i>	M.B. GRIFFIN	Park Road.
<i>[Signature]</i>	M. GRIFFIN	PARK ROAD.
<i>[Signature]</i>	L. LLOYD	4 PARK ROAD
<i>[Signature]</i>	L.M. LLOYD	4 PARK ROAD
<i>[Signature]</i>	S.C. MASURING	5 PARK ROAD.
<i>[Signature]</i>	J.P. MASURING	5 PARK ROAD
<i>[Signature]</i>	V.M. GRANGER	16 PARK ROAD
<i>[Signature]</i>	E.H. GRANGER	16 PARK ROAD
<i>[Signature]</i>	H.A. JONES	4 PARK ROAD
<i>[Signature]</i>	VERONICA ROSS	1, SIVERDALE PARK Rd.
<i>[Signature]</i>	ROBERT BIRCH-HURST	
<i>[Signature]</i>	P.M. MANCINI	40 PLYMOUTH ROAD PENARTH.
<i>[Signature]</i>	Mrs C. CANTLAY	9 PARK Rd PENARTH.
<i>[Signature]</i>	CANTLAY Mr. D.A. CANTLAY	" " "

12 February 2008
nw.feb/ir12.02.08lt

08/00027/ FUL

Ian Robinson – Planning Officer
Development Control
Vale of Glamorgan Council
Docks Offices
Barry Docks
Barry
CF63 4RT

A

Dear Sir

PLANNING APPLICATION REF NOS: 07/01762/FUL & 08/00027/FUL
6 ST NICHOLAS ROAD, BARRY

Following an inspection of the relevant supporting documentation, we write on behalf of the adjoining owners in order to lodge a holding objection to the above proposal.

Our clients will shortly be taking up their opportunity to write with additional details relating to the submitted proposals (and their consequences for future applications). However to meet with the Council's timeframe for consideration of the application within the statutory period, I wish to confirm that their formal objection to the proposals relates to the following matters:-

- *Reduction in the commercial viability of an existing retail unit leading to the potential loss of a key local facility;*
- *Impact upon the residential amenity of adjoining properties.*
- *Inappropriate over-development by reason of scale, overall design and traffic generation;*
- *Substandard vehicular accessing arrangements and associated reduction in highway safety.*

The proposals fail to take proper account of the likely future consequences of development. Whilst this is not a defined retail frontage under adopted SHOP policies, the proposal relates to part of a functional and purpose-built retail unit whose viability will be directly undermined as a result of the proposed development (i.e. by the loss of associated storage, servicing/access and use conflicts). Its commercial viability is a direct consequence of its location and overall shop layout. The existing unit performs a key service role within the surrounding residential community which should be afforded protected. Its function, viability and operational suitability are all material planning considerations which are fully acknowledged in various expressions of national, regional and local planning policy/PPS.

Given the nature of the existing use and the site in question, primary concerns are also raised over resultant noise increases, delivery traffic conflict, traffic generation and loss of privacy (occupiers/existing owners). In these circumstances it must be questioned whether this existing retail site is suitable for the intended scale and form of residential redevelopment.

Yours sincerely

Nigel Whitehead BA (Hons) MRTPI MRAP
Director
WPB
Direct Telephone: 01225 316628

cc. Cllr N Hodges - Baruc
Cllr S Wiliam – Baruc
Mr & Mrs Whitehead - 23 St Nicholas Road, Barry

08/00027/FUL

9 St Nicholas Rd
Barry
CF62 6QW

A

29th January 2008

Planning Dept
Vale of Glamorgan Council
Dock Offices
Barry
CF63 4RT

Hand delivered

Dear Sirs

Re: Application no. 2008/0027/FUL

The above application has recently come to my attention and I am led to believe there is also an application for a further two dwellings on the same site. I have no objection to apartments on this site nonetheless I feel strongly that the number requested is excessive and consideration has to be given to the whole area affected, mainly the first section of St Nicholas Rd and Old Village Road.

My main concern will be vehicle access and parking facilities. In the design statement much is made of the public transport links and the easy access to cycling routes. Even with these bus and train services I only know of one household without a car in this section of St Nicholas Rd, with a large number having two cars, meaning I and my neighbours regularly have to park in adjacent streets causing problems for these residents, given the reliability of public transport I have no reason to think occupants and visitors of these proposed apartments would be any different and will also have their own cars, this will only add to the existing traffic and parking problems. The other solution that occupants will use the cycle routes I feel is also misplaced as the only designated cycle path I am aware of in a commuter sense is on Ffordd y Mileniwm which is not what I would term "easy access" or "routes", there is also no mention of a designated entrance and exit which will also cause confusion with the extra traffic using the site.

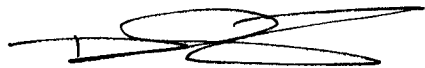
Another concern is the current trend for Buy to Let properties and this type of development is ideal for people looking for an investment, while most tenants will look after the properties there are a minority who do not and have no regard for their neighbours, the property or the area.

08/00027/FUL

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I am aware there have been other letters of objection sent regarding the proposals for this site and I hope you will give all our objections serious consideration when making your decision.

Yours faithfully

A handwritten signature in black ink, appearing to be 'D. Smith', written over a horizontal line.

Mrs Denise Smith

15 St. Nicholas Road
Barry
CF62 6QW

08/00027/FUL

A

3rd February 2007

Dear Sir/Madam

Re: Planning Application No. 2008/00027/FUL
Location: 6, St. Nicholas Road, Barry

We refer to the above matter and having had the opportunity to view the plans we object to the proposed development.

We object to the application due to the parking disruption that would be caused to residents of St. Nicholas Road and the surrounding roads. There is already a significant problem for residents in relation to parking in the area for the following reasons:

- a number of residents require two vehicles which clearly takes up additional space.
- there are two disabled parking bays in a short stretch of road which restricts parking for other residents.
- Users of Bethel Baptist Church use St. Nicholas Road for parking not only on Sunday morning and evenings, but also frequently during the week when other events are held in the hall, eg. children's playgroup, youth club etc.

The proposed apartments will create a further significant problem in respect of parking. We note that there is provision for 10 parking bays within the existing car park. We do not know if those bays will be restricted solely for the tenants of the apartments or whether they will merely be marked parking bays which could also be used by customers of the off-licence. Either way, there is clearly going to be an overspill onto St. Nicholas Road and the surrounding roads. The off-licence is a busy premises, particularly in the summer months and attracts a large amount of customers who drive into the car park. The limiting of their ability to park in the car park will mean that they will instead park on the nearest road, ie St. Nicholas Road, or Old Village Road. This will cause great inconvenience to the residents of these streets, who in turn will have to park in other nearby roads, such as Canon Street, thus causing inconvenience to the residents of those streets. In addition, should any of the apartments be rented by a couple, this opens up the potential for each to be a car owner, thus increasing the problem of too many vehicles and too few places to park.

We also understand that there is a proposal for the space above the off-licence itself to be converted to two apartments. Should this be correct, there is the potential for another two to four vehicles to require parking facilities which will intensify the problem.

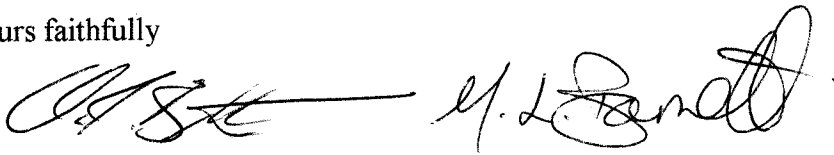
08/000 27/FUL

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It would appear, having inspected the plans, that the current entrances to the car park will have to be narrowed to accommodate the two parking bays marked as 4 and 5. At present these entrances are wide and allow for vehicles to easily and quickly swing in and out of the car park, causing little inconvenience for other motorists. To narrow the entrances will inevitably make this a slower and more cautious manoeuvre and will impact on the easy flow of traffic on St. Nicholas Road.

We trust that these objections will be noted and given due consideration. We would hope that those determining the application, who presumably have no direct knowledge of living in the vicinity, will give greater weight to the views of the residents than to that of the developer, whose primary concern must relate to the profitability of the proposal.

Yours faithfully

The block contains two handwritten signatures. The first signature on the left is a cursive signature, likely belonging to Mr A R Barnett. The second signature on the right is a more stylized cursive signature, likely belonging to Mrs M L Barnett.

Mr A R Barnett & Mrs M L Barnett

08/00027/FUL

A

Ref: P/DC/IR/2008/00027/FUL

2, St Nicholas Road
Barry
Vale of Glamorgan
CF62 6QW

Mr I Robinson
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

21st January 2008

Dear Sir,

**RE: Proposal: Conversion of redundant retail warehouse space,
6 St. Nicholas Road, Barry**

Whereas we did not object to your first proposal of two apartments at the above address, we strongly object to a further six one bedroom apartments.

We disagree with this decision on the grounds of: -

- Parking. There is already a problem in the area and another eight properties would make it unacceptable. The Threshers store is a busy shop with people pulling into the car park, especially in the evenings; if this area was used for parking to the proposed apartments it would cause chaos.
- Fire escape. Unsightly.
- Extra noise from people coming and going.
- Whether the properties would be privately owned or sold to housing association or let to DSS tenants.
- The properties would lead to a decrease in value of our properties.

We feel so strongly about this proposition that we are willing to take it to any level we have to.

We await your response.

Yours faithfully

P. J. Hopkin

J. E. Jaynes

Peter Hopkin & Jayne Jaynes

08/00027/FUL

A

3 Old Village Road
Barry
Vale of Glamorgan
Barry
CF62 6RA

Mr I Robinson
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

22 January 2008

Dear Mr Robinson

PROPOSAL: CONVERSION OF REDUNDANT RETAIL WARHOUSE SPACE, ST NICHOLAS ROAD BARRY

Application Number 2008/00027/FUL

I am writing to object to the above proposal on the grounds of:

- Increased noise level and the impact this will have on the seriously ill residents of Kington House.
- Thresher off licence is a busy shop and therefore if the area is used for residential car parking there is an issue of pedestrian safety to the shop and the flats.
- Thresher shop and Old Village Road are one of the original landmarks of the town of Barry and as a private open space is of visual importance to the character of the area. This would be lost and replaced by a substantial assertive new building which with it's limited amount of landscaped amenity space has the hallmarks of over development of the site.
- Increased overcrowding of vehicle access on an already busy road during peak times, especially with the constant use of two churches at the roundabout at St Nicholas Road/Porthkerry Road
- Parking – without dedicated parking for the residents of the flats this will increase the already car overcrowding in the area. This would be in addition to the impact of excessive car parking overspill from the staff at Kington House into the local residential area which is already an issue with existing residents.
- The location of the proposed flats would be an over development of an already highly densely populated area and this would only exacerbate the situation.
- Unsightly fire escape
- Extra noise from people using the property
- Increased pressure on local utilities

I look forward to hearing from you.

Yours sincerely



Mr & Mrs Paul Ware

08/000 27/FUL

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Head of Planning & Transportation
Planning Dept
Vale of Glamorgan Council
Dock Office
Barry Docks
CF63 4RJ

Mr and Mrs Eric Edwards
11 Old Village Road
Barry
CF62 6RA
Tel: 01446 740498

30th January 2008

REF: Proposed planning for development at 6 St Nicholas Road Barry.

Dear Sir,

I am writing to object to the proposed planning at St Nicholas Road.

If the planning went ahead as per the plans submitted, this would create more problems for residential car parking in Old Village Road. There is not sufficient parking space on the site of Thresher's forecourt or anywhere else to accommodate cars for the residence and visitors of the proposed dwellings. Consequently those cars will fill the already over occupied spaces for the Old Village Road car owners.

It is difficult under normal circumstances for the residence of Old Village Road to park their own vehicles there as spaces are usually taken up by visitors to Kington house and from the over-flow of cars and vans from St Nicholas Road and Cannon Street. Cars and even large vans are regularly parked on the brow of the hill of the road. This makes it difficult and dangerous for entering and leaving the road.

If this planning went ahead then I would apply for residential and/or permit parking only in Old Village Road and this would be backed by the residents.

I have no objections to the planning of the property, but I can foresee a problem with parking.

Yours



Pamela E. Scott Edwards

Pam and Eric Edwards.

08/00027/FUL

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15 Old Village Rd

Barry

Vale of Glam

CF62 6RA

January 28th '08

Dear Head of Planning & Transportation,

Having viewed the planning forms re. the proposed planning application for 6, St Nicholas Road, Barry CF62 6QW by M.K.J. Developments on behalf of Pat Walsh, 47 Westcombe Park Rd, London, SE3 7QZ, their refs being:-

2007/01762/ful and

2008/00027/ful, based on

idea that they wish to turn existing warehouse to 6 flats

for the second reference and the proposed plan to create 2

flats with regard to the first reference, we as residents, lodge objection to these applications, based on the grounds of forseen

08/00027/FUL A

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parking problems.

There is obviously insufficient space upon the forecourt of 'Threshers' office for the parking bays of 10 cars, as proposed, as well as the inclusion of re-cycling and waste bins for the occupants of the proposed flats and also a bicycle shed. Customers to Threshers use this area for short term parking and delivery lorries also have to enter this forecourt.

As St Nicholas Rd, has residential parking bays and double yellow lines, it is obvious that if customers can't park on the shop forecourt, they will endeavour to park in the nearest available street - ours in Old Village Rd. Also residents who can't park in the proposed bays (if customers are shopping in their cars, they will encounter difficulty in manoeuvring), also are

08/00027/FUL

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going to have to park their cars in old Village Road. Certainly any visitors to the occupants will also have to do so.

