

Planning Committee Meeting – 13th December 2006

2005/01449/OUT Received on 30 October 2006

V. J. Price & Son, Trevithyn Farm, Llancarfan, Vale of Glamorgan. , CF62 3AT
S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea. , SA1
5TN

Trevithyn Farm, Llancarfan

Erection of one detached agricultural dwelling

SITE DESCRIPTION

The application site relates to a plot of land adjacent to modern agricultural barns and farm yard at Trevithyn Farm, Llancarfan. The site lies to the north-east of the existing farmhouse and the farmhouse is occupied by the applicant (father, mother and son). The site is approximately 2280m² and 75m from the Llancarfan to Bonvilston Road. The total size of the agricultural holding is 325 acres. The site lies within the open countryside and the Nant Llancarfan Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

The application seeks outline consent to erect a detached agricultural dwelling on pasture within the confines of the farm holding. The site is adjacent to abandoned foundations and slab originally constructed to build an agriculturally tied house (15m x 8m) approved in the 1970's. The dwelling was not erected due to the personal circumstances of the owners at that time. The applicant has stated that size and workload of the farm has increased since that time and the applicant requires a new house to accommodate additional staff to provide around the clock cover on the farm.

The application was initially submitted on the 13 September 2005 but has recently been changed from a full planning application with proposed details of a large two storey dwelling to an outline application with all matters reserved for future approval (siting, external appearance, design, landscaping and means of access). This is in order to establish the detailed justification for having a second agricultural dwelling on the farm with details of a revised house design to follow as a reserved matters application.

The originally proposed dwelling was 25m in length with a maximum depth of 10.6m. It had a pitched roof and was 5m to eaves height and 8.5m to ridge level. The dwelling included an integral garage with a bedroom in the loft space and this annexe is 2.3m to eaves and 6.3m to ridge level. The dwelling included a garage, an utility room, farm office, kitchen, dining room, study and lounge/sitting room at ground floor and four bedrooms (two with en-suite facilities) and a bathroom at 1st floor. The dwelling was to be constructed with concrete walls and facing brickwork and a slate roof. The dwelling would be accessed via a new tree lined driveway from an existing field gate.

PLANNING HISTORY

CR.18049 - Outline application for agricultural dwelling. Approved November 1973.

74/0492 - Agricultural Dwelling. Approved 8 October 1974 subject to the following conditions:

1. The occupation of the proposed dwelling shall be limited to persons employed or last employed locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).
2. The detail plans referred to in the conditions above shall show the building having a roof of slate or dark grey tiles and walls constructed in grey stone or materials having the appearance of such stone or rendered in light grey or white materials so designed as to give a horizontal emphasis and so maintained to the satisfaction of the Local Planning Authority.

77/0729 - Application seeks extension of period for submitting detail drawings under reserved matters approval 74/0492. Approved 4 October 1977 subject to the following conditions:

1. The occupation of the proposed dwelling shall be limited to persons employed in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).
2. The detail plans, to be submitted, shall show the building having a roof of slate or dark grey tiles and walls constructed in grey stone or materials having the appearance of such stone or rendered in light grey or white materials so designed as to give a horizontal emphasis and so maintained to the satisfaction of the Local Planning Authority.
3. The proposed dwelling shall be sited close to the existing farm building complex as indicated on the site plan submitted with application Code No. CR.18049 on the 20 September 1973.

All other applications relate to the farm and outbuildings only.

Minor amendments were also agreed to this scheme to move the dwelling to a location further from the farm buildings.

CONSULTATIONS

Llancarfan Community Council was consulted on 29 September 2005 and re-consulted 20 October 2005 and 7 November 2006.

“We have received the above application for an agricultural dwelling without, as is usual for this type of application, any supporting documentation from the applicant to demonstrate the need or intended use of a second dwelling at the farm. We are, therefore, unable to comment on whether there is justification on agricultural grounds for a departure from planning policy. Trevithyn Farm is located within the Nant Llancarfan Special Landscape Area, there is some concern that the proposed siting, in close proximity to the existing agricultural buildings, would have a detrimental impact. Also, the size of the proposed dwelling and level of accommodation provided is not considered commensurate with the needs of an agricultural worker. If permission is granted strict occupancy conditions must be imposed.”

The Community Council were provided with a copy of the agents supporting documentation and were notified of the change in application type from a full planning application to an application for Outline consent. They commented:

“At a recent meeting of this Council the site history and justification provided by the applicant was considered and members resolved to support this application for an agricultural dwelling.”

The Head of Visible Services (Highway Development) was consulted on 29 September 2005 and re-consulted on 7 November 2006.

“It is considered that the development proposals are acceptable in principle, provided that the following details are submitted for approval by the Highway Authority prior to commencement of any works and are made conditional to the planning consent.

The hedgerows within the existing visibility splays are required to be relocated to the back of the vision envelopes in order that the required sight lines of 2.4m x 45.0m can be achieved. Within the visibility envelope(s), no obstructions e.g. boundary walls, fencing shall be greater than 900 mm in height above the carriageway channel edge.

The proposed dwelling will be associated with the existing farm use and will not be used for any other purpose.”

“Further to receiving an amended application in relation to the above, I would inform that the highway observation dated 6 October 2005 are still applicable to the development proposals.”

Dwr Cymru/Welsh Water was consulted on 29 September 2005 and re-consulted on 7 November 2006 and advised:

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

Environment Agency was consulted on 29 September 2005 and re-consulted on 7 November 2006. They responded by forwarding a copy of their standard guidance note for developers.

The Council's Agricultural Consultant was consulted on 29 September 2005 and re-consulted on 7 November 2006. An appraisal was requested to assess the proposal in accordance with planning guidance and policy.

"The functional test is required to show that there is a proven agricultural need for a farm worker to be present on site most times out of necessity. In this case there is already a dwelling fulfilling that purpose, so the test must now show that there is a proven agricultural need for a second worker to be similarly sited, in addition to the first, again out of necessity. The reasons given by the applicant are:

- Calving day and night.
- Artificial inseminations at crucial times; and
- Monitoring animal welfare.

Although it is quite easy to understand that a second dwelling would be convenient and sensible, in terms of the management of the farm; that is not the required test. In our opinion the application fails the functional test.

The financial test is usually needed where the functional test is either inconclusive or positive. Since the application fails the functional test, we have not analysed this test further. In our opinion, the application fails the test."

After meeting with a National Farmers Union Wales Group Secretary (acting on behalf of the applicants) and receiving more information to support the requirement for a new dwelling on the farm, the Agricultural Consultant has supplied the following additional comments:

"The principle evidence is on the treatment of Milk Fever, but the other animal welfare matters have also been taken into account, such as calving and the fact that the nearest vet is 12 miles away (20 minutes). Whilst I am not convinced that there is a specific distance/time from the holding beyond which it becomes impossible for a second farm worker to satisfy the additional need on this holding, I can accept that there *is* a need in this instance for a second farm worker to live '*locally*'. As to how far is a matter of fact and degree and certainly there can be no accepted 'ring' around any holding.

I cannot respond to the evidence as to its accuracy and it would seem inappropriate to simply *assume* that there are no available properties for a farm worker within a 20 minute radius. However, in terms of this assessment, making exactly that assumption and assessing this particular holding, there could well be sufficient potential instance of animal welfare risk to require a second farm worker to be located within 20 minutes of the holding."

A full copy of the original (and subsequent) appraisals as well as the most recent response has been included as Appendix 'A' to this report.

REPRESENTATIONS

The neighbouring occupiers were notified on 16 August 2005 and re-notified on 7 November 2006. No objections have been received to date.

REPORT

The application seeks Outline planning permission to erect a new agricultural dwelling on a site adjacent to the foundations laid out for a much smaller dwelling approved in the 1970's. The applicant does not intend to utilise the existing foundations on the site as he initially wished to build a larger four-bed property to cope with the increase in size and workload of the farm. It is intended that the applicant's son will occupy the house. Members should note that since the original submission, the application has been amended to an outline application.

The farm consists of 325 acres with 213 livestock (150 milking cows, 30 in calf, 32 yearlings and 1 bull). The farm has recently installed a new milking parlour under the 'Farming Connect' scheme and the farm can boast two cows in the top ten producers of the Holstein awards.

The site lies outside any identified Residential Settlement Boundaries and forms part of the open countryside.

Policies

The proposal can be assessed against Policies ENV1 – Development in the Countryside, ENV4 – Special Landscape Areas, HOUS3 – Dwellings in the Countryside, HOUS5 – Agricultural or Forestry Dwellings and HOUS6 – Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and Planning Policy Wales (March 2002). Also, in considering applications of this nature regard has to be paid to advice contained in Technical Advice Note (Wales) 6 "Agricultural and Rural Development".

Issues

A dwelling was approved in this location in 1974 with an agricultural justification (not implemented) and there is already a farmhouse on the holding. Therefore the question now to be considered is whether there remains a proven agricultural need for a second agricultural dwelling on the site based on current standards and justification tests. This is a functional test whereby a proven agricultural need for a second worker to be similarly sited can be demonstrated. In accordance with Policy HOUS5 of the recently adopted Unitary Development Plan, agricultural dwellings should only be allowed where a functional and, where appropriate, a financial necessity is demonstrated.

Policy HOUS5 states:

THE DEVELOPMENT OF NEW DWELLINGS BEYOND THE IDENTIFIED SETTLEMENT BOUNDARIES DESIGNATED BY POLICY HOUS2 IN ASSOCIATION WITH AGRICULTURE OR FORESTRY WILL BE PERMITTED IF:

- (1) AN ESSENTIAL NEED, BASED ON A FUNCTIONAL AND WHERE APPROPRIATE FINANCIAL NECESSITY IS CLEARLY DEMONSTRATED.

- (2) THE SCALE, SITING, DESIGN, LANDSCAPE AND EXTERNAL APPEARANCE OF THE PROPOSED NEW DWELLING IS COMPATIBLE WITH ANY EXISTING RELATED STRUCTURES AND THE SURROUNDING LANDSCAPE; AND
- (3) AN ACCEPTABLE ACCESS TO THE DWELLING CAN BE PROVIDED.