Parking in old Village Road has become a problem over the years. It is only a matter of time before there is an accident at the top of our road ~ the access to St. Nicholas Road. Cars insist on parking at the brow of the hill, reducing visibility upon entry to St. Nicholas Road and also making the negotiation from St. Nicholas Road, into Old Village Road, hazardous (and vice versa).

Likewise, the increased traffic will one day cause an accident at the bottom of our street, which leads into Roudly Rd. When entering Old Village Road, from Park Rd. junction there one day will be a head on collision - as here the road becomes single track

08/00027/FUL

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in effect.

N.B Part of the planning application states that the existing parking site is sufficiently large to cater for those with mobility impairment. This is most certainly not the case.

Yours faithfully,
Mrs B. K. Jones.

08/00094/FUL'A,

Mrs Y J Pritchard
Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Ty'n Y Pant
Ystradowen
Cowbridge
Vale of Glamorgan
CF71 7SZ

01446 775958

04 February, 2008

Your reference: P/DC/YP/2008/00094/FUL

Planning application No. 2008/00094/FUL
Location: Crofta Farm, Ystradowen

Dear Mrs Pritchard,

Thank you for your letter dated 29th January regarding the new planning proposals at Crofta Farm, Ystradowen. As you are aware I have visited your offices and seen the plans of the proposed changes.

I have objections to this development which relate to the increased use to which the lane from Ystradowen to Llanharry, on which the farm is situated, will be subjected. This lane is very narrow, with few passing places. The distance from the nearest passing place for cars is 0.3 mile and it is doubtful that lorries and cars could pass in the entire 0.5 mile distance from the main road to the farm entrance. It is likely that either lorries or cars would have to reverse that distance around narrow bends, all of which would cause extreme inconvenience and, no doubt, irritation. Even now we frequently experience car drivers who refuse to reverse even a short distance because they feel unable to do so!! Large lorries and machinery such as JCBs find it impossible to reverse due to their size and the lane has been completely blocked.

There is very real danger to the safety of pedestrians, horse riders, cyclists and to children who use the lane going to and from school. The banks of the lane have already been eroded by vehicles whilst Welsh Water was carrying out water mains renovation. I fear further damage will be caused by contractors and materials suppliers using vehicles too large for the lane whilst the buildings are being converted. I have experienced difficulty in receiving deliveries of goods because the delivery drivers refuse to drive their vehicles up the lane because they feel it is too narrow.

The entrance to the farm is opposite the entrance to my house and my land has suffered damage to the boundary by vehicles trying to pass where there really is no room for them to do so other than by driving on to the verges which are being rapidly eroded despite placing large stones in an attempt to keep vehicles on the lane. Your highways department has recently put up reflective posts to try and limit the damage.

08/00094/FVL 'A'₂

A fence protecting my cess-pit has been broken twice and the bank protecting a buttress of my house has been completely destroyed twice, on one occasion by a large lorry which was left leaning against the buttress and had to be lifted off by crane! There is a land drain outside my house which has been frequently blocked by traffic driving over it causing severe flooding. Lorries delivering building materials to the farm will cause inevitable damage in this area due to the narrowness of the road at this point. The turning to the farm has also given drivers of large lorries problems as it is too narrow for them to swing into and they either damage the verges outside my house or damage the above mentioned fence.

As I mentioned in my letters of 16th February 2007 and 6th October 2007 I feel that the lanes were never designed to carry the type of traffic this development would cause and it is irrelevant as to whether they wish to build 3 houses or 1, it will cause danger to pedestrians using the lane and damage to the lanes themselves.

Yours sincerely,



Sara Williams

08/00094/FUL A₃

White Lodge
Ystradowen
Cowbridge
Vale of Glamorgan
Cf71 7SZ

11 February 2008

Mrs Y J Pritchard
Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Planning Application No. 2008/00094/FUL
Location: Crofta Farm, Ystradowen

Dear Mrs Pritchard

My husband and I were concerned to hear of the above planning application, to which we have objections.

The lane from Ystradowen to Crofta Farm is a single track lane, with just a few places where vehicles can pass. This usually involves reversing a considerable distance, around bends, and not everyone using the lane already is willing or able to do so. Vans and lorries of any size are not able to reverse and block the lane completely. They also wear away at the banks of the lane and cause considerable damage.

We have lived at this address for 41 years and have become extremely concerned about the increased use of this lane over the last few years. It is used as a short cut from Ystradowen to Llanharry and drivers often travel much too fast for safety. It has become dangerous for walkers, cyclists and people on horseback and this proposed development can only aggravate the situation by increasing the use with traffic for which the lane was never intended.

Yours sincerely



Jeanette Leeke (Mrs)

LATE ITEMS FOR COMMITTEE		Application No. 2007/01121/FUL	
Committee Date: 13 December 2007		Page No.: 62	
To be added to report: YES / NO (Delete where necessary)			
From: Asbri Planning (agents for the applicant) Summary of Comments: Reiterate the applicant's willingness to comply with the recommendations of the previous committee, including reducing the density of the scheme, increasing amenity space, increasing car parking, moving the houses away from the cemetery and reducing the height of the flats. The representation also reiterates the tender process under which the applicants gained an interest in the site.			
APPROVED BY:			
Officer: Mr. I. Robinson		Officer:	
Appendix No.:		O.M. or H.P.T.	

11/12/07

Our Ref: RD/07.181

Your Ref: 2007/01121/FUL

Mr. R. Thomas,
Head of Planning and Transportation,
Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry,
Vale of Glamorgan
CF63 4RT

Dear Rob,

Planning Application for the Erection of 61 No. Affordable Dwellings (made up of 39 No. houses and two blocks of 11 No. apartments) and associated works on former nursery land adjacent to Cemetery Road, Barry – Newydd Housing Association (1974) Limited

I refer to the above application received by the Vale of Glamorgan Council on the 7th August and the decision of the Planning Committee on the 10th October, 2007 to defer consideration of the application for further negotiations relating to the scale, design and layout of the scheme.

This decision to defer the consideration of the application was taken despite the extensive pre-application discussions between the applicant and the Council and your recommendation for approval. The Vale of Glamorgan Council's own website includes an extract from the meeting which states that the application was *"DEFERRED and returned to applicants to reduce density of scheme (No. of units) to increase amenity space and parking, cut back the terrace closest to the cemetery and reduce the height of flats."*

We subsequently issued amended plans in direct response to the Committee's comments at that meeting. The scheme has been amended as follows:

- **To reduce the density of scheme** - The proposed scheme now includes for 61 No. units (a reduction of five units from the original scheme),
- **To increase amenity space** - The reduction in the overall number of units on the site now allows for the provision of more outdoor amenity space in the form of open and landscaped areas of informal amenity space at the northern end of the two rows of units either side of Cemetery Road,

- **To increase parking** - The reduction in the overall number of units on the site has increased the provision of parking spaces per unit on the site. More specifically, the original 66 No. unit scheme included for a total of 99 No. parking spaces made up of 75 No. private parking spaces and 24 No. visitor parking spaces and the amended 61 No. unit scheme includes for a total of 97 No. parking spaces made up of 70 No. private parking spaces and 27 No. visitor parking spaces. The majority of these visitor parking spaces are located along the central avenue (22 No. spaces) with 2 No. spaces at the entrance to the block of four units at the south-western corner of the site, 2 No. spaces within the courtyard at the rear of the flats and 1 No. space at the north-east corner of the site.
- **Cut back the terrace closest to the cemetery** - 2 No. dwellings at the northern end of the eastern terrace of properties have been omitted from the scheme to allow an amenity space "buffer" adjacent to the cemetery and a further unit has been omitted at the northern end of the western terrace of units to increase the gap between the development and the cemetery.
- **To reduce the height of flats** - The two blocks of flats have been reduced in height by effectively a storey with the upper floor now being accommodated within the roofspace. More specifically, the ridge height of the blocks of flats has been reduced by 1.3m (from 14.9m to 13.6m) to reduce the scale of these elements of the scheme.

In addition to these issues, the Cemetery Road approach is dominated by protected trees and the proposals will retain all of these trees and will include new planting of additional species to preserve and enhance the attractiveness of the approach to the Cemetery.

Therefore, it is considered that all of the points raised by members of the Planning Committee at their meeting on the 10th October, 2007 have been fully satisfied and incorporated into the scheme and I note that you have again recommended approval of the development.

It should also be reiterated to members of the Planning Committee that this "brownfield" site has been marketed by the Vale of Glamorgan Council for a number of years as being surplus to their requirements. Newydd Housing Association (1974) Ltd. submitted a tender in competition with other potential purchasers and they were delighted to be named as the successful bidder. It is obviously increasingly challenging for housing associations to compete successfully against the private sector for land due to the rise in house prices and the impact this has on land value. Contracts have now been exchanged on this land and Newydd is therefore committed to purchase the site if the planning application is approved.

The scheme will provide much needed affordable housing for rent and sale. It is anticipated that at least 40 homes out of the total of 61 will be available for rent. Newydd's homes for rent are allocated through the Homes4U scheme which is operated in partnership with the Council and other housing associations working in the Vale. There are currently nearly 5,000 people on the Homes4U register, many of whom are in serious need of housing. The homes for sale will be sold under the HomeBuy scheme and sale prices will be typically 70% of open market value making them more accessible and affordable to first time buyers and other local people who cannot afford full market prices. To this extent, Newydd Housing Association (1974) Limited has worked closely with members of the Council's Housing Strategy team in identifying the housing need on the application site. The recent Housing Market Needs Assessment commissioned by the Council provides evidence to support the numbers being provided here. Furthermore, the Association has secured capital funding from the Welsh Assembly Government to develop the scheme.

In terms of the local opposition to the development, some of the objections relate to the possibility of the Council using the sale proceeds to fund improvements and programmes elsewhere in the Vale and the need for more investment in Barry. Whilst these are not material considerations in the determination of a planning application, it should be noted that this development will represent an investment of nearly £10 million. This investment will come from the Welsh Assembly Government, private lenders, purchasers of the homes for sale and Newydd's internal resources. The Assembly has approved the funding for the scheme, and this will only be paid if planning permission is granted and the sale of the land is completed. If planning permission is not granted then this money will go back into the national pot to be redistributed and there is no guarantee that the Vale of Glamorgan will retain this investment.

In addition to this investment, Newydd Housing Association (1974) Ltd. have agreed, in principle, to enter into a Section 106 Legal Agreement to contribute £9,500 to cover the costs of administration and implementation of Traffic Regulation Orders required as a result of the development, to upgrade the adopted highway at the access points to the development site (inc. new streetlighting, kerbing, planting and footway resurfacing), to contribute £25,000 towards improvements to local public transport facilities and services, to contribute £30,000 towards the provision of public art on or off site, to contribute £25,000 towards the provision or enhancement of Community facilities in the vicinity of the site, to provide Recreation Facilities on site or provide a financial contribution in lieu of such provision and to contribute £59,600 towards the provision and enhancement of Educational facilities in the area.

I would be grateful if you could refer the above points and supporting information to members of the Planning Committee prior to their consideration and determination of the application at their meeting on Thursday 13th December, 2007.

Yours sincerely,

Rhodri Davies
Senior Planner – Asbri Planning Ltd.

c.c. - **Mr. Gareth Davies – Newydd Housing Association (1974) Ltd.**

LATE ITEMS FOR COMMITTEE	Application No. 2007/01121/FUL	
Committee Date: 13 March 2008 Page No.: 62		
To be added to report: YES / NO (Delete where necessary)		
From: Barry Town Council Summary of Comments: An emailed letter, dated 13th February, re-iterating their earlier objections and advising that having considered that matter at a special meeting, the Town Council again submits a Very Strong Objection on five grounds, as relayed on the second and third pages of the attached letter. In summary, the reasons for objecting are as follows: 1. that excessive weight was given in December to the presence of a development brief that was itself not subject to consultation at the time of its production in 2002. 2. comments in relation to car parking and the impact of the parking areas on visual amenity. 3. that no transport assessment has been undertaken, although the Town Council do recognise that such an assessment is not required. 4. that a permission would be inconsistent with the appropriation of the land in 1954 for parks purposes. 5. that the development runs contrary to a number of UDP Policies, PPG 17 and Draft Tan 16.		
APPROVED BY:		
Officer: Mr. I. Robinson	Officer:	
Appendix No.:	O.M. or H.P.T.	

✓

BARRY TOWN COUNCIL

Council Offices
7 Gladstone Road
Barry
CF62 8NA
Tel. No. (01446) 738663

13th February 2008

Dear Sir

Town and Country Planning Act 1990 (as amended)

<u>Planning Application No.</u>	2007/01121 (FUL) - Amended Plans - Former Nursery Land adjacent to Cemetery Road
<u>Proposed Development:</u>	Erection of 61no. affordable dwellings (made up of 39no. houses and two blocks of 11no. flats) and associated works.

I am writing to convey additional observations to you, further to the Town Council's letter dated 13th November 2007, when the Council submitted the following observations in respect of the abovementioned application:-

VERY STRONG OBJECTION

These proposals for a development of 61 affordable housing units are considered to be contrary to a whole series of the policies contained within the Adopted Vale of Glamorgan Unitary Development Plan, particularly those which relate to housing, improved quality of life, sustainability and the protection and enhancement of the built environment. They have raised very strong opposition throughout the local community and the Town Council wishes to add its support.

Real concern has been expressed regarding the adverse impact of the scheme on the processional route which leads to Merthyr Dyfan Cemetery, particularly the heavy frontage and central reservation parking which will result in a very vehicle dominated street scene and will destroy the existing peace and quiet.

The basic concept of the scheme remains unaltered by the amendments. The minor changes to the original submission have done nothing to address this Council's total opposition to the originally submitted application.

The Town Council's **Very Strong Objection** is therefore restated:-

The proposed erection of 61no. affordable dwellings and associated works is considered to amount to an overdevelopment of the site. Further, if the proposals are implemented, they would be out of keeping with the character of the area, including the nearby Merthyr Dyfan Cemetery. It is further considered that the use of the central reservation for parking is inappropriate and that the overall proposals would also result in a loss of parking for visitors to the cemetery and would adversely affect the processional route used by funeral directors and others en route to the Cemetery. The Council also has concerns about the generation of additional traffic and the effect that this will have on the roundabout

at the junction of Cemetery Road and Barry Road in terms of congestion and road safety as a result of the extra traffic. Finally, the Committee is concerned about the narrowing of Cemetery Road as a result of works associated with the proposed housing, to form driveways in front of each dwelling, encroaching upon the existing highway.

The principal purpose of this letter is thus to advise you that since the Council's Planning Committee meeting on 12th November, additional information and facts surrounding the proposed development have come to light, which were not available for Members consideration at that time. In addition, the Town Council is aware that the Local Planning Authority has advertised the amended application, as appeared on page 29 of the Western Mail published on Wednesday 30th January. The advertisement afforded interested parties an opportunity to submit comments and observations within 14 days of the publication of that advertisement, the deadline for comments being today, Wednesday 13th February.

In view of the receipt of additional information, plus this further opportunity to make comments and observations, the Council decided to convene a special meeting of its Planning Committee, which duly took place on Tuesday 12th February. At its meeting, Councillors gave consideration to a supplementary Officers' report, adding to the information submitted to the Committee's previous meetings on 18th September and 12th November 2007. As a result, the Town Council submits the following observations in respect of the abovementioned application, which it wishes the Vale of Glamorgan Council to consider in tandem with its previous very strong objection, as outlined above.

VERY STRONG OBJECTION

The Town Council's additional grounds for objecting to the proposals for a development of 61 affordable housing units are as follows:-

- 1) That in recommending planning permission (as set out in the Vale Council Officers' report submitted to its meeting on 13th December) the Local Planning Authority appears to be giving excessive weighting to a development brief prepared in 2002 in relation to this site which was not subject to consultation with statutory bodies and members of the public;
- 2) That in considering car parking provision for the site, the Local Planning Authority appears to be attaching too much weight to reducing the provision of car parking set out in paragraph 8.2.4 of Planning Policy Wales 2002 in order to allow the applicant to achieve the maximum number of units possible, whereas TAN18 – Transport (2007) at paragraph 4.16 states the need to give greater weight to the adverse impact of on-street parking arising from new residential developments, all the more so where visual amenities are paramount and the function of an existing public facility is **compromised** in the Town Council's view;
- 3) That no transport assessment has been carried out and submitted with the application to fully consider the patterns of existing and proposed movements in the vicinity of the site and the proximity of essential local services. Whilst recognising that such assessments are not generally **required** on schemes of less than 100 units, Local Planning Authorities have flexibility to require a transport assessment to be undertaken, without which transportation issues cannot be adequately addressed, **given** the proposed reduction on car parking and the risks arising for on-street parking to the detriment of the visual and the parking amenities of the Cemetery and its environs, which ought to be

investigated further, especially in view of the possible need for extra mitigation via (for example) on-site provision for residents and visitors to the proposed development or by facilitating increased provision on Cemetery land;

- 4) That the proposed development is inconsistent with the consent granted by the Minister of Housing and Local Government on 10th May 1954 when the Minister authorised the appropriation of land to parks purposes from housing purposes (0.35 acres lying between Barry Road and St. Teilo Avenue) and from burial purposes (1.06 acres abutting upon the east side of Cemetery Approach Road plus 0.6 acres abutting the west side of Cemetery Approach Road), which amounts to a prescriptive direction by the Minister, thus requiring that the present application should be refused;
- 5) That the proposed development runs contrary to a number of Unitary Development Plan Policies, namely:-

Recreation Policy 11 stating that *"to remedy existing deficiencies in ... recreational facilities, the Council will (ii) protect areas of open space"*.

Policy ENV24 stating that *"the conservation and enhancement of open spaces which are important for amenity, recreation and/or nature conservation within the built environment will be favoured, together with the creation of a network of green spaces and appropriate tree planting and landscaping schemes."*

Appendix 1 of the Unitary Development Plan which emphasises the need to protect open spaces from development;

Planning Policy Guidance Note 17, which illustrates a range of open spaces of public value, close to where people live, emphasising the facilitation of variety in the urban scene or as a positive element in the landscape, but more specifically in relation to the emerging Local Development Plan, (draft Policy TAN16) which refers specifically to Local Authority Land:-

"Open space has a positive community value for recreation land. Local Authorities should consider the use made of the sites they own. They may not dispose of open space or appropriate it to another purpose, unless they first give the public notice of their intention to do so for two successive weeks in a local newspaper and consider any objections," which even though this is an emerging policy, the Town Council considers that the public notice requirements set out within draft Policy TAN16 should have been met.

For all the above reasons, both the Very Strong Objection communicated to the Local Planning Authority by way of a letter dated 13th November 2007, as well as the five new objections raised by this Council's Planning Committee at its meeting on 12th February 2008, this application should be refused.

Yours faithfully

Executive Officer

D R Thomas Esq, Head of Planning and Transportation, Vale of Glamorgan Council,
Dock Office, Barry Docks, Barry, CF63 4US

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 13 March 2008		Page No.: 77 + 103	
To be added to report: YES			
From: Welsh Assembly Government Summary of Comments: Confirmation that Application 2004/01809/FUL and 2006/01807/OUT, both at Rhoose Point, will not be called in by the Assembly, and are considered not to be of more than local importance.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Mr Rob Thomas
Head of Planning
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4 RT

Adran yr Amgylchedd, Cynalladwyedd a Thai
Department for Environment, Sustainability and
Housing

Eich cyf . Your ref:
Ein cyf . Our ref:
Dyddiad . Date: 12 March 2008

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990:SECTION 77

**1. PROPOSED RESIDENTIAL DEVELOPMENT AND COMMUNITY USES WITH
ASSOCIATED INFRASTRUCTURE, LAND TO THE SOUTH OF THE RAILWAY LINE,
RHOOSE POINT, RHOOSE
APPLICATION NO 2006/01807/OUT**

**2. PROPOSED COMMERCIAL AND RESIDENTIAL MIXED USE DEVELOPMENT, LAND
NEAR PORTHKERRY ROAD, RHOOSE POINT, RHOOSE
APPLICATION NO 2004/1809/FUL**

I am writing to inform you that the Welsh Ministers have been requested to call in the above planning applications.

I am authorised, by the Minister for Environment, Sustainability and Housing, to consider whether these applications should be called in for determination by the Welsh Ministers.

I have considered the issues associated with the applications in the light of the Welsh Assembly Government's policy on call-in (detailed in Planning Policy Wales) and conclude that they are not of more than local importance. In view of this, I do not consider that the applications should be called in for determination by the Welsh Ministers and it is now for your Council to determine the applications as it sees fit.

Parc Cathays
Caerdydd
CF10 3NQ

Cathays Park
Cardiff
CF10 3NQ



BUDDSODDI WIL MEWN FOBEL
INVESTOR IN PEOPLE

Ffôn • Tel: 029 2082 3879
GTN: 1208 3879
Ffacs • Fax: 029 2082 5622
E-bost • Email: john.saunders@wales.gsi.gov.uk

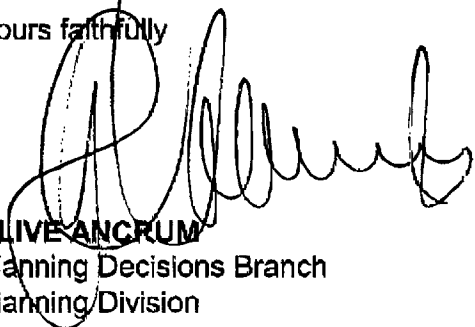
In reaching my decision I did not consider the planning merits of the proposed developments and my decision not to call in the applications should not in any way be taken as a reflection on the planning merits of the proposals.

Your authority has jurisdiction for deciding whether environmental impact assessment (EIA) is required for these proposals and I have not considered the matter. Any screening opinion will need to be made available for public inspection.

Your authority is obliged to determine the applications in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended).

It would assist us if copies of any planning permissions or refusals which your Authority issues could be sent to my colleague, John Saunders (Ext 3878) at the above address.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Clive Ancrum', written over the typed name and title.

CLIVE ANCRUM
Planning Decisions Branch
Planning Division

Signed under authority of the
Minister for Environment, Sustainability and Housing,
One of the Welsh Ministers

LATE ITEMS FOR COMMITTEE		Application No. 2004/01809/FUL	
Committee Date: 13 March 2008 Page No.: 77			
To be added to report: YES / NO (Delete where necessary)			
From: Roger Everest, Media (VoG Lib Dems) Summary of Comments: 2 email objections from The Vale of Glamorgan Liberal Democrats relating to the proposed application.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

Thomas, Rob

From: Butler, Stephen
Sent: 11 March 2008 09:46
To: Thomas, Rob
Subject: FW: Lib Dem Protest over Plans for Rhose Point

FYI

-----Original Message-----

From: O'Keefe, Kevin T
Sent: 11 March 2008 09:38
To: Butler, Stephen
Subject: FW: Lib Dem Protest over Plans for Rhose Point

-----Original Message-----

From: roger everest [mailto:rogereverest@hotmail.com]
Sent: 11 March 2008 06:28
To: addobbinson@valeofglamorgan.gov.uk; rmbirch@valeofglamorgan.gov.uk; planning&transport@valeofglamorgan.gov.uk
Cc: john.mjc@btopenworld.com; p400ajlx1@aol.com; parrotte@cardiff.ac.uk
Subject: Lib Dem Protest over Plans for Rhose Point

This is an OPEN LETTER to the Vale of Glamorgan Planning Committee
AND
A Press Release for PUBLICATION by The Gem

Dear Chair and Committee Members,

The Vale of Glamorgan Liberal Democrats have received a massive dossier from residents at Rhose Point setting out their unresolved concerns regarding Application No. 2004/01809/FUL for the development of flats and shops near the projected Rhose Railway Station.

TAKE NOTE that the Lib Dems endorse those objections relating to the developer's pre-emptive construction of the proposed car park to make it susceptible to theft, vandalism and skate-boarding, the hazardous means of access to the site on a pedestrian approach to a public car park and/or over a level crossing and the unacceptable noise of goods being delivered to the retail units at all hours which will generate a substantial nuisance for local householders.

Yours sincerely

Roger Everest

Media (VoG Lib Dems)
P.O. Box 32, Pontyclun CF72 9YQ
Tel: 01443 229850

Messenger on the move. [Text MSN to 63463 now!](#)

Ball, Steve J

From: roger everest [rogereverest@hotmail.com]
Sent: 12 March 2008 15:15
To: addobbinson@valeofglamorgan.gov.uk; rmbirch@valeofglamorgan.gov.uk;
planning&transport@valeofglamorgan.gov.uk
Cc: elunedp@yahoo.co.uk
Subject: Rhoose Point - Site visit

Planning Application of land near Rhoose Station No. 2004/01809/FUL

Councillors,

A site visit by the Vale of Glamorgan Liberal Democrats has found that this application is far worse than previously thought.

In our judgment it will be criminal to allow retail units so very close to an insecure level crossing that can tempt shoppers of all ages like rail passengers to jump the lights and risk death under a train.

The Vale Council has shown its irresponsibility by constructing a station car park, contrary to police guidance, that is already a meeting-place for drug dealers and joy riders, right next to the proposed shops, which are bound to add to the noise factor for present householders and the occupants of the developed flats by attracting more anti-social activities to this area.

Roger Everest
Media (VoG Lib Dems)
P.O. Box 32, Pontyclun CF72 9YQ

Everything in one place. All new Windows Live!

LATE ITEMS FOR COMMITTEE		Application No. 2004/01809/FUL	
Committee Date: 13 March 2008		Page No.: 77 + 104.	
To be added to report: YES / NO (Delete where necessary)			
From: Head of Planning and Transportation Summary of Comments: Response from the Head of Planning and Transportation to Mr. Mike J. Robert's from the Department for Transport concerning his e-mail regarding Application 04/01809/FUL and 06/01807/OUT.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

Thomas, Rob

From: Butler, Stephen
Sent: 07 March 2008 14:12
To: 'MikeJ.Roberts@dft.gsi.gov.uk'
Cc: Thompson, Dorrett; Dobbinson, Andrew D (Cllr); Thomas, Rob
Subject: RE: Rhoose Point applications
Importance: High

Mr Roberts,

Further to the email yesterday from Rob Thomas, as requested, please find attached copies of the finalised reports for applications ref. 04/01809/FUL and 06/01807/OUT and their appendices.

Regards

Stephen Butler - Senior Planning Officer

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

Tel 01446 704624 -- Fax 01446 704847

-----Original Message-----

From: Thomas, Rob
Sent: 06 March 2008 17:13
To: 'MikeJ.Roberts@dft.gsi.gov.uk'
Cc: Thompson, Dorrett; Butler, Stephen; Dobbinson, Andrew D (Cllr)
Subject: Rhoose Point applications

Mr Roberts,

Thank you for your e mail of the 6th March. You will be aware that a bundle of information was issued to yourselves back in October 2007 (from Dorrett Thompson-Legal Division) on matters relating to Rhoose Point, with a view to holding a site visit.

The applications (of which there are 2) are to be reported to Planning Committee on the 13th March. The reports will be finalised tomorrow, and I will endeavour to send copies of the reports (together with appendices, which constitute some of the representations received-the remainder are summarised within the body of the report).

Please note that we have a deadline of 12.00 noon on the day of Committee (Thursday) for the receipt and subsequent reporting of representations to Committee.

You will be aware that we also consulted yourselves in January of this year, advising you of the intention to report to Planning Committee.