IF THESE CRITERIA ARE MET A CONDITION WILL BE IMPOSED ON ALL NEW AGRICULTURE/FORESTRY DWELLINGS LIMITING THE OCCUPATION OF THE DWELLING TO A PERSON SOLELY, OR MAINLY, WORKING, OR LAST WORKING IN THE LOCALITY, IN AGRICULTURE AS DEFINED IN SECTION 336 OF THE TOWN AND COUNTY PLANNING ACT 1990, OR IN FORESTRY OR A WIDOW OR WIDOWER OF SUCH A PERSON, AND TO ANY RESIDENT DEPENDANTS.

The Council's agricultural consultant's original statement indicated that, due to a lack of information, an essential need was not clearly demonstrated (see Appendix A). Therefore, the original four-bed dwelling could not be justified under this Policy. In addition to this, this stance is echoed in paragraphs 9.3.7-10 of Planning Policy Wales.

With regard to the scale and location of the originally proposed dwelling, it was considered that it would be very prominent and visible from the highway and would have a detrimental effect on the character and appearance of the open countryside and the Nant Llancarfan Special Landscape Area, contrary to Policies ENV1, ENV4 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. It would also clearly be of a size far in excess of anything that could be justified for an agricultural dwelling.

This current application has been re-designated as an Outline application rather than a detailed Planning application and details of the size, siting and design of the proposed house will be the subject of a separate application if the justification for the property can be provided. The Group Secretary for NFU Wales has provided additional information relating to a lack of alternative accommodation within the surrounding area.

Whilst the NFU consider that journey times in excess of 20 minutes would be unacceptable on animal welfare grounds and they have provided evidence to show that dwellings within this 20 minute catchment area are unaffordable, the Agricultural Consultant is not convinced that there is a specific distance/time from the holding beyond which it becomes impossible for a second farm worker to satisfy the additional need on this holding.

It is now accepted that there is a functional need in this instance for a second farm worker to live 'locally' and as the financial test should also be applied to positive functional test outcomes, it is assumed that there is sufficient margin to support two farm workers and that the business is sustainable. However, it should be noted that the 20 minute radius is not a generally accepted figure and new agricultural dwellings should be considered on a case by case basis. It is also necessary to ensure that the building of the proposed new dwelling does not have the same cost implications as purchasing a new property in the local area. The Agricultural Consultant considers that the commensurate needs of the holding requires that a second house on the holding should not exceed 150 sq. m. internal floor area. Therefore, the size and scale of the proposed new dwelling will need to be considered in terms of its acceptability on this site and this will be the subject of a subsequent reserved matters application.

Finally, Members should be aware of the background to this application. The originally approved application was close to the main holding. Subsequently minor amendments were agreed to move the house further away from the barns and yard and the owner attempted to implement the amended plans. However, subsequent Case Law has shown that minor amendments were not lawful. Therefore the consent was never implemented and consequently lapsed, through no real fault of the owner. This is considered to be a material consideration in the determination of this application.

CONCLUSION

The decision to grant Outline planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

Having regard to Policies ENV1 – Development in the Countryside, ENV4 – Special Landscape Areas, HOUS3 – Dwellings in the Countryside, HOUS5 – Agricultural or Forestry Dwellings and HOUS6 – Agricultural Occupancy Conditions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales (March 2002) and advice contained in Technical Advice Note (Wales) 6 “Agricultural and Rural Development”, the proposal is considered acceptable in that a functional and financial necessity for a new agricultural dwelling on this farm have been clearly demonstrated.

RECOMMENDATION

APPROVE subject to the following conditions(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. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

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

4. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependants.

Reason:

A dwelling in this rural location would not be permitted unless justified in terms of agriculture or forestry, and to ensure the development accords with Policies ENV1, HOUS3 and HOUS5 of the Unitary Development Plan.

5. Any detached dwelling design submitted as a reserved matters application shall have a total floor area of no more than 150m square.

Reason:

A dwelling in this rural location would not be permitted unless justified in terms of agriculture or forestry, and to ensure the development accords with Policies ENV1, HOUS3 and HOUS5 of the UNitary Development Plan.

NOTE:

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

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

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

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

2005/01501/FUL Received on 13 December 2005

Mr. K. G. Broad, Broadacres, Cog Road, Sully, Vale of Glamorgan. ,
C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. , CF63 4LA , ,

Building to the rear of Broadacres, Cog Road, Sully

Continued use as dwelling

SITE DESCRIPTION

The application site is comprised of part of the lawful residential curtilage of Broadacres, Cog Road, Sully. The application site lies towards the eastern portion of Broadacres' curtilage, and is directly bordered by the garden of Broadacres on two sides, the gardens of Nos. 1 and 1a Cog Road, and a parcel of land containing a detached garage. Whilst Broadacres itself lies within the settlement boundary of Sully, the application site lies outside of the settlement boundary, which runs tight to the rear boundaries of Nos. 1 to 3 Cog Road. It is proposed to access the dwelling from Cog Road, via the existing driveway that serves Broadacres.

DESCRIPTION OF DEVELOPMENT

The application proposes the retention of a two-storey outbuilding, situated within the curtilage of Broadacres. The applicant constructed the building as a 'summerhouse' for the purposes of providing ancillary accommodation to Broadacres. The applicant has previously asserted that the building constituted permitted development and accordingly that planning permission was not required. However notwithstanding the proposed use as an independent dwelling, the submitted plans indicate a building that exceeds 4m in height, therefore also requiring planning permission due to its size.

The building measures 10.8m wide x 6.9m in depth x 5.5m in height from the lowest ground level to the ridge, and 4.4m in height when measured from the higher ground level adjacent to the building. The external elevations of the building are finished in render and stonework and the roof is constructed in slate.

The building provides a living room and kitchen/dining area on the ground floor and two bedrooms, a study and a bathroom on the first floor. The building contains a set of glazed double doors at each level on the side elevation facing the garden of Broadacres, and no fenestration on the side elevation facing the properties on Cog Road. The rear elevation contains two smaller obscurely glazed windows.

The dwelling is currently served by a garden area to the side and rear of the dwelling, approximately 120m² in size, enclosed by a 2m high close board timber fence, and a gravelled hardstanding has been provided to the front of the dwelling for parking vehicles.

PLANNING HISTORY

02/00656/FUL - Dormer extensions to dwelling. Approved.

01/00482/LAW - Use of land as garden. Approved.

00/00484/FUL - Outline application for dwelling. Refused.

98/01287/FUL - Extension to dwelling. Approved.

98/00886/FUL – Garage. Approved.

CONSULTATIONS

Sully Community Council were consulted on the 13 October 2005. No representations have been received to date.

The Head of Visible Services (Highways) has advised that an objection would be raised to the proposal if the dwelling were to be served by the existing access from Cog Road.

REPRESENTATIONS

The neighbouring properties of Nos. 1, 1a, 2 and 3 Cog Road and Nos. 1-4 Taff Cottages were consulted on the 13 October 2005. No representations have been received.

REPORT

It is considered that the primary issues in this case are the principle of the development given it's location in respect of the settlement boundary and the impact of the development on character of the area, the impact of the development on the amenities of neighbouring properties and highways issues.

Planning Policies

The application site is located outside of the settlement boundary of Sully and accordingly the proposal has been primarily assessed against the following policies of the Adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP).

ENV1 - Development in the Countryside
ENV27 - Design of New Developments
HOUS2 - Additional Residential Development
HOUS3 - Dwellings in the Countryside
HOUS8 - Residential Development Criteria
HOUS2 - Settlements

Policy ENV1 of the UDP permits development in the countryside provided it is essential for the purposes of agriculture or forestry, appropriate recreational use, or provided it is acceptable in planning terms as the conversion of a rural building. Similarly Policy HOUS3 of the UDP permits new housing in the countryside provided it can be justified in the interests of agriculture or forestry.

Policy HOUS2 of the UDP states that housing infill, which meets the criteria of Policy HOUS8 will be permitted within defined settlement boundaries.

Subject to the provisions of Policy HOUS2, Policy HOUS8, permits development within or closely related to defined settlement boundaries, subject to criteria relating to the scale, form and character of the proposal, its sympathy to the environs of the site, and the impact on the amenity and character of the existing environment.

Policy ENV27 relates to all new forms of development and requires that new forms of development are of a high standard of design and have regard to the context of the environment within which they are proposed.

The Principle of the Development and its Impact on the Character of the Area

The application site lies outside the settlement boundary of Sully and is not justified in the interests of agriculture or forestry. Accordingly the proposal is contrary to Policies ENV1 and HOUS3 and therefore represents an unjustified form of development in the countryside. Whilst Policy HOUS2 allows for development which is closely related to defined settlement boundaries, it is considered that this proposal clearly does not represent an appropriate rounding off of the Sully settlement boundary, and bears no close or logical relationship to the line of the settlement boundary and general form of the built environment within.

Given the length of the large rear gardens serving Nos. 1-3 Cog Road and the relatively remote position of the dwelling in respect of the built environment within the settlement boundary, it is considered that the development appears visually as more closely related to the open area of land outside the settlement boundary than it does to the housing to the east and south of the site. Accordingly the proposal fails to satisfy Policy HOUS2 and the criteria of Policy HOUS8.

Highways Issues

The site is currently accessed from Cog Road via the same access point that serves Broadacres. The Head of Visible Services (Highways) has advised that an objection is raised to the proposal on the basis of the dwelling being served by this access but that in highways terms, an objection would not be raised if the dwelling were accessed from the access point at the south of the Broadacres curtilage, from South Road. This point was created to provide access for service vehicles to the pump house, which is located within Broadacres' curtilage.

However, notwithstanding that the access to the dwelling is via Cog Road, in planning terms an access from South Road is also considered to be unacceptable since this would require the driveway to the new dwelling to run through the middle of Broadacres' garden. Accordingly this access would unacceptably impact upon the residential amenities of Broadacres.

The access point to the application site off Cog Road measures 3.7m in width, and the Head of Visible Services (Highways) has therefore objected on the grounds that the access and driveway is substandard and insufficient to serve Broadacres and the new dwelling. Accordingly the proposal would fail to secure a safe or adequate access, contrary to Policy ENV27 of the UDP.

Impact on Neighbouring Properties

The dwelling is accessed via a shared drive with Broadacres, which runs directly past the dwelling and rear garden of No. 1 Cog Road, and is located directly to the rear of this neighbouring rear garden. The drive also runs directly adjacent to Broadacres itself and whilst the applicant is the owner of Broadacres, the impact on this property must also be considered.