I have copied this to Dorrett Thompson given her previous involvement, Steve Butler the case officer and Cllr Andrew Dobbinson, the Chairman of Planning Committee.

Rob Thomas
 Head of Planning and Transportation

13/03/2008

Ball, Steve J

From: MikeJ Roberts [MikeJ.Roberts@dft.gsi.gov.uk]
Sent: 06 March 2008 09:40
To: planning&transport@valeofglamorgan.gov.uk
Subject: 13 March Planning Committee
Importance: High

To all

I would like to see those applications and representations which have been made for the 17 January transferred to 13 March regarding certain applications on Rhose point that could be seen as related to the rail infrastructure locally including the level crossing, access needs and station.

That will include the Planning Officers report

Thank you for your anticipated assistance in this matter.

Receiving all papers by tomorrow in the most appropriate form would be helpful

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13/03/2008

LATE ITEMS FOR COMMITTEE		Application No. 2004/01809/FUL	
Committee Date: 13 March 2008		Page No.: 77	
To be added to report: YES / NO (Delete where necessary)			
From: The Head of Planning and Transportation Summary of Comments: The Head of Visible Services (Highway Development) has commented and confirmed that the concerns in respect of the need for a secondary access road is irrespective of the fact that DB32 has now been superseded by the Manual for Streets and Technical Advice Note 18.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. of H.P.T.	

LATE ITEMS FOR COMMITTEE	Application No. 2004/01809/FUL 2006/01807/OUT	
Committee Date: 13 March 2008 Page Nos.: 77 &103		
To be added to report: NO		
From: Eluned Parrot, 3 Glyn Y Gog, Rhoose Point. Summary of Comments: The objection continues to raise concern in respect of the outstanding issues at Rhoose Point which have still not been resolved and deemed to be too serious to prevent the Council and Welsh Water fully adopting the infrastructure. The letter questions how an application for additional dwellings can be considered before the outstanding matters are fully investigated and the results are published. It is impossible for the Council to make a responsible and wise decision without all of the facts. Furthermore the letter states that there is legal action concerning the flooding of dwellings adjacent to one of the sites. The letter concludes by stating that the Committee should decline planning consent of both applications or at the very least defer a decision until a point of time when an outcome of the investigation and legal proceedings are known.		
APPROVED BY:		
Officer: Mr. S. D. Butler	Officer:	
Appendix No.:	O.M. or H.P.T.	

3 Glyn y Gog
Rhoose Point
Rhoose
Vale of Glamorgan
CF62 3LJ

Mr Rob Thomas
Head of Planning
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Tuesday 11 March 2008

Dear Mr Thomas

Re: Objection to planning applications 2004/01809/FUL and 2006/01807/OUT

I understand that the Vale of Glamorgan Planning Committee is due to consider the two applications, above, at its meeting on Thursday 13 March 2008, having deferred a decision at its January meeting pending a site visit. I would like to take this opportunity to register my objections to the plans as outlined, as I did in January, on the grounds that the substantial causes for concern outlined by local residents at that time have not been resolved.

As I am sure you must be aware, there are a number of outstanding issues relating to existing developments on the Rhoose Point estate that are deemed to be so serious they prevent the Council and Welsh Water from fully adopting the site's infrastructure at present.

If the Council and Welsh Water are not entirely convinced that the roads, groundwater drainage and sewers for the site are robust enough for the current level of development, I am astonished that you could possibly consider an application for additional dwellings in the area before the matter is fully investigated and the results of those enquiries are published. It would, surely, be impossible for the Committee to make a responsible and wise decision without all of the facts at their disposal.

Furthermore, I am aware that a legal action concerning the flooding of dwellings immediately adjacent to one of the two sites is currently being actively pursued. The action concerns the failure of culverts to the north of the affected dwellings and the proposed development site.

If the Committee were to authorise these two developments at this time, when it knows that serious doubts as to the safety of the sites are under investigation, I believe that its members could be proved to have been negligent in their duty of care to the future occupants of these dwellings should problems arise.

I don't believe that a site visit by the committee, however productive, can have had any significant bearing on these issues. I urge the Committee to decline planning consent to these two applications, or at the very least, defer a decision until a point of time when the outcome of these investigations and legal proceedings are known.

Yours truly,

Eluned Parrott

Ball, Steve J

From: Eluned Parrott [elunedp@yahoo.co.uk]
Sent: 12 March 2008 23:53
To: planning&transport@valeofglamorgan.gov.uk
Cc: addobbinson@valeofglamorgan.gov.uk; rmbirch@valeofglamorgan.gov.uk
Subject: URGENT - Planning Committee meeting 13 March 2008

Attachments: 3499784837-Planning objection March 08.doc



Planning objection
March 08.do...

Dear Councillors Dobbinson and Birch,

Please find attached a letter of objection concerning two developments being presented before the committee at tomorrow's meeting, namely:
2004/01809/FUL, and
2006/01807/OUT

I also understand that the adoption of Rhoose Point is unlikely to be properly resolved between the Council, the developer Cofton and Welsh Water, and that residents are going to be forced into accepting liability for the roads and drains on their land and immediately fronting their land. I am sure that this must be incorrect and look forward to you assuring me that such a situation will not come to pass.

Best wishes

Eluned Parrott
Rhoose Point resident

Send instant messages to your online friends <http://uk.messenger.yahoo.com>

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 13 March 2008		Page No.: 104	
To be added to report: YES / NO (Delete where necessary)			
From: The Head of Planning and Transportation Summary of Comments: As is the case in 2004/01809/FUL, the points made that the Head of Visible Services (Highway Development) objections remain in respect of the need for a secondary access. In this regard whilst the report makes reference to DB32, the Head of Visible Services (Highway Development) does not make reference to this Design Bulletin, unlike the case in 2004/01809/FUL. Further to the circulation on 11 March to all Members of Planning Committee of an e-mail exchange with Mr. G. Caswell, a further e-mail has been received from Mr. Caswell (12 March 19.41 hrs), which is attached together with the response of the Head of Planning and Transportation (dated 13 March). The correspondence deals with the issue of the non-enforcement of the corner drain and associated matters relating to the application.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

Everitt, Lisa J

From: Thomas, Rob
Sent: 13 March 2008 11:50
To: 'Garth Caswell'; Thomas, Rob
Cc: Franks, Christopher P (Cllr); Curtis, Robert F (Cllr); Hacker, Eric (Cllr); Evans, Peter H; Kemp, Gordon C (Cllr); John, Gwyn (Cllr); James, Jeffery (Cllr); Jane Hutt; Cilia, Jaci; Alexander, Margaret (Cllr); Punter, Miles E; Bagstaff, Sally (Cllr); Williams, Chris J (Cllr); Dobbinson, Andrew D (Cllr)
Subject: RE: Planning Application 2006/01807/OUT - employment site - Rhoose Point - CONTINUING REPRESENTATION.

Mr Caswell,

Further to your e mail of the 12th March.

With reference to your issues regarding the non-enforcement of the carrier drain, I can advise that the matter has been previously fully investigated by the Local Government Ombudsman who has accepted the Council's stance in this matter. It is established in law that any enforcement notice has to be served not only on the developer but also on the owners of land. In the case of the carrier drain this would obviously include the individual property owners. This is a fact, and if you have any doubts on this point, then I suggest you take your own legal advice on the matter.

In addition, we have accepted that planning permission was required for the drain. Permission was not sought or obtained and the Council considered that it was not expedient to take enforcement action. As stated above the reasoning for not progressing enforcement action was fully explained and supported by the Local Government Ombudsman.

You explain that we as a Council could still issue a Certificate of Lawfulness in respect of the drain. For the Council to issue such a certificate, an application is required, and as no such application has been submitted I am not in a position to recommend the granting or issuing of a certificate. It is open for any party to submit an application for a Certificate of Lawfulness in respect of the carrier drain, and upon receipt the Council will consider that application. However, in the absence of a formal application the Council cannot issue any form of certificate.

In terms of the application, I again reiterate that the carrier drain does not form part of the proposals. Whilst I accept the ownership of the site may transfer in the future, the transfer of land ownership is not a planning matter. There are however conditions imposed which refer to drainage and specifically the drain, and the issue of compliance with these conditions will become a matter of public record (in the event of permission being granted and development proceeding). In this regard any purchasers of future plots on the site (again if approved and developed) should be aware of the relevant planning permission and conditions through searches. It is therefore not correct to say that individuals will be unaware of the carrier drain as all conditions will be a matter for public record. As for future maintenance, again the Council has been entirely consistent in stating that maintenance lies with the owners of the land, and having spoken to the Head of Visible Services on this matter, he advises that he has also been consistent on this point.

Rob Thomas
 Head of Planning and Transportation

From: Garth Caswell [mailto:garth.caswell@btinternet.com]
Sent: 12 March 2008 19:41
To: Thomas, Rob
Cc: cpfranks@valeofglamorgan.gov.uk; Curtis, Robert F (Cllr); Eric Hacker; Evans, Peter H; gckemp@valeofglamorgan.gov.uk; Gwyn John; James, Cllr Jeffery; Jane Hutt; JCCilia@valeofglamorgan.gov.uk; Margaret Alexander; Punter, Miles E; Sally (Cllr) Bagstaff; Williams, Chris J (Cllr); ADDobbinson@valeofglamorgan.gov.uk
Subject: Planning Application 2006/01807/OUT - employment site - Rhoose Point - CONTINUING REPRESENTATION.

To: Head of Planning and Transportation - Planning Application 2006/01807/OUT - Employment site -

13/03/2008

Rhose Point.

Mr Thomas

Thank you for your reply - I comment as follows:

TAN 9 - My view is that in a number of specific ways you did not comply with the word nor the 'spirit' of TAN 9, for example:

para 6 refers to considering protection of the public amenity interest - those now having the carrier drain under their property would contest that your decision not to enforce retrospective planning permission protected their interest - quite the contrary - you allege now that they are fully responsible for the maintenance and ongoing control of the pipe which unfortunately does not legally exist on any maps or plans.

para 7 refers to considering the cost of enforcement to **'the developer'** not to existing landowners as you suggest was the reason for not enforcing.

para 8 you did not explore with the existing landowners what steps might be taken to reduce the adverse effects of the unauthorised development on their property as it suggests you should.

para 8 you did not bear in mind the statutory time limits and allowed the statutory period to expire before conceding that this development required planning permission as you now agree it does.

para 9 you did not suggest to the **'developer'** that they should promptly submit a retrospective planning permission as this para suggests might be prudent.

para 10 you did not explain to landowners the likely effect of the unauthorised development under their land and the reflection on the market value of their property as it suggests you should.

Notwithstanding my personal views of your performance on this matter you could still issue a Certificate of Lawfulness which would legalise the carrier drains existence and allow future buyers to 'see' it on their searches....However, you have failed to do/recommend this so far.

Perhaps your legal department could consider asking planning/development control to make the carrier pipe **visible** to house buyers' searches in the future.....To my knowledge you have not done this either.

In essence, in my view and that of many others, you have failed to help any way, the existing or future residents who have this pipe in their property. It seems to us that you have applied your skills and competencies to avoidance of taking any action or responsibility whatsoever and left the residents 'high and dry'.

This application, if approved in its current form, will do exactly the same thing to countless new residents moving onto the estate.

The Application:

You assert that the pipe is not part of the proposal.....therefore you have no remit to apply conditions etc....I suggest that the proposal will facilitate the ownership of the pipe transferring from the developer and responsible person now (who has the financial and technical ability to maintain it) to a multiplicity of private householders who have no such abilities. It will become land-locked within/under individual private properties with no hope of future maintenance whatsoever.

Also, future buyers of the plots will not be able to determine that the pipe exists on the property that they are buying as you have not enforced planning permission nor have you issued a certificate of lawfulness nor will the Council make the pipe visible on searches.

It is clear to me that the proposal affects the pipe and its future a great deal and that these issues should be considered before approval is given, if at all.

Condition 10 pp23/24 only restricts the location / proximity of buildings - not the plot boundaries - this allows the pipe to run under private land as in Maes Y Gwenyn.

Condition 11 p 23 only ensures that the pipe is identified and that the flows within it are maintained - this

allows the pipe to run under private land as in Maes Y Gwenyn.

Conclusion

As stated in my original Representation, your Recommendations and Conditions do not protect the overall public interest/amenity and specifically does not prevent the ownership of this important carrier drain transferring from Cofton to innocent and ill informed private householders. This will therefore replicate all the problems already experienced by many householders already.

There is nothing in your report to bring members attention to the ramifications of the proposal on the pipe and future landowners/buyers.

There are no conditions to clarify / guide the responsibility of and the future maintenance of the pipe and the catch pits.

The pipe system prevents flooding over the entire estate yet your recommendations do not address the long term safety or operation of this system.

I remain therefore remain disillusioned and concerned that you have seen fit to recommend approval without emphasising to members in your report the many related issues regarding this pipe to assist them in understanding the issues and making an informed decision on your recommended approval.

Garth Caswell
47 Maes Y Gwenyn.

From: Thomas, Rob

To: Thomas, Rob ; 'Garth Caswell'

Cc: 'Chris Franks' ; Hacker, Eric (Cllr) ; John, Gwyn (Cllr) ; 'Jane Hutt' ; Kemp, Gordon C (Cllr) ; Alexander, Margaret (Cllr) ; Punter, Miles E ; James, Jeffery (Cllr) ; Dobbison, Andrew D (Cllr)

Sent: Tuesday, March 11, 2008 9:05 AM

Subject: RE: Planning Application No.: 2006/01807/OUT - employment site - rhoose point

Mr Caswell,

I refer to your e mail of 9th March, and my acknowledgement of the 10th March, to which I am yet to receive a reply. I have considered your e mail and I can comment as follows.

I can advise you that the carrier drain in question does not have planning permission. The Council has previously considered the merits or otherwise of taking enforcement action in respect of the carrier drain. In this regard the question as to whether it was expedient or not to take action followed the advice and guidance on questions of expediency contained within Technical Advice Note 9: Enforcement of Planning Control produced by the Welsh Assembly Government (not the Vale of Glamorgan as suggested in your e mail). The Council has previously defended this stance following an unsuccessful complaint to the Local Government Ombudsman. The view has always been taken that it would be undesirable, inappropriate and unfair to take formal enforcement action in respect of the operation, given that the action would be against all relevant property owners and not the original developer.

You are correct that the drain runs through private property and as explained above this was one of the reasons why it was not considered appropriate to progress enforcement action (as stated above). With reference to access and maintenance, this would in my view be a matter for individual property owners (although you would have to seek your own advice on this matter).

On the issue of lawfulness, given the timing of the construction of the pipe, it would appear that the operation is lawful and immune from planning enforcement action

The fact that the pipe is located on the application site in my view is only relevant if works are proposed to that pipe. No works are proposed to the pipe.

Specifically,

The pipe is taken into account, and no attempt has been made to 'downplay' its existence. The Operational

Manager for Engineering and Design has set out his own comments, and in this regard a condition is imposed requesting full drainage details. In addition another condition makes specific reference to the presence of the pipe and the need for its retention and that full details of its presence are submitted in advance of any works. (Conditions 10 and 11) The reference to 6 metres is now out of date, as the Operational manager, Engineering and Design has advised that condition 10 as worded is more appropriate than specifically referring to 6 metres. For information, the comments of the Operational Manager are on pages 3 and 4 of the report.

You make reference to page 13 in respect of reserved matters. This application is an outline application and it is perfectly fair and reasonable to impose relevant conditions to be approved at reserved matters stage. Indeed outline applications are submitted to establish the principle of development on the site and subsequent approval of reserved matters are to allow the details and technical issues to be considered. This is common practice. Indeed, even with a full application, matters can be 'reserved' for further submission, especially when relating to technical issues.

You then make reference to page 15, and I reiterate that the pipe is not part of the proposal. It already exists on site and the conditions imposed seek to ensure that it is unaffected.

You refer to culverted connections on the site and issues of maintenance of catch pits. Again I would refer you to the condition that is recommended which requires full drainage details. Again I reiterate that a condition is also attached regarding the carrier drain. The condition does not refer to a 6 metre easement as this requirement has been amended on the advice of the Operational manager, Engineering and Design.

On the presence of a gas main, British Gas has been consulted. They have not been reminded, as we are not in a position to 'chase up' responses from organisations or agencies who fail to respond. In any event, I am advised that there are Gas related requirements which would necessitate that any developer contacts the gas supplier in such instances.

I note that you refer to the lack of any conditions on pages 20 and 21 and you mention public art. I can only assume that you have either misread the report or been given an incomplete version as conditions 10 and 11 on pages 23 and 24 deal specifically with drainage matters including the carrier drain. For information the proposed conditions run from page 21 to page 25. The report has been updated since being reported in January, and it may well be the case that you are referring to the report that was presented to Planning Committee in January, in which case you need to consider the report that is being presented to Committee on Thursday. This will be available on the Council's web site by the end of today.

You refer to the fact that I am making a 'big mistake' in not presenting relevant information to members. I can advise you that I have always set out to present all relevant information to members, and indeed a significant element of the report is given over to providing feedback to members on the tabled late representations received in January. Whilst you are entitled to your opinion, I would suggest that you consider Circular 35/95 (Wales) which deals with the use of planning conditions. Annexe B gives examples of inappropriate or unreasonable conditions, and your suggestions regarding maintenance and the reference to other matters such as the imposition of way leaves and the requirements of other controls are not matters which we as a local planning authority can control.

On this basis I am satisfied that the report deals with the carrier pipe in a balanced way and I find your concluding comments to be unfounded and unfortunate, particularly given that neither myself or my officers have at all times ensured that matters relating to Rhose Point are progressed in a balanced and professional way. This we will continue to do, alongside our colleagues in Visible Services who I now are also working hard to seek resolution to outstanding issues.

Rob Thomas
Head of Planning and Transportation

From: Thomas, Rob
Sent: 10 March 2008 09:42
To: 'Garth Caswell'; Thomas, Rob
Cc: Chris Franks; Hacker, Eric (Cllr); John, Gwyn (Cllr); Jane Hutt; Kemp, Gordon C (Cllr); Alexander, Margaret (Cllr); Punter, Miles E; James, Jeffery (Cllr); Dobbinson, Andrew D (Cllr)
Subject: RE: Planning Application No.: 2006/01807/OUT - employment site - rhose point

Mr Caswell.

Receipt acknowledged.

13/03/2008

I note that your e mail goes into the reports to be presented to Committee in detail. Please can you advise as to how you were able to access the report over the weekend, given that members of the Planning Committee have not as yet received their copies through the post, and that the agenda is not available to the public until a period of 3 working days before Committee?

Rob Thomas
Head of Planning and Transportation

From: Garth Caswell [mailto:garth.caswell@btinternet.com]

Sent: 09 March 2008 10:38

To: Thomas, Rob

Cc: Chris Franks; Eric Hacker; Gwyn John; Jane Hutt; Kemp, Gordon C (Cllr); Margaret Alexander; Punter, Miles E; Cllr Jeffery James

Subject: Planning Application No.: 2006/01807/OUT - employment site - rhoose point

Dear Mr Thomas

I refer to -- **Planning Application No.: 2006/01807/OUT** - employment site - Rhoose Point

I live in Maes Y Gwenyn and am appalled that after all that has preceded this application over the last 10 years, that the matters regarding the prescence of the carrier drain on this site have been treated as de minimus and largely left unaddressed by you and your team.

I can only assume that this is deliberate as all other matters, particularly those supportive of the development, have been dealt with in great detail.

You are personally fully aware that this drain has no planning permission nor a certificate of lawfulness following your recommendation not to enforce retrospective planning permission - against the clear policy within your own TAN documents, earlier this decade.

You are also aware that it acts as a general flood prevention system ducting water from the northern fields to a sea outfall to the east and to the lagoons to the west and south and that it runs mainly through private property with no facility for maintenance or access.

You are also personally aware that most of the residents' concerns relate to the pipe running under their properties and through their private land with no agreed responsibility for maintenance and access and that this was allowed to happen as a result of loose or non-existent planning reserved matters and conditions.

With such a history I would have thought that you would have deliberately placed sufficient emphasis on the pipe's existence to ensure that these mistakes never happen again.

I believe this is a personal responsibility of your office.

My own Councillor has recently prompted you about this very issue also.

Specifically:

There is no mention in the site description pp1&2 to alert elected members of the pipe.

The Operational Engineer for Engineering Design has set out his own concerns in his response p3&4 and recommended a proximity distance of 6 metres and the need for a specific arrangement re responsibility, future maintenance and the need to advise plot buyers/owners of its prescence.

On page 13 you state that reserved matters will deal with flows etc and that "subsequent applications" will have regard for the pipe - What about this application doing so?

On p15 you say that the pipe is not part of the proposal.....Surely building an entire residential estate above and on top of the pipe and along its entire route across the site makes it part of the proposal or at least potentially affected by the proposal.

Three culverted connections are within the site boundary east west and mid - what safeguards have you

13/03/2008

recommended for these? - the very purpose of the pipes existence...What about the need to pump out accumulated sludge from the catch pits on the site?...what have you recommended about this aspect?...nothing I believe.

Your Council asserts that we are individually responsible for the pipe....so why have you not seen fit to consult with us?.....Under your assertion I become an interested party in this proposal.

The pipe clearly should be within a sterilisation strip (6 meters wide) with wayleaves or easements in place, along its route, to facilitate future access and maintenance.

You should specify such requirements within your recommendations and conditions - you have not done so.

Similarly, do you intend to allow development without any comment or condition over and adjacent to the **high/medium pressure gas main** at the eastern end of the site supplying the district regulator station simply because it too is not part of this proposal from your perspective? -

(Have you reminded British Gas of the application following their lack of response? - this would be a prudent measure in any case!)

In conclusion, you personally have the responsibility to create and present relevant and pertinent information to elected members - You have clearly seen fit to try and put their minds at rest that this pipe is not an issue .. big mistake!

You have not recommended any matters of condition within your recommendations on p20 nor in the matters on p21 et al.

I note in contrast however the condition re "public art" - how can you possibly mention art on one hand and disregard/minimise the issues of this pipe on the other?

If I do not hear on Thursday evening a sufficiently detailed discussion and your recommendation to at least consider the introduction of some fundamental conditions of consent re this pipe or alternatively see the draft application amended I will not hesitate to put this whole sorry matter in the public domain.

You have completely failed in my view to present the matters relating to this pipe in an even handed, informed and unbiased way.

I must say that I and 450 other residents had a very similar experience of your processes and descriptions regarding the Pentr're Cwrt shop application.

It is now completely clear to me how we all ended up where we are now - I have to comment that you appear to be the common factor in all aspects of present difficulties and if this is representative of your continuing planning processes, future matters as well.

I am extremely upset, angry and disillusioned regarding your representation of my own interests and those of the entire Rhose Point residents.

Garth Caswell

47 Maes Y Gwenyn

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 13 March 2008 Page No.: 104			
To be added to report: NO (Delete where necessary)			
From: Dwr Cymru/ Welsh Water Summary of Comments: Submission of revised comments (received by fax on 12th March), following their original comments dated 16th February 2007 (attached for information). The revised comments raise no additional issues over their previous letter but have replaced the reference to the sewerage system being subject to a "<i>Section 104, Water Industries Act 1991 Adoption Agreement</i>" with "<i>being considered for adoption</i>". It is considered that the revised letter does not raise any additional issues over their original letter and the concerns raised have in any case been fully considered and are reflected in Condition 11.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	



DWR CYMRU
WELSH WATER

Dwr Cymru Welsh Water
Network Development Consultants
PO Box 10
Treharris CF46 6XZ

Tel: +44 (0)1443 331155
Fax: +44 (0)1443 331161

Fax

To **Mr S D Butler**

From **Maria Evans**

Company **Vale of Glamorgan - Planning**

Reference

Fax no **01446 704847**

Subject

Number of pages (including
this one)

4

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Urgent – Please Hand Carry

Please see amended response to Planning Application P/DC/SDB/2006/01807/

**Kind Regards
Maria**



Dŵr Cymru
Welsh Water

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Director of Planning
Vale of Glamorgan County Borough
Council
Dock Office
Holton Road
Barry Docks
Barry
CF63 4RT

Date: 12/03/2008
Enquiries Tel.: 01443331155
Our Ref.: 2007/DCWW/39979
Your Ref.: P/DC/SDB/2006/01807/
Grid Ref.: ST0673666146

Dear Sir

Re: Residential Development and Community Uses With Associated Infrastructure, Land to The South of Railway Line, Rhoose Point, Rhoose

Further to our consultation response dated 16th February 2007, we wish to provide the following amended comments:-

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

SEWERAGE

Conditions

The existing Rhoose Point development is served by private sewers and pumping station which are currently being considered for adoption by ourselves. We are aware that the proposed development will also connect to this private system, which could lead to operational changes being implemented (e.g. increase in pumping capacity). The public sewerage system is unable to accept any further increase in discharge. Therefore, the only alternative is to implement a planning condition (agreement to prevent any works to the private sewage pumping station to increase its capacity/discharge rate). If you find this an acceptable way forward we would be willing to contribute.

You may be aware that any changes to the design of a sewerage system being considered for adoption, requires our prior approval to ensure adoption by us, however this does not prevent the developer halting the adoption process and undertaking any works he wishes which would be uncontrolled and unacceptable to us.

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

Reason: To protect the integrity of the public sewerage system.

glas

Glas Cymru Cyfyngedig

Welsh Water is owned by Glas Cymru - a "not-for-profit" company.
Mae Dŵr Cymru yn eiddo Glas Cymru - cwmni nid er elw.

We welcome correspondence in Welsh and English.
Rydym yn croeseisw gohebiaeth yn y Gymraeg neu yn Saesneg.

7 1 1 4 1 0 1 0 1 1

NDC working with Dŵr Cymru in providing the planning and development functions.

Dŵr Cymru Cyf. a limited company registered in Wales no. 2386777. Registered office: Pontwyn Road, Nelson, Treharris, Mid Glamorgan CF46 6LY.

NDC yn cydwelwio a Dŵr Cymru ar ran weithdrefnllunio a datblygu.

Dŵr Cymru Cyf. cwmni cyfyngedig wedi'i gofrestru yng Nghymru rhif 2386777. Swyddfa gofrestredig: Heol Pontwyn, Nelson, Treharris, Morgannwg Ganol CF46 6LY.

0 1 1 1 0 0 0 7 1 1 1 1 1 1 1 1

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, 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 approved in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultants.

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

Advisory Notes

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

SEWAGE TREATMENT

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

WATER SUPPLY

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

The proposed development is crossed by a trunk/distribution watermain, 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 times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Rhidian Clement', with a large, stylized flourish at the end.

Rhidian Clement
Planning Team Leader

Our response is based on the information provided by your application/enquiry. Should the information change then we reserve the right to make new representation.