Section 9.2.12 of Planning Policy Wales (2002) states that 'tandem development' which consists of one dwelling behind another, using a shared access may cause difficulties, disturbance and a lack of privacy to the house at the front. It is considered that by virtue of its location directly to the rear of the No. 1 Cog Road, the proximity of the access and dwelling to the neighbouring dwellings and rear gardens, and the intensified use of the access, the new dwelling has an unacceptable impact on the amenities of these neighbours.

Whilst the dwelling is relatively prominent at the rear boundary of No. 1A Cog Road, the rear garden serving this property is large and this proposed dwelling is sited approximately 35m from the rear of the house. Accordingly it is not considered that the dwelling itself constitutes an overbearing form of development to this neighbour.

CONCLUSION

In conclusion it is considered that by virtue of its location outside of the settlement boundary of Sully, and the lack of an appropriate justification for the dwelling, the development is clearly contrary to Policies ENV1, ENV27, HOUS2, HOUS3 and HOUS8 of the Unitary Development Plan and national planning guidance on development and dwellings in the countryside. Furthermore, the development is considered to be unacceptable in terms of its impact on the amenities of the neighbouring properties, and in highways terms due to the intensification of the existing sun-standard that serves Broadacres. For all these reasons it would not amount to an acceptable 'rounding off' off the settlement boundary.

RECOMMENDATION (W.R.)

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

REFUSE

1. The development represents an insensitive form of development which fails to constitute appropriate infill or rounding off of the settlement boundary for the following reasons:

- (i) The dwelling represents a backland form of development which bears an unsympathetic and detached relationship to and is at variance with, the established built form and character of the defined settlement of Sully.
- (ii) The development adversely affects the amenities and character of the neighbouring properties by virtue of the noise and disturbance caused by the insensitive access and siting of the dwelling; and
- (iii) The dwelling is served by an inadequate and sub-standard access which compromises the safety and free-flow of traffic entering and leaving the site.

The dwelling therefore constitutes an unjustified form of residential development outside the designated settlement boundary, which is 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.

2006/00260/FUL Received on 7 November 2006

Estate of the late Mrs. F. A. Bealing, c/o A. Bealing, 50, Church Road, Baglan, Port Talbot. , SA12 8SU
S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea. , SA1 5TN

Land adjacent to Penny Cottage, Dimlands Road, Llantwit Major

Erection of one detached dwelling

SITE DESCRIPTION

The application site relates to land adjacent to Penny Cottage, Dimlands Road, Llantwit Major.

The site is approximately 730m² and lies to the west of the town between Penny Cottage to the south, Tegfan to the north, an agricultural building and field to the west and a pond to the east.

It lies outside the residential settlement boundary of Llantwit Major but within the Llantwit Major Conservation Area. The land is designated as open countryside.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish a monopitch concrete block and timber building at the front of the site, remove a collapsed former agricultural building from the rear of the site and clear the overgrown scrub and erect a four bedroom dwelling. The existing field access is to be utilised and the dwelling will take the form of a two-storey pitched roof house with single storey pitched roof utility room element.

The proposed property is positioned some 10m within the site, 4.2m from the boundary with Penny Cottage and 10m from the boundary with Tegfan. It has an approximate gross floor area of 183m². It is 4.9m to eaves level and 7.9m to ridge height and includes a porch, lobby, dining room, w.c., utility room, kitchen and lounge at ground floor and four bedrooms, a bathroom and an en-suite unit at first floor.

The dwelling is to be constructed of a natural stone plinth, porch, chimneys and utility room annexe, smooth rendered walls painted white, natural slate roof, raised render bands and timber windows, doors, fascias, bargeboards and rainwater goods. The driveway is constructed of Marshalls Tegular setts and kerbs.

A minimum of three surface parking spaces will be provided within the site with a modified vehicular access to the site. The remainder of the site is utilised as garden space and is enclosed by the existing stone wall to the north, a new post and rail fence and planting to the west and the existing boundary wall with Penny Cottage and additional shrub planting to the south.

PLANNING HISTORY

04/01826/FUL - Erection of one detached dwelling (refused 24 February 2005, dismissed at appeal on 10 November 2005). The application was refused on the following grounds:

1. The proposal, by reason of its siting within the open countryside and outside the Llantwit Major Residential Settlement Boundary, represents an unacceptable and unjustified extension of the urban fringe of Llantwit Major, which also fails to respect the character and appearance of the environs of the site. It therefore represents insensitive and unjustified new development, contrary to Policies EV3 of the South Glamorgan Structure Plan for Alteration No. 1 (June 1989) and Policies ENV1, HOUS2 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).
2. The proposed dwelling, by reason of its scale, siting and design, represents an insensitive and inappropriate form of development, that fails to preserve or enhance the character and appearance of the Llantwit Major Conservation Area or the setting of the pond and park, contrary to Policies EV19, ENV10, ENV15, ENV18 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).
3. The additional residential use of the existing access lane adjacent to No. 2 Dimlands Road and Penny Cottage would both create additional noise and disturbance, to the detriment of residential amenity, and represent the intensification in use of a substandard access onto a 60mph highway, with insufficient manoeuvring and visibility, to the detriment of highway safety the proposal would therefore be contrary to Policy ENV25 of the Vale of Glamorgan Unitary Development Plan (as amended 2004).

The Inspector, whilst dismissing the appeal, did not accept reasons No.1 and No. 3 for refusal (“As it meets the general criterion for infill development, I do not accept the Council’s claim that the proposed development would comprise an unjustified extension of the urban area” and “The minor increase in traffic for one house would be unlikely to overload the local highway system or cause unacceptable loss of residential amenity for the neighbours”). He concluded that (“although the development of one house in this location would be acceptable in principle, the proposed design and layout of the dwelling would comprise an insensitive and inappropriate form of development, which would fail to preserve or enhance the character and appearance of the Llantwit Major Conservation Area.”) The Inspector’s decision and report are included as Appendix A to this report.

CONSULTATIONS

Llantwit Major Town Council was consulted on 7 March 2006 and re-consulted on amended plans on 27 April 2006 and 9 November 2006. "Objection on the grounds as given previously: The access to the property is not an adopted highway, it is a hard standing area in the ownership of Llantwit Major Town Council. This development will not preserve or enhance the conservation area it is situated in. The residents in the area strongly object to the proposed development as per the letters already sent to your good selves in the Planning Department."

The Head of Visible Services (Highway Development) was consulted on 7 March 2006 and re-consulted on 27 April 2006 and 9 November 2006 and comments:

"Notwithstanding the inspectors report in respect of the previous planning appeal, I would inform that the highway observations in relation to planning application 04/01826/FUL, dated 16 December 2004 are still applicable to the above proposals."

Their original comments were as follows: "The Highway Authority would object in principle, to the above application for the following reasons:

A turning facility and parking provision in accordance with the South Wales Parking Guidelines shall be provided within the curtilage of the site and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear. Visibility is very poor in both directions at the access to the public highway, which is in a 60mph limit. Visibility splays of 2.0m x 90.0m in both directions, measured from the centre line of the proposed access, would need to be constructed over land which the applicant has no control. Nothing, which may cause an obstruction to visibility shall be placed, erected or grown in this visibility splay."

Dwr Cymru/Welsh Water was consulted on 7 March 2006. They responded by sending a list of conditions and advisory notes relating to foul water, surface water, land drainage and the public sewerage system.

The Operational Manager (Engineering Design) – "A watercourse, which runs through/adjacent to the site, may be affected by the proposed development. The developer will be required to maintain flows within the watercourse, during and after the works, and should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the commencement of any works."

The Glamorgan Gwent Archaeological Trust was consulted on 7 March 2006. They have requested a condition relating to the submission of a programme of archaeological work in accordance with a written scheme of investigation to be attached to any future consent. Their full comments are included as Appendix B to this report.

The Vale of Glamorgan Conservation Area Advisory Group recommended approval, subject to negotiation on design detail.

REPRESENTATIONS

Neighbouring occupiers – Were notified on 7 March 2006 and re-notified of amended plans on 27 April 2006 and 9 November 2006 and the application was advertised in the press and on site on the 21 March, 2006. The occupiers of Hillcrest, Midwell, Westlands, No. 2 Dimlands Road, Glan-y-Mor and No. 2 Tanfield Cottage, have objected to the proposal and an eighteen name petition has been submitted opposing the application. The grounds for objection are as follows:

1. An exacerbation of parking problems in an area already congested to the detriment of highway safety.
2. The negative impact on the setting of the historical pond and park in the Conservation Area.
3. Loss of privacy and views and the overshadowing of Tegfan and Midwell.
4. The proposed dwelling is out of keeping with surrounding properties (predominantly old cottages).
5. The proposed access off the right of way is totally inadequate and damaged and is not adopted highway.
6. Detrimental impact on flora and fauna in the area.
7. The loss of good agricultural land.
8. Potential flood risk.
9. The setting of a dangerous precedent for new dwellings encroaching into the countryside at the western end of the town.
10. Additional pressure on the public sewerage system.

Three letters that are generally indicative of the points raised are attached as Appendix C to this report. All other letters are retained on file for the inspection of Members. Councillor Gwyn John has requested that the application be referred to Planning Committee.

A number of additional letters of objection have been submitted in response to the amended plans and they repeat the reasons already highlighted in the previous letters of objection.

REPORT

As the site lies within the Conservation Area, a further application (ref: 06/00296/CAC) has been submitted seeking Conservation Area Consent for the demolition of the store/workshop and the dilapidated/collapsed agricultural building that currently occupy the site in order to make way for the proposed dwelling. Members should consider the merits of the proposed demolition in conjunction with the proposed replacement structure and use.

The site lies within the open countryside and the Llantwit Major Conservation Area but outside the designated Llantwit Major Residential Settlement Boundary.

Planning Policies

The proposal can be assessed against the criteria set out in Policies HOUS3 – Dwellings in the Countryside, HOUS12 – Residential Privacy and Space, ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV17 – Protection of the Built and Historic Environment, ENV20 – Development in Conservation Areas, ENV27 – Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Llantwit Major Conservation Area Appraisal; the approved ‘Amenity Standards’ Supplementary Planning Guidance Note (1999); the South Wales Parking Guidelines and Planning Policy Wales (March 2002).

Issues

The main issues relate to the siting of the proposed development outside the settlement boundary in the countryside; the impact of its design on the character and appearance of the Conservation Area and the West End of Llantwit Major, the potential impact on the privacy and amenities of neighbouring occupiers, parking provision and the potential impact on highway safety around the site and the provision of outdoor amenity space to serve the occupiers of the proposed dwelling.

The application site forms an overgrown plot between two residential properties with a storage/workshop building and a dilapidated agricultural building and is classified as agricultural land in the open countryside. The site lies to the west of the identified residential settlement boundary of Llantwit Major. Favourable consideration will normally be given to small-scale development that constitutes the “rounding off” of the edge of settlement boundaries. Whilst the extra incursion into the countryside cannot be considered to be “rounding off” as the proposed site forms part of a field and the proposed boundary is not an existing physical feature but an arbitrary line drawn for the convenience of plot size, the Inspector has previously accepted the principle of developing a house on this site. Therefore, it is not possible to utilise the first reason of refusal as used in the original decision.

The site is an important open area and contributes to the character of the conservation area, the residential area and the setting of the historic stone pond and park adjacent to it. The proposed dwelling is now set back 10m into the site and would replace a disused store/workshop building and a dilapidated agricultural building. The design of the house has also been amended and simplified since the original submission. The integral garage has been omitted, the footprint of the property has been reduced and the number of bedrooms has been reduced from five to four. The dwelling is more traditional in appearance and is more in keeping with the character and appearance of the Conservation Area. Therefore, it is considered that the revised scheme preserves the character and appearance of the Conservation Area, in accordance with Policies ENV20 and ENV27 of the UDP.

The proposal would not prejudice the amenities and privacy of the adjoining occupiers as there are no habitable windows in the side elevations fronting Penny Cottage and Tegfan and there is a reasonable gap between the proposed and existing buildings. The proposed utilisation of an existing access will reduce the amount of works and disruption adjacent to the site.

The three on-site parking spaces and the turning area are acceptable and will ensure access and egress in a forward gear. Although the Highway Officer still considers that the visibility from the site onto the lane between the pond and the rear of Nos. 1 and 2 Dimlands Road is very poor and the visibility from this lane onto the adjacent 60 mph limit highway (Dimlands Road) is restricted, the Inspector noted that the minor increase in traffic for one house would be unlikely to overload the local highway system, or be detrimental to highway safety or cause an unacceptable loss of residential amenity for the neighbours.

The site is separated from the adopted highway by land owned by Llantwit Major Town Council (the hard standing in front and adjacent to the pond). Therefore, the site location plan has been amended to include this area between the site and the adopted highway of Dimlands Road and the agent has served notice on the Town Council. Any additional comments from the Town Council will be reported to Planning Committee.

The reduction in the footprint of the dwelling and the proposed level of private amenity space will satisfy the advice contained within the adopted supplementary planning guidance note on 'Amenity Standards'. The proposed landscaping plans and choice of species and the fence details are acceptable in this location.

CONCLUSION

The recommendation to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, 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 ENV20 'Development in Conservation Areas', ENV27 'Design of New Development', of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; the approved 'Amenity Standards' Supplementary Planning Guidance Note (1999); the South Wales Parking Guidelines and Planning Policy Wales (March 2002), the proposal is considered acceptable in terms of its impact on the character and appearance of the Conservation Area and its impact on future and neighbouring occupiers.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 09/04/44/2 Rev B, 09/C4/44/10 Rev A and 09/04/44/1 received on 24 April 2006 and 7 November 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for 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.

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 09/04/44/2 Rev B 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. 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.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

8. Notwithstanding the submitted plans, details of the materials and colour of the external finishes of the proposed dwelling including all windows and doors shall be submitted to and agreed in writing with Local Planning Authority prior to the commencement of development.

Reason:

To safeguard local visual amenities and to preserve the character and appearance of the Llantwit Major Conservation Area in accordance with policies ENV20 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

NOTE:

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

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

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

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

2006/00296/CAC Received on 2 March 2006

Estate of the last Mrs. F. A. Bealing, C/o A. Bealing, 50, Church Road, Baglan,
Port Talbot. , SA12 8SH
S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea, SA1
5TN

Land adjacent to Penny Cottage, Dimlands Road, Llantwit Major

Demolition of existing buildings to create residential plot

The development/property is situated within the Llantwit Major Conservation Area.

The application is for demolition within the Llantwit Major Conservation Area.

The application was advertised on 21 March 2006.

SITE DESCRIPTION

The application site relates to buildings on land adjacent to Penny Cottage,
Dimlands Road, Llantwit Major.

The buildings include a monopitch concrete block and timber building at the front
(east) of the site and a collapsed former agricultural building at the rear (west) of
the site.

It lies outside the residential settlement boundary of Llantwit Major but within the
Llantwit Major Conservation Area. The land is designated as open countryside.

DESCRIPTION OF DEVELOPMENT

The application seeks Conservation Area Consent to demolish the monopitch
concrete block and timber building at the front of the site, remove a collapsed
former agricultural building from the rear of the site and clear the overgrown scrub
to allow the erection of a four bedroom dwelling.

Conservation Area Consent for demolition is required as the site is located within
the Llantwit Major Conservation Area.

PLANNING HISTORY

04/01820/CAC - Demolition of existing buildings to create residential plot was
withdrawn.

CONSULTATIONS

Llantwit Major Town Council was consulted on 16 March, 2006. "Objection on the grounds as given previously. The access to the property is not an adopted highway, it is a hard standing area in the ownership of Llantwit Major Town Council. This development will not preserve or enhance the conservation area it is situated in. The residents in the area strongly object to the proposed development as per the letters already sent to your good selves in the Planning Department."

The Operational Manager (Engineering Design) – "A watercourse, which runs through/adjacent to the site, may be affected by the proposed development. The developer will be required to maintain flows within the watercourse, during and after the works, and should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the commencement of any works."

The Glamorgan Gwent Archaeological Trust was consulted on 16 March 2006 and comments:

"The application area is located within the area of Llantwit Major where medieval settlement may have occurred and early post-medieval settlement existed. However, as the application is for the demolition such it is our opinion that it is unlikely that archaeological material would be disturbed and that the impact of the proposed development on the conservation area will be low and therefore, we have no objection to the positive determination of this application."

REPRESENTATIONS

Neighbouring occupiers were notified on 16 March 2006 and the application was advertised in the press and on site on the 21 March 2006. The occupier of Westlands has objected to the proposal and a 28 name petition has been submitted opposing the application.

The letter and the petition are attached as Appendix A to this report. Councillor Gwyn John has requested that the application be referred to Planning Committee.

REPORT

An application has also been submitted for the redevelopment of the site (ref. 06/00260/FUL).

The site lies within the open countryside and the Llantwit Major Conservation Area but outside the designated Llantwit Major Residential Settlement Boundary.

Planning Policies

This is a conservation area consent application for the demolition of a building in the conservation area. As such, the main policy consideration is set by Policy ENV21 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 which states:

POLICY ENV21 – DEMOLITION IN CONSERVATION AREAS.

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

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

The other consideration is the architectural merit (or otherwise) of the building in question. The buildings are of little or no architectural merit and following their demolition, will make way for a new dwelling on this plot. It is considered that the loss of the buildings would not be detrimental to the character of the Conservation Area and the proposed replacement residential development in application 06/00260/FUL will enhance the appearance of the Conservation Area as detailed in the corresponding report.

CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

Having regard to Policy ENV21 'Demolition in Conservation Areas', of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 and given that the buildings do not make an important visual contribution to the street-scene or the conservation area, the proposal accords with the Policy and an approval for the demolition of the buildings is recommended.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The works 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 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE:

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

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

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

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

2006/00654/FUL Received on 9 May 2006

Gundersen Enterprises Limited, 9, Bridgewater Road, Sully, Vale of Glamorgan.,
CF64 5RE

Gundersen Enterprises Limited, 9, Bridgewater Road, Sully, Vale of Glamorgan.,
CF64 5RE

The Mill, Chapel Farm, Nurston

Waste recycling process with regard to motor vehicles, refrigerators, P.C.'s and allied items

SITE DESCRIPTION

A single-storey brick and blockwork agricultural building at Chapel Farm, Nurston. The site is approximately 0.131 Ha. and the building was last used for the repair and manufacture of agricultural equipment. It lies opposite a number of industrial type units and businesses. The site lies outside any designated residential settlements but within the Barry, Rhoose and St. Athan "Green Wedge".

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to convert the vacant building into a waste recycling plant with regard to motor vehicles, refrigerators, p.c.'s (computers) and allied items. The aim is to recycle products which can be used for remanufacture whilst ensuring that all contaminants are separated and do not discharge into foul or surface water. All the processes are to be undertaken within the confines of the building and there is sufficient space for at least eight staff parking spaces and a manoeuvring area for deliveries and servicing.

PLANNING HISTORY

86/00757/FUL - Blacksmith and repairs to agricultural and horticultural machines and tools (not internal combustion engines). Approved 23 September 1986.

81/00819/S53 - Storing and milling animal food at The Mill. Approved 2 September 1981.

CONSULTATIONS

The Head of Visible Services (Highway Development) was consulted on 3 June 2006 and 11 October 2006.

"Further to the recent site visit undertaken in relation to the above application, I would comment that additional information in terms of how the development proposals will be operated as detailed below are required to be submitted to the Highway Authority for consideration.

Details of the size and nature of vehicles that will be required to visit the development site.

What operators occupy the adjacent site that will share the access with the proposed development?

Will members of the public visit the development site?

What catchment area will the development serve?"

"Further to receiving additional information in relation to the above application, I would comment as follows.

8 parking spaces are required to be provided and laid out within the boundary of the development site, alongside a maneuvering area to enable large servicing and delivery vehicles to exit the development site in forward gear.

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

"Further to receiving an amended site layout plan in relation to the above application, I would comment that provided that the following details are made conditional to the planning consent the Highway Authority has no objection to the development proposals.

The area marked yellow on the submitted plans shall be set aside for the provision of parking 8 No. spaces, which shall be laid out in accordance with the Highway Authorities Parking Guidelines before beneficial occupation of the development and thereafter maintained and retained at all times for the purpose associated with the development proposals.