LATE ITEMS FOR COMMITTEE		Application No. 2006/01807/OUT	
Committee Date: 13 March 2008 Page No.: 104			
To be added to report: YES / NO (Delete where necessary)			
Amended condition 10: 10. Any subsequent reserved matters application shall have full regard to the location of the carrier drain and its depth and no part of any building shall be constructed within 6 metres of either side of the carrier drain, or any other distance as deemed appropriate upon submission of reserved matters and as agreed by the Local Planning Authority. Reason : In order to facilitate future maintenance of the carrier drain to ensure accordance with Policy ENV27 - Design of New Development of the Unitary Development Plan. Extra Informative: 3. The proposed development site is crossed by an existing carrier drain, the location of which is shown on the approved site layout plan, and the attention of any future developer or owner of the site or part of the site, is drawn to the position of the drain and the requirement of conditions 10 and 11 above.			
APPROVED BY:			
Officer: Mr. S. D. Butler		Officer:	
Appendix No.:		O.M. or H.P.T.	

LATE ITEMS FOR COMMITTEE		Application No. 2007/01635/FUL	
Committee Date: 13 March 2008 Page No.: 148			
To be added to report: YES / NO (Delete where necessary)			
From: Geoff Williams Summary of Comments: 2 Further objections to the approval of the application to vary the relevant conditions			
APPROVED BY:			
Officer: Miss Sara Dowd		Officer:	
Appendix No.:		O.M. or H.P.T.	

To: Members of the Planning Committee, Vale of Glamorgan Council

Dear Sirs

Application N. 2007/01635/FUL

Location: Holm Hotel, Marine Parade, Penarth

Amendment of condition of application 05/01728/FUL

There is to be a deferred Hearing by the Committee of this matter on 13 March preceded by a site visit. The planning department has confirmed that it would be in order to write to the Committee members and so I beg your indulgence and ask please that you note the points made herein – any conclusion of course will be your own. I am writing on behalf of a number of residents within the locality of Marine Parade who have expressed concern regarding the proposal, after only some 5 – 6 months trading, to scrap conditions restricting use of facilities to residents and guests.

There has been no change of circumstances, as far as we can tell, which has prompted this application. On 13 January, 2004 Margaret Howlett, one of the proprietors of the hotel, wrote to residents of Marine Parade confirming that the proposal was for a "small, stylish boutique bed and breakfast/private hotel" and asking residents to sign a form supporting the Application "for a boutique, small private hotel". Also Lorraine Barrett AM wrote to the Licensing Committee confirming "support for a restaurant and alcohol licence for residential guests and their bona fide guests" All of this was perfectly acceptable to residents who made no objection. Therefore it is clear that from the beginning there was no intention to allow access and use by the general public and that local residents did not oppose. Had the applicants felt aggrieved they could have appealed at that time. They did not and continued with the investment

Imagine therefore the consternation when after only 6 months the proprietors made the new application to remove condition 5 which stated that "***the swimming pool, Jacuzzi, bar, restaurant, and beauty treatment rooms shall be ancillary to the main use of the site as bed and breakfast/ hotel accommodation for the sole benefit of residents and shall not be used at any time as a separate facility***". Not content with this they also asked to delete condition 7 – "***the premises shall not be used for singing, dancing, the playing of any kind of music or other forms of public entertainment other than playing of background music***". There has been no change in circumstances and the reasons which led to the initial restrictions are still valid and have not changed. The application states that the reason is that with the restrictions the hotel cannot be granted a 5 star rating "which our Welsh Assembly Grant tasked us to achieve". That is simply not correct – they received a grant of £400,000 and the Assembly has confirmed in writing (see attached) that the grant has been paid and all conditions of the grant met. So, even the grounds for requesting the change have been wrongly stated.

The reasons for opposing the change are not selfish self interest. You will see from the above that there is no local opposition to the original stated operation and the opposition is simply to the new proposal to effectively open to the public. There are many issues related to this as follows:-

1. When the application went in it was apparently supported by many signatures. These were not generally from the locality as there had been no notices or communications with residents. It seems unfair as a matter of principle that the applicants had solicited "friendly" support to accompany their application but knowledge to those most closely affected within the area was either absent or massively restricted. Once it became known there were very many letters of representation and a petition locally has raised 70 signatures - indeed a map of Marine Parade following the petition shows that all bar some 4 properties are opposed.
2. The hotel has 15 parking spaces and 12 rooms. It is thus clear that if the facilities are to be available to the public they will not be able to park within hotel grounds and will therefore park on Marine Parade. Marine Parade in the summer, at weekends and particularly when the "Waverley" or "Balmoral" call gets very congested and it is extremely difficult to get through or, if you are a resident, get in and out of property. Marine Parade is as a consequence of the one way system the only way into town or the front from one direction and to encourage extra parking would be highly risky, cause great congestion and frankly enormously increase the potential for injury.
3. Marine Parade is and always has been a residential area. It has houses of historical and heritage interest (which incidentally are also the highest rated properties in the area). It was the first area to be designated as a conservation area and represents possibly the last remaining example of Penarth at its historical peak. A small private hotel would not impinge upon or prejudice this character and as explained local residents do not oppose. Arguably visitors come to Penarth to see this heritage but a retail outlet open to the public as envisaged by the application would certainly take away from that and work to the disbenefit of the town and the area. People who visit the front or the cliff walks and particularly people who take the steamers from the pier also park on Marine Parade and they are likely to be less than pleased if they cannot park on or negotiate through Marine Parade. If so they will go elsewhere.
- 4 It seems that the reason for the application is that the economics of the original declared operation do not work and therefore there is a desire to attract the public to use the original "exclusive" facilities. As mentioned earlier they apparently accepted the restrictions at the outset and made no comment for 2 years. It must be the case that the normal financial projections/risk profiling for the investment determined that it was viable with the restrictions and it is not appropriate for a planning authority to alter its decision to rectify an inadequate risk decision by an applicant.

If the economics are parlous it is not inconceivable that the hotel will in future be sold on to a new owner – and who knows what his plans or intentions may be. The lifting of restrictions as applied for will allow many developments which are clearly unsuitable for a residential area. These things are accepted and understood in public areas (such as town centres or indeed the seafront) but are wholly inappropriate for a residential area.

I thank you for your indulgence and hope the above is of interest and/or useful

Yours sincerely

Geoffrey Williams

Dear Mr Carpanini

Thank you for your letter of 6 February 2008. Further to the issues raised in your letter and our subsequent telephone conversation.

A grant of £400k was approved to Holm House for the creation of a high quality 'boutique' style hotel on 2/12/04. This project has now been completed and the standards achieved acceptable to the conditions of the grant. The applicant has therefore met with all the conditions of the grant awarded.

Public access to the hotel is clearly an important local issue and any amendments to the existing arrangements are obviously for the attention and decision of the Local Authority.

Kind regards

Lynette Newington

Lynette Newington

Senior Investment Analyst / Uwch Dadansoddwraig Buddsoddiad

Department for the Economy and Transport / Adran yr Economi a Thrafnidiaeth
Welsh Assembly Government / Llywodraeth Cynulliad Cymru

Tel /Ffon: +44 (0)29 2047 5269

Mobile/Rhif Sym.: 07786 110283

Fax /Ffacs: +44 (0)29 2047 5391

E-Mail /E-bost: lynette.newington@wales.gsi.gov.uk

Planning Office

5 Dros y Mor

Vale of Glamorgan

Penarth

Dock Office

CF64 3BA

Barry CF63 4HT

26 February 2007

Dear Sirs

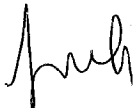
Re: Holm House Hotel

Application No. 2007/01635/FUL

Proposal: Amendment of condition of application 05/01726/FUL

I refer to the attached documents confirming the status of the grant advanced by the Welsh Assembly to the proprietors. These documents were previously delivered by hand. However, as these documents are significant in that they show that the stated basis for the application by the proprietors is incorrect I would be grateful if you would please formally acknowledge receipt for the record. I assume that these papers will be brought to the attention of the Planning Committee. Please do not hesitate to contact me if you have any comment or query.

Yours faithfully



Geoff Williams

From: Newington, Lynette (DE&T - Ops Invest Wales) [Lynette.Newington@Wales.GSI.Gov.UK]

To: <bruno.c@tiscali.co.uk>, <geodel2@btinternet.com>

Cc:

Sent: 14/02/2008 12:17

Subject: Holm House

Dear Mr Carpanini

Thank you for your letter received this morning.

I am obviously aware of the new harmonised grading scheme, which has affected the categorisation of a number of tourism businesses around Wales. Furthermore, in the case of Holm House, the five star 'Guest Accommodation' designation is wholly acceptable to us as the product offering remains of a very high standard. As your documentation states, due to planning constraints, the designation of 'hotel' was not appropriate, and replaced by the designation of 'guest accommodation' in this case.

I hope this helps to clarify the situation further

Kind regards
Lynette Newington

Lynette Newington

Senior Investment Analyst / Uwch Dadansoddwraig Buddsoddiad

Department for the Economy and Transport / Adran yr Economi a Thrafnidiaeth
Welsh Assembly Government / Llywodraeth Cynulliad Cymru

Tel /Ffon: +44 (0)29 2047 5269
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Subject: Holm House Hotel

Date: Wed, 13 Feb 2008 11:17:35 -0000

From: "Newington, Lynette (DE & TJ)" <Lynette.Newington@Wales.GSI.Gov.UK>  Add to Address Book

To: bruno.c@tiscali.co.uk, geodel2@btinternet.com

Dear Mr Carpanini

Thank you for your letter of 6 February 2008. Further to the issues raised in your letter and our subsequent telephone conversation.

A grant of £400k was approved to Holm House for the creation of a high quality 'boutique' style hotel on 2/12/04. This project has now been completed and the standards achieved acceptable to the conditions of the grant. The applicant has therefore met with all the conditions of the grant awarded.

Public access to the hotel is clearly an important local issue and any amendments to the existing arrangements are obviously for the attention and decision of the Local Authority.

Kind regards

Lynette Newington

Lynette Newington

Senior Investment Analyst / Uwch Dafansoddwraig Buddsoddiad

Department for the Economy and Transport - Adran yr Economi a Thrafnidiaeth
Welsh Assembly Government / Llywodraeth Cynulliad Cymru

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LATE ITEMS FOR COMMITTEE		Application No. 2007/01635/FUL	
Committee Date: 13 March 2008		Page No.: 148	
To be added to report: YES			
From: Penarth Chamber of Trade Summary of Comments: Letter of support for application			
APPROVED BY:			
Officer: Miss Sara Dowd		Officer:	
Appendix No.:		O.M. or H.P.T.	



The Planning Committee
Vale of Glamorgan Council

12 March 2008

Dear Councillors

Re: Holm House, Marine Parade, Penarth

I am writing on behalf of the Penarth Chamber of Trade and Commerce in support of the application from Holm House which we understand is due for discussion by the Committee on Thursday 13 March.

Any new business requires support and encouragement in order for it to develop. The current planning condition imposed on Holm House however, has forced it to operate at a significant disadvantage. As a small boutique hotel aimed at a very specific niche market, the sort of events that a more mainstream hotel would engage in to build financial viability are not appropriate.

For financial stability, a business like Holm House therefore relies firstly on residents and secondly on non resident guests being able to enjoy the hotel's facilities at times when resident numbers are low. Tourism being what it is means that there will always be peaks and troughs in occupancy and the ability to offer facilities to non residents ultimately helps to increase stability.

We are aware that there are concerns from neighbouring residents about guest numbers if the restriction on non residents were lifted. The physical limitations of Holm House however should easily answer the concerns of anyone who is genuinely concerned about numbers. The hotel only has 12 rooms, the restaurant can only has space for 32 covers and the fire certificate only allows 50 people at the premises at any one time. Furthermore the branding and positioning of Holm House is about luxury and exclusivity.

Hamptons, 10 Ludlow Lane, Penarth, CF64 1EA. Tel: 029 20705391.

e-mail: info@penarthchamber.co.uk

The kind of events offered by more main stream hotels and perhaps those envisaged by neighbours genuinely concerned about numbers, would ultimately destroy everything that is Holm House.

Having a thriving business community in the town plays a crucial role in the quality of life for everyone who lives in Penarth. As residents we benefit from employment opportunities to shopping and leisure pursuits, together with specialist trades and services all on our doorstep. This in turn attracts visitors from outside of the town whose spending further enhances the economic stability of the town. This ultimately adds to creating a sense of public wellbeing.

The majority of businesses in any town like Penarth will be mainstream and part of everyday life. They are the backbone of a viable business community. A small number of businesses however will make a significant impact on the town, contributing a greater benefit than the product or service they offer. Holm House can be counted in this group, as I shall explain. Whilst they should not be singled out for special treatment beyond that which any other business is eligible for, every effort must be made to ensure that unfair obstacles are not put in the way of allowing them to develop and succeed.

In terms of the significance of Holm House to Penarth – it is largely reliant on attracting visitors from outside of the town and its marketing strategy therefore has to reach not only an audience from further a field but also an audience of the calibre that is likely to visit the hotel. These visitors are then here to enjoy what Penarth and the wider Vale has to offer. In addition to this there are also the people who see the publicity generated by Holm House who will possibly never stay at the hotel but who will find out about Penarth and the Vale and then visit.

Two recent examples of this are the April edition of Living etc – one of the leading national glossy interiors magazines which carries a full page feature about Holm House and Penarth. The listing for Holm House in leading hotel guide Mr & Mrs Smith has a whole section about what else is on offer in the Vale. This kind of publicity – generated solely by Holm House seriously helps to put Penarth and the Vale on the tourist map yet it costs the rest of us absolutely nothing – thank you Holm House.

This is how one small business is making a significant contribution to the development of Penarth and ultimately the Vale. Businesses like this should be encouraged every step of the way rather than having obstacles placed in their way.

The owners of Holm House, Margaret Hewlett and Susan Sessions are true Penarth people who care about the town – one that they both live and work in. Both have a strong commitment to the community – something

that is key to the development of the Chamber of Trade. Margaret and Susan were both instrumental in delivering Penarth's first Christmas Festival last year and are bringing their expertise to Chamber of Trade projects for this year. I cannot imagine that they care so little for the area around the hotel that they would allow their business to cause the problems that seem to constitute the objections to their application.