The area unmarked on the submitted plans, for turning the existing building (block A) shall be set aside for the purpose of servicing and maneuvering, and thereafter be maintained and retained at all times for the purpose associated with the development proposals."

Dwr Cymru/Welsh Water was consulted on 11 October 2006. They responded with their standard advice and guidance relating to foul water, surface water and water supply.

Environment Agency was consulted on 3 June 2006 and re-consulted on additional information on 11 October 2006. They responded with a list of conditions to be included in any planning permission granted and had additional comments relating to the nature of the use and the need for a Waste Management Licence for the treatment of Motor Vehicles, p.c.s and refrigerators. On receiving the additional information from the applicant they have confirmed that they are satisfied with the proposed development and have no further comments to make. The conditions requested in their initial response letter remain valid and should still be included in any planning permission granted. Copies of their letters are attached as Appendix A to this report.

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) was consulted on 22 May 2006 and re-consulted on 11 October 2006.

“This department has no objections to the application and note that, due to the nature of the operations involving recycling of motor vehicles etc., a licence with conditions to prevent environmental pollution must be issued by the Environment Agency. We would however offer the following comments in respect of this.

1. Should the open land lying around the single building be used for the dismantling, storage of vehicles, refrigerators, etc then precautions must be taken to prevent seepage of potentially hazardous substances into the ground strata if no such provisions have been made in respect in an Agency licence i.e. hard standing (concrete).
2. If no hard standing is to be established and/or gravel cover placed in situ then testing on the original ground strata must be undertaken to demonstrate that no contamination is present.
3. No rubbish must be burned on site at any time.
4. The applicants will need to identify any operations that maybe audible at nearby noise sensitive premises e.g. residential properties. If required the applicant will need to instigate noise mitigation measures; prior to beneficial occupation, in order to preserve residential amenity.”

“Having reviewed the contents of the letter submitted by Colin Gundersen I can confirm that I have neither comments nor objections to what has been proposed. It would appear that the company duly recognises its duties and responsibilities with respect to preventing environmental pollution through the daily activities. Further still the potential risks will be controlled by the licence to be issued by the Environment Agency.”

Councillor J. James was consulted on 18 May 2006. “The Leader has no objections to the application for planning permission at ‘The Mill’, Chapel Farm, Portway as long as nothing is stored outside and all activities are within existing buildings.”

REPRESENTATIONS

Neighbouring occupiers were notified on 3 June 2006 and re-notified of additional details on 8 November 2006. The occupiers of 87, 89, 91, 93 Fonmon Park Road and The Croft have objected to the proposal on the following grounds:

- Potential noise pollution from the transport and dismantling process;
- Air pollution from the refrigeration processes (CFC gasses);
- Visual pollution by the storage of materials;
- The increase in traffic to and from the site and the detrimental impact on highway safety along the country road;
- The unsuitability of the site for the proposed use;
- Loss of property value.

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

REPORT

Planning Policies

The proposal can be assessed against Strategic Policy 13 and Policies WAST1 – Proposals for Waste Management Facilities, WAST2 – Criteria for Assessing Waste Management Facilities, TRAN10 - Parking and ENV3 – Green Wedges of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; advice contained in Planning Policy Wales 2002 and Technical Advice Note 21 – Waste (2001).

Strategic Policy 13 supports the principle of new waste management facilities where the processing of waste conforms to the Council's Waste Hierarchy (Reduction, Reuse, Recovery and Safe Disposal). In addition, Policy WAST1 identifies sites and types of location, which the Council considers to be suitable for waste management facilities, including existing employment sites, providing that the proposal satisfies all criteria contained within Policy WAST2 as follows:

SUBJECT TO THE PROVISION OF POLICY WAST 1 PROPOSALS FOR WASTE MANAGEMENT FACILITIES WILL BE PERMITTED IF THE PROPOSAL:

- (i) CONFORMS WITH THE PRINCIPLE OF THE WASTE HIERARCHY (REDUCTION, RE-USE, RECOVERY AND SAFE DISPOSAL); THE "PROXIMITY PRINCIPLE"; THE PRINCIPLE OF REGIONAL SELF SUFFICIENCY; THE OBJECTIVE OF WASTE AVOIDANCE, REDUCTION AND DISPOSAL; THE SETTING OF TARGETS FOR REDUCTION AND MODES OF DISPOSAL;
- (ii) DOES NOT UNACCEPTABLY AFFECT RESIDENTIAL AMENITY OR POSE A THREAT TO PUBLIC HEALTH;
- (iii) DOES NOT UNACCEPTABLY AFFECT THE QUALITY OR QUANTITY OF WATER RESOURCES (BOTH SURFACE AND GROUNDWATER);
- (iv) HAS REGARD TO THE ADEQUACY OF THE HIGHWAY NETWORK AND THE NEED TO MINIMISE THE DEMAND ON THE TRANSPORT NETWORK;
- (v) DOES NOT UNACCEPTABLY CONFLICT WITH THE INTERESTS OF AGRICULTURE, NATURE CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE OR ARCHAEOLOGICAL IMPORTANCE OR FEATURES OF GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE OR LANDSCAPE PROTECTION POLICIES;
- (vi) HAS A HIGH STANDARD OF LAYOUT, LANDSCAPING AND DESIGN;
- (vii) PROVIDES ARRANGEMENTS FOR THE AFTER TREATMENT AND FUTURE USE OF THE SITE WHICH ARE TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY; AND
- (viii) IS NOT AT AN UNACCEPTABLE RISK OF FLOODING, INCLUDING TIDAL INUNDATION, OR DOES NOT INCREASE THE RISK OF FLOODING ELSEWHERE.

Issues

The main considerations are the suitability of the site for a waste processing plant, the potential impacts on residential amenity, public health, highway safety and the general environment.

The applicant is in dialogue with the Environment Agency and in order for them to be able to issue a Waste Management Licence for the treatment of Motor Vehicles, p.c.s and refrigerators, planning permission is required in the first instance. The Environment Agency have suggested conditions to ensure that the surrounding waterways are not affected by the proposal and the applicant is willing to comply with their requirements.

The works are to be carried out wholly within the building and the staff wc and rainwater discharges will be separated from the decontamination processes. Journeys are not intended to exceed one vehicle per working day and members of the public will not be permitted to visit the site.

The site is currently vacant but has been used in the recent past as a depot to carry out repairs to agricultural and horticultural machines and tools. Therefore, it is considered that provided that the works take place wholly within the building, the site is in a suitable location for this proposed use and it should not have a detrimental impact on the amenities of neighbouring commercial or residential occupiers.

There is sufficient space around the building to provide at least 8 No. staff parking spaces, a turning area for a rigid vehicle and a service space for deliveries and picking up of the recycled material. As no new buildings are proposed as part of the scheme there is no effect on the Green Wedge which seeks to control and prevent the urban coalescence between and within the nearby settlements of Barry, Rhose and St. Athan.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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 WAST1 – Proposals for Waste Management Facilities, WAST2 – Criteria for Assessing Waste Management Facilities, TRAN10 – Parking and ENV3 – Green Wedges of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; advice contained in Planning Policy Wales 2002 and Technical Advice Note 21 – Waste (2001), it is considered that the scheme accords with the advice contained in these policies and documents in that it should not have a detrimental impact on the amenities of surrounding occupiers, the adjacent highway network or the waterways and general environment and, therefore, the application should be approved.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on the approved site layout plan received on 7th November, 2006 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.

3. The waste recycling plant shall be used only for the purpose(s) specified in the application and for no other purpose whatsoever, including any other purpose in Class B of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

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

4. Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment.

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

Reason:

To prevent pollution of the water environment.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason:

To prevent pollution of the water environment.

7. No storage of any type, associated with the use hereby approved shall be undertaken outside the building on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

NOTE:

1. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

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

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

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

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

2006/00800/FUL Received on 2 June 2006

RWE npower plc., Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB
Miss Nicola Young, RWE npower plc., Windmill Hill Business Park, Whitehill Way,
Swindon., SN5 6PB

Aberthaw Power Station, The Leys, Aberthaw

Extension in height of the existing Aberthaw Power Station ash mound to 65 metres AOD

SITE DESCRIPTION

This application relates to the pulverised fuel ash (pfa) disposal mound at Aberthaw Power Station. Aberthaw is a 1500 MW coal-fired power station operated by RWE npower plc. As part of the generation process pfa is produced and requires disposal. At present, 15 – 20% of the 300,000 – 400,000 tonnes of ash produced annually is sold, with the remainder being deposited on the ash mound.

The power station is located on the west bank of the canalised River Thaw, close to its mouth, with the ash mound covering an area of some 62.5 hectares on the east bank, immediately to the north-west of the East Aberthaw Coast Site of Special Scientific Interest. The height of the mound is limited by a planning permission granted in 1980 to 53 metres above Ordnance Datum (aod). Currently, less than two years' permitted disposal capacity remains on the mound. Areas of the mound where disposal has been completed have been grassed, but it forms a clearly visible feature close to the village of East Aberthaw and is also visible to a greater or lesser degree over a wide surrounding area.

DESCRIPTION OF DEVELOPMENT

This is a full application for an increase in the height of a 24 hectares area of the ash mound to a maximum of 65 metres aod in its widest southern part, with the height decreasing to 20 metres aod at its northern end. The application is accompanied by an Environmental Statement, which is retained on file for Members' inspection on request.

PLANNING HISTORY

There is an extensive planning history on the site, with the most relevant developments being:

Ministry of Fuel & Power - Deemed planning permission for a generating station and ash disposal area. The height of the ash mound was not to exceed 35 feet (10.67 metres) aod. Approved 3 November 1955.

79/02300/FUL - Landscaping of site and tipping of pfa. Approved 18 March 1980. This permission contains a condition requiring tipping to be carried out strictly in accordance with the approved plans, which show a maximum height of 53.25 metres aod.

00/01395/OUT - New plant for treatment of pfa. Approved 25 July 2001. This permission has been implemented by the construction of access improvements on to the B4265 but the plant has not been constructed.

01/00071/FUL - Recovery of ash from the ash mound. Approved 25 July 2001. Not implemented and permission expired 25 July 2006.

02/01351/RES - Details of new plant for treatment of pfa. Approved 16 January 2003. Not implemented.

03/01132/OBS - Plant for flue gas desulphurisation. Deemed planning permission granted by Department of Trade & Industry 27 June 2004. The plant is currently under construction.

05/01498/FUL - Revised plant for treatment of pfa. Approved 20 October 2005. Not implemented.

05/01811/FUL - Disposal of pfa in Aberthaw Quarry. Approved 7 September 2006.

CONSULTATIONS

There is no Community Council for the area in which the ash mound is located.

St. Athan Community Council (as adjoining Community Council) has no objection.

Environment Agency Wales have no objection in principle but note that the site is currently the subject of an application for a Pollution Prevention and Control landfill permit. They have no adverse comment regarding surface water drainage or flood risk. Letter attached as Appendix A.

Health and Safety Executive does not advise on safety grounds against the granting of planning permission in this case. Letter attached as Appendix B.

Ministry of Defence has no objection.

Civil Aviation Authority has no objection.

Countryside Council for Wales was consulted 12 June 2006. No comments received.

Glamorgan Gwent Archaeological Trust note that various sites of archaeological interest are buried beneath the ash mound, but have no objection to the positive determination of the application. Letter attached as Appendix C.

Hyder Consultancy was consulted on 12 June 2006. No comments received.

Councillor Jeffrey James (The Leader) objects on the grounds of loss of sunlight to East Aberthaw, that an alternative solution exists in the disposal of ash in the quarry, exacerbation of dust nuisance, difficulties of restoration and general visual impact. His letter is attached as Appendix D.

REPRESENTATIONS

In the absence of a Community Council for the area, the occupiers of over 100 of the closest dwellings in East Aberthaw, West Aberthaw and Gileston were notified directly. The application was also advertised by six site notices in the locality, and the appropriate publicity for an application accompanied by an Environmental Statement has been carried out.

17 individual letters of objection have been received, together with a 59 name petition from occupiers of 36 properties in East Aberthaw. The main grounds of objection are:

- Unacceptable visual impact.
- Impact on the East Aberthaw Conservation Area.
- Loss of direct sunlight by increased overshadowing.
- Likely increase in ash and dust fallout.
- Continued noise of vehicle movements.
- Ash disposal in Aberthaw Quarry should be the preferred option.

Three typical letters and the cover sheet of the petition are attached as Appendices E, F and G, with the remainder being retained on file for inspection on request.

REPORT

The proposal represents a major increase in the height of the ash mound, which by the applicants' estimate would provide an additional five years' disposal capacity at present rates of ash production, and rather less once the flue gas desulphurisation plant is brought into operation, which will allow greater electricity generation capacity at the station.

Members will be aware that planning permission was granted in September this year for the disposal of ash in the nearby Aberthaw Quarry. However, the applicants contend that even if all other necessary consents are obtained quickly, the need for extensive site preparation works and the construction of a new access off the B4265 Rhoose bypass means that the quarry will not be ready to accept ash before the second quarter of 2008 at the earliest. The applicants further contend that as existing tipping space on the ash mound will be exhausted at current deposition rates by mid 2008, any delay in bringing forward the quarry would mean that there would be a lack of disposal space for the interim period and to cover for any emergency situation should the quarry become temporarily unavailable.

Accordingly, the applicants state that the only immediately available options are:

- (a) off-site disposal to a landfill site, almost inevitably outside the Vale;
- (b) a lateral extension of the mound into the area of brackish lagoons adjoining the sea wall that form part of the Site of Special Scientific Interest (included in the original 1955 permission but never implemented); or
- (c) an increase in height of the existing mound.

I understand the applicants are actively pursuing options for ash processing and sales, which could in itself lead to a decrease in the amount of ash requiring disposal by tipping. However it is unclear and uncertain as to whether significant increases in sales can be achieved in the short term that would negate the need for an interim disposal option.

Whilst no justification has been put forward for a specific increase in height by 12 metres, it appears that this is the maximum height that could be achieved whilst allowing adequate space for safe vehicle movements on the crest of the mound. This would give a net gain in capacity of some 1.6 million cubic metres, sufficient for some five years' tipping at current rates and not allowing for any increase in sales. For information, a 3 metre height increase would allow 0.68 million tonnes of ash to be tipped, a 6 metre increase would give space for 1.047 mt and a 9 metre increase would allow 1.684 mt (applicants' estimates).

Npower advise that ash tipping would continue in the same manner as at present, with ash being deposited in 3 metre layers, behind a bund to be established on the eastern side of the crest. No change is proposed to current working hours (0800 – 2200, seven days per week) or surface water drainage, and restoration would also follow current methods with completed areas being hydro-seeded to establish grass cover.

Following informal discussions, Npower have confirmed that they would be prepared to consider a planning condition limiting the 'initial' height increase to 3 metres, but reserve the right to make a further application to relax that condition in the event of delays to the quarry development or changes in generation levels.

Planning Policies

Although the issue of ash disposal from the power station is unique in the Vale in terms of the very large quantities of homogeneous material requiring disposal over a long timescale, the proposal has to be considered in the context of Policies WAST1 (Provision of Waste Management Facilities), WAST2 (Criteria for Assessing Waste Management Facilities) and WAST3 (Developments Sensitive to the Environmental Effects of Waste Disposal) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy WAST1 favours waste management facilities on existing waste sites.

Policy WAST2 sets out a list of eight criteria which must be met if a proposal is to be acceptable. Of particular relevance to this case are criteria (ii), which requires proposals not to unacceptably affect residential amenity or pose a threat to public health, and (iv), which seeks to minimise demand on the transport network and requires regard to be given to the adequacy of the highway network.

Policy WAST3 requires (amongst other things) new waste disposal proposals in the vicinity of existing development to be strictly controlled.

Issues

The major issues to be considered are the need for disposal of ash, one option being by providing an additional tipping capacity and the impact of the proposal in visual and general amenity terms on nearby residents and the wider area.

From the applicants information, it is contended that that existing permitted capacity on the mound will be exhausted before the quarry disposal option can be brought into operation. Disposal to a remote landfill would require large numbers of vehicles carrying ash to leave the station daily, probably travelling via Port Road and Culverhouse Cross. Whilst this would remove any direct impact on local residents it would relocate the problem of ultimate disposal. It should be noted that, when ash disposal begins in the quarry, a similar number of vehicles will be involved as far as an approved new right turn off the Rhoose bypass. Members will be done that the quarry disposal permission limits road traffic to 2 years from commencement and requires a feasibility study of alternative transport options to be completed by 31 March 2007. In considering the current application, Members will also need to bear in mind that there is no planning requirement for the ash to be deposited on the mound, and the applicants are free to export all the ash by road immediately and indefinitely if they so wish. Disposal off site is therefore one immediate option open to the applicants, in respect of the disposal of all or part of the ash produced at the station.

Although the power station has a rail connection, any use of rail for ash transport would require a similar facility at the destination. This option has not been considered further by the applicants at this stage.

Day-to-day tipping operations, including the method of deposition, hours of work and minimisation of dust, would be controlled by a site licence to be granted under Pollution Prevention and Control legislation by the Environment Agency, and the planning system should not attempt to duplicate such controls. Notwithstanding such operational controls, the wider environmental impact of the proposal requires careful analysis.

The existing ash mound is already an extremely prominent feature in views from East Aberthaw, being located less than 100 metres from the closest dwellings on Station Terrace, and is a dominant feature in the landscape, albeit at a greater distance, from many locations to the west and north. The increased prominence of the mound in views from East Aberthaw is the most common ground for objection to the scheme. In addition, concerns have been expressed over the likely additional loss of direct sunlight caused by the height increase, particularly in winter. This latter issue has been addressed by the applicants, who calculate that in midwinter there would be an additional 9 minutes loss of direct sunlight to the closest properties with a 12 metre increase in height and 3 minutes loss with a 3 metre increase.

I consider that considerable weight should be given to the residents' concerns over visual impact and loss of light, and I am of the view that the full 12 metres as proposed would result in an unacceptably overbearing form of development that would lead to an unacceptable loss of light and amenity to the closest residents. This would be contrary to the objectives of Policies WAST2 and WAST3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and in the absence of a reasoned justification by the applicants of the need for the full 12 metre increase I conclude that a height increase of this dimension should not be approved.

The applicants' informal suggestion that a 3 metre limitation would be acceptable to them in the short term has been considered carefully, given that they argue that some interim disposal facility will be required between the exhaustion of the present permitted mound capacity and the quarry coming 'on stream'. There are obvious benefits to cover this interim period by disposal on site so as to minimise vehicle movements and the need for disposal facilities to be developed elsewhere. However such an option needs to be balanced against other material considerations relevant to this determination. A 3 metre increase to 55 metres aod (the minimum thickness achievable with one layer of ash) would increase capacity by 0.68 mt, sufficient for approximately between one and two years' tipping, whilst representing a 5.5% height increase and causing a 3 minute loss of direct sunlight in midwinter.

I am concerned that the existing mound is already a very intrusive and overbearing feature in the local environment and that any increase in height will exacerbate this situation and would cause a further unreasonable loss of visual amenity to the closest residents. Although the tipping operation itself would be of limited duration, the impact of the completed mound would remain for the long term. In the circumstances I am not convinced that even a limited increase in height of the mound could be achieved without undue additional loss of amenity to local residents and visual amenity generally and I therefore conclude that this option should not be approved.

On other issues, the Council's Ecologist draws attention to the ecological importance of the adjoining Aberthaw lagoon nature reserve and recommends that, although the lagoon lies within the operational area of the power station, it should be retained and protected from any potentially damaging activities including the deposition of ash. In addition, the Environmental Statement notes the presence of reptiles on the mound, which should be cleared from the site before tipping commences, and the Ecologist recommends that a condition should be attached to any approval prohibiting the removal of vegetation during the bird nesting season. It is important to note that if this permission is refused for the current proposal, there is no planning restriction preventing the applicants from tipping in the lagoon, although I understand that any such proposal would require the permission of the Environment Agency.