Businesses in Penarth rely on and need each other. Holm House has already played and will continue to play an instrumental role in the development of business in the town. They should be applauded for what they have achieved for the town so far and supported in order that they continue to develop. It is not everyday that a business like Holm House chooses to make Penarth it's home and if we are committed to seeing the town prosper I would ask that you give Holm House the opportunity to truly realise its potential by granting a permanent removal of the current planning restriction.

Yours sincerely

Peter Knowles
President, Penarth Chamber of Trade and Commerce and owner of
Hamptons

LATE ITEMS FOR COMMITTEE		Application No. 2007/01635/FUL	
Committee Date: 13 March 2008		Page No.: 148	
To be added to report: YES / NO (Delete where necessary)			
From: Councillor Liz Burnett, Summary of Comments: Letter of support dated 11 March 2008.			
APPROVED BY:			
Officer: Miss Sara Dowd		Officer:	
Appendix No.:		O.M. or H.P.T.	

Thomas, Rob

From: Burnett L (Bus) [lburnett@glam.ac.uk]
Sent: 11 March 2008 13:14
To: drthomas@valeofglamorgan.gov.uk
Cc: addobbinson@valeofglamorgan.gov.uk
Subject: Holm House Hotel

Hi Rob

Attached is a letter related to the Holm House item on Thursday's planning agenda. I am writing only in my capacity as a Penarth resident and as a University Lecturer in a related subject area in the hope that it might be included and forwarded to committee members.

Regards

Lis

Lis Burnett
Senior Lecturer / Network Manager
MSc Entrepreneurship (Female Entrepreneurs)
ext. 2370
Direct Line: 01443 482370
Mobile: 07736 771017

11th March 2008

71 Redlands Road
Penarth
Vale of Glamorgan
CF64 2WE

To: Members of the Planning Committee, Vale of Glamorgan Council

Dear Councillors

Holm Hotel, Marine Parade, Penarth

I write as a life-long resident of Penarth and as a University Lecturer in Entrepreneurship, Enterprise and Economic Development in support of Holm House Hotel in relation to the item for discussion on Thursday 13th March.

To operate successfully under such restrictive conditions should be grounds for congratulation and having proved itself to be a good neighbour and responsible business I would suggest that Holm House has earned the opportunity to operate free of such onerous conditions.

Holm House is an exclusive boutique hotel, It has only 12 rooms and does not cater for children under 12 years old. My understanding is that its fire certification only allows a total of 50 people to be present at any one time and that even if this application is granted, the drinks licence restricts the sale of alcohol to residents and their bona fide guests. Hardly a 'Holiday Inn'.

Objections to the application seem to focus on a few specific areas; the potential for traffic congestion in Marine Parade; the negative impact on the conservation area and possible nuisance from cooking smells or noise.

Marine Parade, although one of the more traditional areas of Penarth, is adjacent to the Esplanade the main tourist area of the Town. As such it would be expected that it would be subject to traffic associated with its location. However, it should be noted that there have been no reports of congestion either associated with the hotel or that might merit the introduction of specific road safety or traffic management measures. The Hotel has sufficient parking for its intended operation. The size of the dining room would not allow for dining on a mass scale as it only has space for 32 covers.

Home House was a nursing home before its transformation into a luxury hotel. It was run down and neglected and definitely detracted from the surrounding area. An alternative use might have been to convert to apartments or even to demolish and rebuild as has happened elsewhere in the locality. Both alternatives would arguably have had a much greater impact on neighbouring properties and also on the conservation area.

In my view there would be no greater potential for nuisance from cooking smells or noise from this property than there would have been from the former use and probably less in regard of modern technology used in extraction of fumes from the kitchen. In addition if a

property of this size were converted to apartments the potential for smells and noise disturbance would be far greater.

This hotel has been specifically designed to cater for a very small, exclusive, niche market. It's design, marketing, operations, in fact everything about it would confirm this as a strategic choice. To stage large scale activities, even if it were possible, would impact upon that strategy and ultimately destroy the hotel's customer base.

I would ask that the committee considers whether they see anything in their committee papers or on the site visit, that would suggest other than a planned niche market business strategy.

Any new venture, particularly in such market, works towards economic sustainability through building its reputation. As previously stated there is no current scope or future plan to allow large scale activities however if the planning committee grant the application the hotel would be able to utilise spare capacity due to any under-occupancy to increase the viability of the venture.

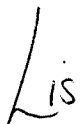
The Penarth area has not received the support from grants or external funding enjoyed by other areas of the Vale to boost its economic development. It relies upon a small number of forward thinking, ambitious business to draw in visitors and develop the reputation of the area. The success of Holm House will have a positive impact on the sustainability of Penarth as a whole. The Hotel and its owners should be supported in their vision of how Penarth, the Vale and Wales could be seen by the outside world.

The owners, Margaret Hewlett, and Susan Sessions have a strong track record of social responsibility and community involvement. As locally based entrepreneurs they should be encouraged and supported in their business venture. Not have to struggle with both hands tied behind their back.

A temporary relaxation of restrictions, while better than nothing would still have a negative impact on the business; on its ability to make accurate financial projections, as the hotel would not be able to project its operations after one year; to attract a high calibre of staff, as staff appointments could not offer permanent contracts and perhaps more worrying a temporary relaxation might encourage spurious complaints in an attempt to influence the decision in a years time. I would therefore ask that if this route is taken that formal monitoring of the Hotel is agreed to ensure objective assessment at the appropriate time.

Many thanks for your consideration

Regards

A handwritten signature in black ink, appearing to read 'Lis'.

Lis Burnett

Senior Lecturer

Welsh Enterprise Institute

University of Glamorgan

LATE ITEMS FOR COMMITTEE		Application No. 2007/01635/FUL	
Committee Date: 13 March 2008 Page No.: 148			
To be added to report: YES / NO (Delete where necessary)			
From: Lorraine Barrett Summary of Comments: Letter of support dated 11 March 2008.			
APPROVED BY:			
Officer: Miss Sara Dowd		Officer:	
Appendix No.:		O.M. or H.P.T.	

Thomas, Rob

From: Barrett, Lorraine (Assembly Member) [Lorraine.Barrett@Wales.gov.uk]

Sent: 11 March 2008 17:13

To: drthomas@valeofglamorgan.gov.uk

Subject: Holm House

<<holm house letter.doc>>

Dear Rob

I hope I am not too late in sending in this letter for members of the planning application. For various reasons, I failed to send it last week which was my intention.

Many thanks

Lorraine

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

LORRAINE BARRETT AM

Assembly Member representing Cardiff South and Penarth

Our Ref: CSP/LJB/Penarth

Your Ref:

CF99 1NA

11 March 2008

Tel.: 029 2089 8376

Fax: 029 2089 8377

Email: lorraine.barrett@wales.gov.uk

Web: www.lorrainebarrett.co.uk

To Members of the Vale of Glamorgan Planning Committee

I am writing to support the application by the proprietors of Holm House hotel, Marine Parade, Penarth, to have restrictions lifted on their licence to allow them to accommodate non-residents in their restaurant and spa facilities. Given that the hotel is quite small, I cannot see that they would be able to accommodate that many people over and above those staying at the hotel. I cannot therefore imagine how this will impact to any great extent on the neighbouring area. I know of people living in the vicinity who would like to have Sunday lunch there, or a family anniversary dinner for instance. It would be highly improbable that hoards of people visiting Penarth would descend on the hotel. It is just not that sort of establishment and they do not want to run a bar.

Holm House is an amazing hotel which we should be proud of in Penarth. I have never understood why we have lost so many hotels in our town and I always thought we would have more of them because of our close proximity to Cardiff. Holm House has been acclaimed in many leading newspapers and tourism journals and has really brought Penarth into focus with tourism journalists from all over the World. We need more hotels, and successful hotels, in Penarth to help the local economy.

I do appreciate the concerns of some neighbours but Penarth is a seaside town and I think of places like Bath, Brighton and Bournemouth where hotels are able to welcome non-residents to their restaurants and spa facilities – and many of those hotels are in wealthy, exclusive areas. As for the argument that Marine Parade is 'residential', it overlooks the Esplanade and I am sure cooking smells from the restaurants and cafes on the front waft up on the wind. There is also the cliff top café nearby.

In the recent past there were several nursing homes in Marine Parade, not least in Holm House itself when it was Skomer nursing home. There must have been a lot of vehicular movement during those days with visitors, tradespeople delivering goods regularly, as well as medical and nursing staff and ambulances etc. In Bridgeman Road, just along from Marine Parade, there is a large hospice as well as a nursing home in nearby Park Road so it is not an exclusive residential area.

I have heard the argument that people getting on the Steam boats would be upset if they couldn't park on Marine Parade if non-residents having a meal at Holm House take up all the parking places. This doesn't make sense – they can only accommodate around 30 diners – and a restriction can be imposed which says that alcohol can only be served to non-residents when dining.

On the one hand, objectors are saying they don't want parking on their road by diners at Holm House, but seem to be concerned about inconvenience caused to those who park in Marine Parade all day whilst taking a trip on the steamboats.

Given that one of the owners, Margaret Hewlett, lives in the grounds of the hotel I cannot imagine her allowing any unreasonable behaviour that would cause noise nuisance to neighbours.

I want to see this hotel survive and be successful, it is something we should be embracing in Penarth as it can only bring good news to the town.

I hope very much that the current restrictions can be lifted to allow non-residents to dine at the hotel and/or use the spa facilities. I appreciate that I do not live in Marine Parade but I feel I have the right to express my support for this business and I do not believe it will have any more impact on the residents of the area than do other businesses nearby which I have previously mentioned.

Yours sincerely,

Lorraine Barrett AM

LATE ITEMS FOR COMMITTEE		Application No. 2007/01635/FUL	
Committee Date: 13 March 2008 Page No.: 148			
To be added to report: YES / NO (Delete where necessary)			
From: Mark J B Stevenson on behalf of Susan Sessions (applicant) and Margaret Hewlett Summary of Comments: No complaints about noise etc. have been received prior to submission of this application. Large volume of local support. Facility has been designed to have least impact on residents. Not possible to achieve classification of hotel in accordance with European Union legislation. More letters of support than objections received in relation to current application. This has resulted in the recommendation being changed from a refusal to an approval. Permission should be granted without the 2 conditions for temporary consent and restriction on use of patio area. Appendix 1 – Response to Mr A Gray's comments. Site Visit Note – One year condition and restriction on use of patio area are unfair.			
APPROVED BY:			
Officer: Miss Sara Dowd		Officer:	
Appendix No.:		O.M. or H.P.T.	

Ball, Steve J

From: Mark Stevenson [mark@planning-construction.co.uk]
Sent: 13 March 2008 08:58
To: developmentcontrol@valeofglamorgan.gov.uk
Cc: LEBouyleuka@valeofglamorgan.gov.uk; LEBouylouka@valeofglamorgan.gov.uk
Subject: Planning reference: 07/1635 - Planning Committee Visit today and this evening
Attachments: Holm House Planning Committee Note 21.2.08.doc; Holm House Planning Committee Note 21 2 08 Appendix1.doc; Holm House Planning Committee Site Visit Note V2 13 3 08.doc

Please ignore my earlier e-mail. This is the correct version. (Attach. No 3)

Mark J B Stevenson
Barrister
Planning and Construction Law

Mitre House
6 Fairfield Road
Caerleon
Newport
NP18 3DQ
Wales
United Kingdom

Mob: +44 7980 289691
Tel/fax: 00 44 1633 431084 and 0131 605 1696
e-mail: mark@planning-construction.co.uk

Skype free call: mjbstevenson

-----Original Message-----

From: Mark Stevenson [mailto:mark@planning-construction.co.uk]
Sent: 13 March 2008 08:05
To: 'developmentcontrol@valeofglamorgan.gov.uk'
Cc: 'LEBouyleuka@valeofglamorgan.gov.uk'; 'LEBouylouka@valeofglamorgan.gov.uk'
Subject: Planning reference: 07/1635 - Planning Committee Visit today and this evening

For the Attention of Lynn Bouylouka - Information officer:

Please find attached my client's documents for the Committee Meeting tonight. Please could you ensure this is available to the Committee? Thank you for your time.

Kindly confirm safe receipt.

Regards

Mark J B Stevenson
Barrister
Planning and Construction Law

Mitre House
6 Fairfield Road
Caerleon

13/03/2008

Newport
NP18 3DQ
Wales
United Kingdom

Mob: +44 7980 289691

Tel/fax: 00 44 1633 431084 and 0131 605 1696

e-mail: mark@planning-construction.co.uk

Skype free call: mjbstevenson

Thomas, Rob

✓

To: Members of the Planning Committee; the Vale of Glamorgan Council

Dear Sirs & Madams

Application for Variation of Conditions at Holm House Hotel, Marine Parade, Penarth

Application number: 2007/01635/FUL

Our attention has been drawn to a note by Geoffrey Williams in relation to the Planning Committee Visit on Thursday 13 March 2008 and we wish to raise the following short points in response:

1. The Highways Department have not objected and we have car parking spaces for 15 vehicles more than adequate to cope with the number of guests/diners for which we have covers in the restaurant and/or rooms.
2. We need the Hotel Classification because of recent changes which currently put us in a lower category (Guest Accommodation rather than Hotel) than our expenditure and service represents.
3. The proposed Condition relating to eating outside does not seem fair. Last summer our guests used the terrace throughout the day and caused no disturbance to our nearest neighbour Mrs Morgan as we regularly have a dialogue to check this. How can we refuse to allow a guest who is visiting Holm House and Penarth to enjoy the sea views access to our outside space? Particularly as the Hotel building screens the patio from the complainants in any event.
4. The proposed one year condition is unfair as it will give the protesters a licence to make mischief and harass us as you will note from the record – we are trying to run a good quality business representing the area and can do without interference from those who wish our venture would fail.
5. The whole area of Marine Parade is not residential it has historically been one based on Hotels, guest houses and retirement homes and those complaining about commercial activities did in fact move to this location when there was a nursing home on the site creating much more disturbance and vehicle movements day and night [ambulances, doctors, visitors etc] than our operation.