CONCLUSION

Planning applications have to be determined in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that 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 the Waste Policies of the Unitary Development Plan and to all other material considerations it is concluded even a limited increase in the height of the ash mound would cause unreasonable long-term loss of amenity to the closest residents, and that this loss of amenity outweighs the environmental implications of alternative means of disposal.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal, by virtue of its scale, height and close proximity to dwellings in East Aberthaw, would constitute an overbearing and visually intrusive form of development that would detract to an unreasonable degree from the amenity of those residents and the visual amenity of the surrounding environment, contrary to the objectives of Policy WAST2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

2006/01045/FUL Received on 25 July 2006

Mrs. J. Rendell, 48, Redbrink Crescent, Barry Island, Vale of Glamorgan, CF62 6TH

Mrs. J. Rendell, 48, Redbrink Crescent, Barry Island, Vale of Glamorgan, CF62 6TH

48, Redbrink Crescent, Barry Island

Extension to front and rear

SITE DESCRIPTION

The application property is a 3 storey, mid-terraced property (converted into 3 No. self contained flats) which has previously been extended by means of an elevated balcony and flat roof dormers to the rear.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission to retain unauthorised works including lengthening of a previously approved rear extension by 1.3 metres, to accommodate a sewer pipe, altering the roof profile, lengthening the side wall of the extension, replacing tile hanging on rear dormer with white uPVC, and in the addition of an extra rooflight and large picture window.

The works which were originally approved on this property entailed:

- (a) A large roof window in the front (roof) elevation; and
- (b) Extensions to the rear which consist of a 1.9m extension to the existing mansard, tile clad dormer structure which projects from the main roof at 90°, together with a monopitched 2 storey extension to the rear of that structure, projecting approximately 4.2 maximum to the outer wall of the existing single-storey shed/shower utility area.

PLANNING HISTORY

82/01444/FUL – Roof conversion to provide living room, kitchen and w.c..
Approved 25 November 1982.

89/00664/FUL – Rear extension and second floor alterations. Refused 24 October 1989 on the grounds of out of character, over-development and neighbouring residential amenities.

90/00271/FUL – Rear extension. Refused 26 June 1990 on the grounds of over-development and residential amenity. A subsequent appeal was dismissed on 4 March 1991.

90/00272/FUL – Second floor alterations. Refused 10 May 1990 on the grounds of out of character. A subsequent appeal was dismissed on 4 March 1991.

02/00052/LAW – Lawful Development Certificate for use of property as two flats. Approved 19 April 2002.

03/01493/LAW – Lawful Development Certificate for use of the property as three flats. Approved 22 December 2003.

05/00206/FUL – For a large dormer extension to the front roof and a rear extension. Refused on 22 April 2005 for reasons based on poor design (Policy ENV25) and adverse impact on the wider character and amenities of the surrounding area.

05/01759/FUL – Extension to rear and roof window to front. Approved 21 December 2005.

CONSULTATIONS

Barry Town Council comments on initial scheme. “Strong objection.

The unauthorised changes to approved application ref: 05/01759/FUL are considered to represent overdevelopment which is unneighbourly and undermines the residential amenities of neighbouring occupiers.

The use of white uPVC cladding to replace the approved tile hangings is not considered acceptable in visual terms.

The proposals are considered to be contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan and work on the unauthorised development should be stopped until this application is determined.”

REPRESENTATIONS

The occupiers of neighbouring properties – Were notified on the 2 August 2006. The occupier of No. 46 Redbrink Crescent has submitted letters of objection which are included at Appendix A, and object to the development on the basis that the development is neighbourly and obtrusive. The occupier of the ground floor flat No. 49 has also objected to the development, included at Appendix B, on the grounds of the effect of enclosing a shower room window and extractor fan within the proposed extension and the detrimental effect on the amenities of the property. Further objections from both neighbours have been received including a letter from a Planning Aid Wales representative and these are included at Appendix C.

REPORT

This application is reported back to Committee following a deferral at the October meeting to allow negotiations to be undertaken in respect of seeking to reduce the impact of the development on the neighbouring properties. Although some amendments were agreed, including reducing the length of the first floor element of the extension back to that approved as part of the original proposals and an attempt to provide some natural light to the ground floor flats utility room, it is considered that the development, as built will continue to have a significant effect on the neighbouring properties. The applicant's agent has written to the Council explaining the reasoning behind the suggested amendments and why they think the scheme is now acceptable. This letter is reproduced at Appendix D.

Members will be aware that most recent planning application on this site was approved on the 21 December 2005. However the current planning application has been submitted following unauthorised works to increase the length of the extension, change the roof design and alter materials used in the construction of the dormer window from tile hanging to uPVC cladding.

In policy terms the adopted development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Policy ENV27 of the Unitary Development Plan which relates to design, and is a criteria based Policy that requires new development to have full regard to the context of the local natural and built environment and its special features. In addition the Council has adopted Supplementary Planning Guidance. These include an Supplementary Planning Guidance on Amenity Standards which, along with policies relating to amenity space also requires that privacy and visual amenity is secured in any proposed development, plus the SPG Barry Development Guidelines. This last SPG identifies Barry Island as an Area of Special Identity and recognises that the residential area to the north of the railway corridor, of which the application site is part, can be viewed from large parts of the main town and docks.

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 – Design. Paragraph 9.3.3 of Planning Policy Wales refers to conversion and adaptation of housing and states that it should not be allowed to damage an area's character and amenity. TAN 12 emphasises that design, the visual appearance of a proposed development and its relationship to its surroundings are material considerations.

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

There is a long planning history relating to the site, including the unauthorised conversion of the property into separate flats, which has recently been regularised with the issuing of a Lawful Development Certificate for three self contained flats on ground, first and second floors. It will also be noted from the above planning history that the same applicant has previously submitted applications to further extend the property beyond the extensions granted in 1982 and subsequently implemented. All of these applications were refused on various grounds including concerns relating to visual impact, overdevelopment and impact on neighbouring amenities. Two appeals have also been dismissed.

The extension as constructed, encloses a rear facing obscure glazed window belonging to the owner of the ground floor flat. This person has objected strongly to the development on grounds of its effect on her property. It is considered that whilst this is not an ideal situation, the originally approved scheme did include glass block walling to allow light to the otherwise enclosed window. However in contrast, the current development has removed the large glass block element from its side wall and proposed two smaller windows, in addition to the size of the extension which will further reduce the light available to the enclosed window, to the detriment of the occupiers of the flat. The applicant has indicated that a further window could be provided in the wall of the ground floor flat utility room. However, a window alone would not meet Building Regulations and it is likely that this would have to be constructed of glass blocks.

It is therefore considered that the main issues relate to the visual impact of the scheme and the affect on neighbouring amenity. The property is currently subdivided into three separate flats being one each on the ground, first and second floors. These were not granted planning permission but are now authorised by Lawful Development Certificate. Thus the existing situation is sub-standard in terms of Council's amenity space and off-street car parking requirements. It is considered that any further extensions beyond that previously approved will allow for increased accommodation, and this would only exacerbate an existing sub-standard conversion.

As regards the impact on neighbouring residential amenities it is noted from the planning history that previous applications to extend at the rear of the property were refused and dismissed on appeal due to the adverse affect on the occupiers of No. 46 Redbrink Crescent. The appeal Inspector in the 1991 decision, ref: 90/00271/FUL, considered that the two storey extension would overshadow and have an overbearing impact on the occupiers of No. 46 and noticeably detract from their visual amenity. However, the current development will continue to project 1.3metres further than the originally approved scheme (even though a greater set-back is now proposed next to No. 46) and appear as an intrusive and overbearing feature to neighbouring occupiers, especially as the roof of the extension is actually higher than that shown on the approved plans.

In conclusion, even though some amendments have been suggested, it is still considered that the proposal remains an unacceptable overdevelopment of the site that would adversely affect the character of the area and general residential amenities contrary to the above stated policies and guidance, both local and national.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

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

1. The unauthorised extension works are demolished and removed from the land.

REFUSE

1. The proposal represents an insensitive, incongruous and inappropriate form of development that would seriously detract from the character of the area and general residential amenities contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and Barry Development Guidelines; and national guidance contained within Planning Policy Wales March 2002 and TAN 12 - Design.

2006/01347/FUL Received on 29 September 2006

Mr. Mark Aston, Duffryn Lloff Barn, Tredodridge, Nr. Cowbridge, Vale of Glamorgan.
Planabuild Limited, 56, Cardiff Road, Penygawsi, Llantrisant, Mid Glamorgan.,
CF72 8DH

Pencyrn Barns, Ystradowen

Conversion of two barns into dwelling and alteration of access to highway

SITE DESCRIPTION

The application site is located to the west of Trerhyngyll and comprises two redundant agricultural buildings and associated yard, plus part of an adjoining field.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion and extension of two redundant outbuildings to provide for a two storey, four bedroom dwellinghouse which will be accommodated within two distinctly separate and independent buildings. The proposal entails the following:

- (i) Construction of a single storey, mono pitched roof extension on the north elevation of the long barn, measuring approximately 2m x 3.1m.
- (ii) Alterations and extension to the main fabric of the long barn including excavation and new build below existing ground levels; increase in eaves height with new build to walls, plus new roof; and new window and door openings.
- (iii) Provision of new floor and roof to the small barn, plus excavation and new build on western elevation.
- (iv) Construction of new vehicular access and driveway to the existing dwelling and proposed barn conversion in the north east corner of the yard. The works will entail the closing up of the existing entrance; a new 4.8m wide entrance onto the adopted highway with new hedgerows and vision splays extending into the adjacent field.

The application is supported by a structural report, an ecological survey and a planning statement by the applicant's agent which is reproduced at Appendix A.

PLANNING HISTORY

06/00240/FUL – Conversion of two barns into single dwelling and alteration of access to highway. Refused 15 June 2006 for the following reasons:

“In the opinion of the Local Planning Authority, and notwithstanding the fact that insufficient information has been submitted to assess the application on wildlife and highway safety, the proposal would amount to the substandard reconstruction and extension of the barn, and unacceptable incursion of development into the countryside. Accordingly, it would represent the construction of a new dwelling in the countryside, unjustified for agriculture or forestry purposes, which would significantly detract from the rural character and appearance of both the buildings themselves and their setting within the Upper Thaw Valley Special Landscape Area. The proposal is therefore contrary to Policies ENV1, ENV4, ENV8, ENV11, ENV16, ENV27 and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales (March 2002).”

CONSULTATIONS

Penllyn Community Council comment as follows:

“Members have studied the current application and note that this is a revision of the earlier application ref: 2006/00240/FUL. Members recall that this Council previously noted the very poor and ‘patched up’ condition of the larger barn, and that remains the case. It is bulging at the rear corner, held together by substantial external buttresses, and displays much modern repair by ‘block work’ patching.