Please do not hesitate to contact us should you require further clarification or information on any of the matters above.

Yours sincerely

Susan Sessions & Margaret Hewlett
Directors
Extraordinary Hotels Ltd
Marine Parade
Penarth
Vale of Glamorgan
CF64 3BG

Tel: 02920 701572
Fax: 02920 709875
Email: susan@holmhouse.co.uk
Web: www.holmhouse.com

The Observer's 'Top 20 Spots To Stay' – Romantic



12/03/2008

PLANNING COMMITTEE BRIEFING NOTE
APPLICATION 07/1635

21 FEBRUARY 2008

HOLM HOUSE
MARINE PARADE
PENARTH

MAIN ISSUES IN THE PLANNING APPLICATION

**OFFICER RECOMMENDATION:
APPROVAL WITH CONDITIONS**

MARGARET HEWLETT AND SUSAN SESSIONS
HOLM HOUSE
Marine Parade
Penarth
Vale of Glamorgan
CF64 3BG

INTRODUCTION

Holm House has been operating as a Hotel in Penarth for nearly 12 months. Since the start there has not been a single sustained complaint other than the fact that local residents and businesses are unable to access the splendid facilities without being a guest which is a great shame because the family operators have a limited amount of spare capacity to share with the residents and business proprietors of Penarth.

The success of this application will allow the Hotel to be properly registered as a Hotel in accordance with the current procedure for registration and description of Hotels on an international basis allowing proper recognition for this splendid facility.

There has been an overwhelming volume of local support from residents and businesses who would wish to use the facility bringing increased credibility for all concerned.

Whilst it is noted that a limited number of local residents have voiced very recent concern it is of note that this is purely hypothetical because those objectors have not made a single complaint up to the date of the current application.

The four pages from the Hotel brochure show the dining room, bar, treatment room and one of the superb bedrooms.

THE APPLICATION

The family operators wish the Committee to know the facts relating to this application and these are briefly set out here.

The Hotel has just 12 double rooms – although permission was originally available for 16 – the dining and bar facilities have a capacity to provide for those 12 rooms with a limited amount of surplus capacity depending on table preferences if the hotel is fully booked with dining seating for a maximum of 44.

There are times particularly during the week in the evenings and at lunchtimes when the Hotel facilities are under occupied and the intention is to make this spare capacity available to local non-residents adding a much needed facility to the area and more fully utilising the talents of the restaurant staff who prefer to be busy rather than standing idle and there is a demand for their creativity.

It can be seen from those supporting the application that they would wish to have the opportunity to access the superb facilities when there is spare capacity but obviously it would not be realistic for those local people to book into a room just to have the chance of using the restaurant facility especially for example at lunchtimes.

The whole facility has been designed in such a way as to have the least impact on local residents and the complete lack of any single complaint prior to this application being made speaks for itself. For example the building's facilities in design terms face away from all those complaining; the location of the extraction systems have a barrier in the fact there is the building between them and the recent objectors in the same way that the car park is screened to the front and the court yard effect to the rear prevents any possible interaction between the Hotel and adjoining properties; the Committee is urged to consider the reality and factual design of the facility when deciding this application and if necessary a site visit may be appropriate for a proper understanding of the situation.

It is of great importance and material to this application that the Hotel should receive a proper Hotel classification from the bodies concerned and without being able to give public access as any other hotel would do it is not possible to achieve the classification of Hotel in accordance with European Union legislation.

LOCAL RESIDENT AND BUSINESS SUPPORT

As is noted on the planning file there is a greater amount of credible support for this application than sustainable objections.

The support and desire to use the facilities by local residents and businesses is overwhelming and clearly indicates the strength of support for this superb local facility for which the area should rightly be proud about.

At present the ability to use the spare capacity of the facility is not available to non-residents and only by booking a room could local people access the facility which is unfair to both them and the owners who would relish the opportunity to serve the local market on a limited basis and utilise their spare capacity productively.

The Committee is urged to consider the letters in support which speak for themselves.

PROPOSED CONDITIONS

Officer Recommendation has been usefully provided with Conditions.

The owners wish to make a number of observations about these Conditions and the Committee is urged to grant permission without the two conditions for the following reasons:

The initial volume of objections apparently conjured up by one individual, a Mr Carpanini, which is evidenced on the planning file documents file from the start in too many places to list swayed the Officers towards Refusal and more recently given the volume of support Officers have swayed in the other direction towards granting the application. It is not considered that the objections are genuine or credible.

If the first Condition was attached to a grant of permission this would effectively be a licence to Mr Carpanini to continue to interfere with the proper and future operation of the Hotel against the apparent wishes of the greater majority of local residents and businesses by generating further unsustainable non-credible complaints which would in effect be a licensed form of harassment. If the Committee could truly believe in the objections then there may be a different situation and hence decision but because the credibility of the objections made is in serious doubt, because none were made up to the time of submission of the application, then the imposition of the first condition does not appear to be justified in land use planning terms.

As regards the second proposed condition; the limited but important use to the hotel guests of the patio area which is screened from most sides by the building and in particular Mr Carpanini and his co-objectors does not seem justified; the Hotel guests of this particular facility are by their nature quiet and limited in number but do welcome the opportunity to take meals outside in the better weather particularly given the south facing terrace which is an attractive feature when weather conditions allow its use.

A further point here is whether this is any event a matter under the control of land use planning considerations or a matter for those licensing the facility although the planning point is relevant.

OBJECTIONS

It was felt necessary to ensure the Committee was not misinformed by objections which may not be stamped with the whole truth.

As a matter of fact neither Mr Carpanini nor his fellow objectors have made a single complaint up to the point of submission of this application which really tells the true position; non of the hypothetical situations exist in reality they are perceptions without credible support and the test of this is the fact that neither the Highways nor the Environmental Unit have raised any concerns about the operation of the Hotel during its operations to date and this is the real test of the nature of the objections brought during the initial consultation period.

Absolutely no evidence of harm along the lines suggested actually exists in reality. The Committee is urged to consider the nature and extent of credible objections when considering this application.

Conclusion

The Committee is urged to grant the permission sought by the Applicants without the proposed further conditions which will only serve to add confusion to an existing use for the reasons outlined above.

MARGARET HEWLETT AND SUSAN SESSIONS

HOLM HOUSE
Marine Parade
Penarth
Vale of Glamorgan
CF64 3BG

PLANNING COMMITTEE BRIEFING NOTE
APPLICATION 07/1635

21 FEBRUARY 2008

APPENDIX 1

HOLM HOUSE
MARINE PARADE
PENARTH

MAIN ISSUES IN THE PLANNING APPLICATION

**OFFICER RECOMMENDATION:
APPROVAL WITH CONDITIONS**

MARGARET HEWLETT AND SUSAN SESSIONS
HOLM HOUSE
Marine Parade
Penarth
Vale of Glamorgan
CF64 3BG

APPENDIX 1: RESPONSE TO SUBMISSION BY MR A GRAY
19TH FEBRUARY 2008

Further to the submission from Mr A Gray we would like to respond as follows:

1. SMELLS:

- a. Cooking odours – this complaint was initiated immediately post our application for those restrictive conditions to be removed. Our extraction system has been checked by the Environmental Health Officer to ensure regular cleaning regimes have been undertaken and that the mechanics themselves are regularly serviced. Both of which have been proved. When previously a nursing home no such state of the art extraction equipment was present, therefore the odours would have been substantially worse.
- b. Smoking – no comment as we are not aware of this activity

2. NOISE:

- a. Vehicle noise – delivery vehicles are not present 7 days a week. With only one delivery being made on a Saturday morning.
- b. Refuse & recycling – our contractor attends site three times per week, Monday, Wednesday & Friday only and comes between 8am and mid-day as requested in the contract by ourselves.

3. VISUAL:

- a. Parking – the Google Earth photo submitted is dated 2006 and was obviously taken whilst the Contractors were on site, the car park not completed as indeed neither was the building. Also the property across the road was being refurbished at the same time and therefore generated excess vehicles to the immediate area.

The remainder of the comments are addressed in the main document.

The untruths featured in this submission have been used in the compilation of a petition, as prior to this application we are not aware of any complaints from any neighbours as to any of the above which can be evidenced from the various agencies involved.

We, the Directors of Holm House are extremely passionate about our business and what has been achieved by transforming this lovely old house into a World Class hotel. We have received international press accolades and recognition and those in the local area who support us, recognise these achievements and would like to share the experience. We have created 16 full time jobs with a further 4-6 in the future as well as bringing economic benefits to Penarth and the surrounding areas.

LATE ITEMS FOR COMMITTEE		Application No. 2008/00027/FUL	
Committee Date: 13 March 2008		Page No.: 160	
To be added to report: YES / NO (Delete where necessary)			
From: 15 St. Nicholas Road and WPB Planning, representing no. 23 St. Nicholas Road. Summary of Comments: 2 Objection letters received, the grounds of which are summarised as follows: • Despite the reduction in the number of flats, the potential level of occupancy remains the same and the previous objection letter from no. 15 St. Nicholas Road therefore stands. • The reduction in commercial viability of the retail unit. • Impact on residential amenities of neighbouring properties. • Overdevelopment- scale, design and traffic generation. • Substandard vehicular access arrangements.			
APPROVED BY:			
Officer: Mr. I. Robinson		Officer:	
Appendix No.:		O.M. or H.P.T.	

15 St. Nicholas Road
Barry
CF62 6QW

3rd February 2007

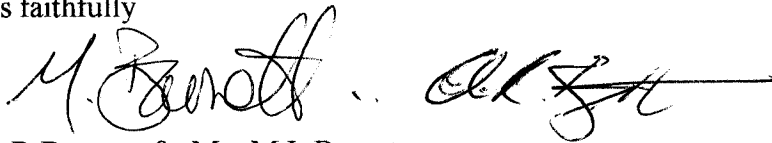
Dear Sir/Madam

Re: Planning Application No. 2008/00027/FUL
Location: 6, St. Nicholas Road, Barry

Thank you for your letter of 26th February in respect of the amended plans for the above proposal.

Please note that we maintain our objections to the application. Whilst there has been an amendment to the number of flats and parking bays proposed, the potential occupancy levels overall remain the same. Therefore our objections outlined in our previous correspondence remain for the reasons previously outlined.

Yours faithfully

The block contains two handwritten signatures. The first signature, on the left, is written in dark ink and appears to be 'M. Barnett'. The second signature, on the right, is also in dark ink and appears to be 'M.L. Barnett'. Both signatures are fluid and cursive.

Mr A R Barnett & Mrs M L Barnett



WPB House

6 St Marks Road

Bath BA2 4PA

Tel. 01225 316628

Fax. 01225 316588

Email. mail@wpb-bath.com

28 February 2008

nw.feb/ir28.02.08lt

Ian Robinson – Planning Officer
Development Control
Vale of Glamorgan Council
Docks Offices
Barry Docks
Barry
CF63 4RT

Dear Sir

PLANNING APPLICATION REF NOS: 07/01762/FUL & 08/00027/FUL
4 & 6 ST NICHOLAS ROAD, BARRY

Thank you for your letter of 20 February 2008.

Following an inspection of the revised supporting documentation, we write on behalf of the adjoining owners to reiterate our holding objection to the above proposal.

Our clients will shortly be taking up their opportunity to highlight material considerations relating to the finally submitted proposals and their future consequences for development on this site. However to meet with the Council's timeframe for consideration of the application within the statutory period, I wish to confirm that their formal objection to the proposals relates to the following matters:-

- *Reduction in the commercial viability of an existing retail unit leading to the potential loss of a key local facility;*
- *Impact upon the residential amenity of adjoining properties.*
- *Inappropriate over-development by reason of scale, overall design and traffic generation;*
- *Substandard vehicular accessing arrangements and associated reduction in highway safety.*

The proposals fail to take proper account of the likely future consequences of development. Whilst this is not a defined retail frontage under adopted SHOP policies, the subject property constitutes a purpose-built retail unit whose viability will be directly undermined as a result of the proposed development. Its current commercial viability as a retail unit is a direct consequence of its location and the existing shop layout.

The existing unit performs a key service role within the surrounding residential community and as a result should be afforded protected. Its function, viability and operational suitability are all material planning considerations which are fully acknowledged in various expressions of national, regional and local planning policy/PPS.

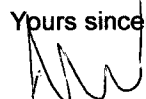
Given the nature of the existing use and the site in question, primary concerns are also raised over resultant noise increase, delivery traffic conflict, traffic generation and loss of privacy (occupiers/existing owners). In these circumstances it must be questioned whether this existing retail site is suitable for the intended scale and form of residential redevelopment.

Cont..

The creation of additional residential units as a result of the proposed development would not outweigh the detrimental effects it would have on the viability of the retail and the living conditions of occupiers of adjoining properties and on highway safety.

In these circumstances and taking into account all related considerations, this is a form of development which should not be permitted in its planning context. This is based on supporting planning arguments founded upon a range of relevant considerations.

Yours sincerely



Nigel Whitehead BA (Hons) MRTPI MRAP

Director

WPB

Direct Telephone: 01225 316628

cc. Cllr N Hodges - Baruc

Cllr S William - Baruc

Mr & Mrs Whitehead - 23 St Nicholas Road, Barry