Members again note that the additional internal height is to be achieved by lowering the existing floor level, and wonder how this can be achieved without complete demolition and rebuild, thus contravening Policy ENV7. The supporting report by ‘Planbuild’ indicates that “a small amount of underpinning to external walls of the long barn only will be required,” but Members feel that the expression “small amount” is too imprecise, as there is no information regarding the current depth of the walls below ground level. A further concern regarding the current application arises from the apparent intention to create two new dwellings, and not one as previously proposed. Members note that the proposal is to equip each barn with a kitchen, living/lounge areas and bedroom(s). This would create undesirable tandem development for the area resulting in cramped layout.

In view of the forgoing, Council **objects** to the current proposal.”

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

Dwr Cymru/Welsh Water comment as follows:

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

Countryside Council for Wales was notified on 17 October 2006.

Glamorgan Gwent Archaeological Trust recommend a condition ensuring that a photographic record is made of the buildings and deposited with the County Sites and Monuments Records.

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

The Head of Visible Services (Highway Development) has indicated that five parking spaces are required with the vehicle manoeuvring area shown on the plan maintained. The access serving the proposed barn conversions is required to be increased in width to 4.5m.

The Head of Economic Development and Leisure (Public Rights of Way Officer) holding objection, given that Public Bridleway No. 4 Llanblethian appears to be affected by the proposal.

The Head of Economic Development and Leisure (Ecology) recommend that the recommendation contained in the ecology report be included as an informative on any consent and that a condition be imposed restricting the works to outside of the nesting season.

REPRESENTATIONS

The occupiers of Pencryn Farmhouse were notified on 17 October 2006. In addition the application was advertised on site and in the press as affecting a right of way on 26 October 2006. No representations have been received to date.

REPORT

The site is located within the countryside to the west of Trerhyngyll and entails the conversion and extension of two former agricultural buildings to provide for a three bedroom dwelling with a further detached independent one bedroom unit as an annexe. The works also entail the provision of a new vehicular access and driveway. As such the following policy background is relevant to the consideration of the application.

Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

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

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

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

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

This is supported by the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG). This recognises that whilst the conversion of barns to residential use can often be the most financially attractive option it is generally the least desirable from a building conservation and sustainability point of view. It also highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

"Proposal for the conversion of isolated buildings for residential purposes are generally unacceptable. Residential conversions are not considered suitable in such locations because isolated residential development can have a detrimental effect upon the rural/agricultural character of the landscape and encourage private car use contrary to the principles of sustainability embodied in national policy and the Unitary Development Plan."

Indeed Strategic Policy 2 of the Unitary Development Plan favours proposals which encourage sustainable practices including:

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

Whilst strategic Policy 8 states:

"Redevelopment will be favoured in locations which:

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

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

Policy ENV11 of the Unitary Development Plan relates to the Protection of Landscape Features.

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

Policy ENV16 refers to Protected Species. This states:

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT THAT WOULD CAUSE HARM TO OR THREATEN THE CONTINUED VIABILITY OF A PROTECTED SPECIES IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS;
- (ii) THERE IS NO SATISFACTORY ALTERNATIVE; AND

(iii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

Policy ENV27 of the Unitary Development Plan relates to the Design of New Developments and requires that it has full regard to the context of the local natural and built environment and its special features.

Policy HOUS3 of the Unitary Development Plan refers to the dwellings in the countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

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

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

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

Issues

It will be noted from the planning history that this is a resubmission following a recent refusal for the residential development of the barns in June of this year. A number of changes have been made to the scheme in an attempt to make it more acceptable, and these include the omission of the two storey extension linking the two barns and the creation of a new vehicular access to the north of the barns through the existing yard.

It is considered that even with the omission of the new build link extension the proposal still entails significant new build works, including excavation works, to the extent that the development cannot be considered as a conversion of the existing buildings. Once again the Council's Building Control Section have raised the same issues as previous in relation to the condition of the buildings, in particular the larger barn which will require significant structural work, including the rebuild of the south elevation and the creation of an additional floor by way of excavation.

For these reasons, the proposal does not comply with criterion (iii) of Policy ENV8 which requires that the conversion work can be achieved without substantial reconstruction of the external walls, or extension to the building. The Council's SPG states that proposals which require the substantial reconstruction of the external walls or roof will not be permitted since the scheme will be tantamount to allowing new development in the open countryside which would otherwise be refused. The SPG also recognises that there is no planning merit in preserving unsightly buildings and it is noted that the long barn contains sections of block work walling. It is considered that the barns are of such poor quality that their loss would not detract from the rural character of the area.

The omission of the two storey link extension has raised an additional concern in relation to the number of units on the site. Whilst the supporting statement indicates the intention for the smaller barn to be utilized as an annexe, nevertheless it is noted that the building is separated from the long barn by a distance of more than 7m. It also accommodates a bedroom, bathroom, living room and kitchen which will allow for independent occupation. It is considered that even if the occupation of the second unit could be controlled by condition as an annexe, in physical terms, it will have the appearance of two new dwellings in the countryside adding to the urbanisation of the site and thereby detracting from the rural character of the surrounding countryside and the Upper Thaw Valley Special Landscape Area.

Criterion (iv) of Policy ENV8 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building. It is noted that particularly in the case of the long barn the proposed works include new window openings and an increase in height including the eaves all of which alter the appearance of the building and detract from its rural character. Whilst the changes that have been made in relation to the amenity space and vehicular access will have less of an impact than the earlier application, nevertheless, the proposed works will also add to the urbanisation of the site. In order to provide the necessary vision splays the new access will result in the removal of existing hedgerow and whilst a new hedgerow will be planted nevertheless it will still result in the opening up of the site. An additional concern with the revised access is that, in contrast with the earlier refusal, its position is such that it would create tandem type development where the access to the existing Pencyrn Farmhouse, located to the rear of the site, runs close by the proposed housing, resulting in an unneighbourly form of development with the general noise and disturbance of passing vehicles adversely affecting any residential amenities.

In respect of the proposed new vehicular access it is also noted that the Council's Public Rights of Way Officer has objected to the scheme. This is on the grounds that Public Bridleway No. 4 Llanblethian runs over the existing access road which is shown as being closed off. It is not considered however that this alone is grounds for refusal as it is very likely that a diverted route could be agreed if necessary.

On the issue of wildlife and ecology it is noted that there are no objections to the proposal.

Again whilst the development cannot connect to the main drainage there are no objections from either Dwr Cymru/Welsh Water or the Environment Agency.

CONCLUSION

In conclusion it is considered that this revised proposal still contains a significant amount of new build development to the extent that it will amount to the creation of new dwellings in the countryside unjustified for agricultural purposes. With the additional works to provide a new vehicular access, amenity space and on site car parking all on this highly visible roadside location, it is considered that the development will result in the overall urbanisation of the site to the detriment of the surrounding countryside and the Upper Thaw Valley Special Landscape Area. It is considered that the additional information in the planning statement relating to the suitability of the site for housing does not support the sustainability of this location. Whilst it is appreciated that the village of Trerhyngyll is nearby, nevertheless it currently has no facilities, such as shops or public house, which would mitigate the need for any occupier of the proposed dwellings to travel by private car. The narrowness of the lane with its high hedgerow banks also means that any pedestrian movements would not be particularly safe.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal entails significant new build works and changes to the rural character of the buildings and site, which all serve to urbanise the site to the detriment of the surrounding countryside. Accordingly the proposal amounts to the construction of new dwellings in the countryside, unjustified for agriculture or forestry purposes, which would significantly detract from the rural character of the site and its setting within the Upper Thaw Valley Special Landscape Area contrary to Policies HOUS3 -Dwellings in the Countryside, ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV8 - Small Scale Rural Conversions, ENV27 - Design of New Developments and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the conversion of Rural Buildings and national guidance contained in Planning Policy Wales March 2002.

2006/01432/REG3 Received on 13 October 2006

Mr. Mark Haynes, Learning and Development, Civic Offices, Holton Road, Barry, Vale of Glamorgan.

Mr. Mark Haynes, Learning and Development, Civic Offices, Holton Road, Barry, Vale of Glamorgan.

High Street Primary School, St. Pauls Avenue, Barry

Timber framed covered area with translucent roof to allow outdoor play during wet weather

SITE DESCRIPTION

The application site lies immediately to the north elevation of High Street County Primary School, Barry. The site provides an outdoor play area for the school's nursery class.

DESCRIPTION OF DEVELOPMENT

This retrospective application requests permission for a timber framed covered shelter to allow outdoor play. The structure consists of a timber frame and translucent roof panels. The shelter is 3.4m high, 6.2m wide and extrudes from the rear elevation by 4.4m.

PLANNING HISTORY

2002/00212/REG3 – Two demountable classrooms. Approved by Committee on 18 April 2002.

CONSULTATIONS

Barry Town Council – Was consulted on 23 October 2006. The Council have no objection to the development.

REPRESENTATIONS

Nos. 31, 33 and 35 Aberystwyth Crescent and Nos. 27, 25, 23, 21 and 19 Montgomery Road – Were consulted on 23 October 2006. To date, no representations have been made.

REPORT

Planning Policies

ENV27 - 'Design of New Developments'.

Issues

The development is situated to the rear of the main school building and therefore will not be visible from the highway. The shelter is however visible from properties on Aberystwyth Crescent. No. 35 Aberystwyth Crescent lies to the immediate boundary of the location of the new shelter. However, it is considered that the development has no detrimental impact upon the amenity or privacy of this property.

The development does not effect the availability of any on site parking and does not reduce the recreational/amenity space available to the rear of the main building. Furthermore, the design and size of the shelter has no overbearing or detrimental impact upon the appearance of the rear of the main school building.

CONCLUSION

Having regard to Policy ENV27 'Design of New Developments' it is considered that the proposal is acceptable. The proposed outdoor play shelter to the rear of the main school building causes no harm to the privacy or private amenities of any adjoining neighbour and has no detrimental impact upon the scale of the existing property or the visual amenities of the surrounding street scene. Therefore, the development complies with Policy ENV27 and the Council's 'Amenity Standards' Supplementary Planning Guidance.

RECOMMENDATION

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

1. NO CONDITIONS

2006/01507/RG3 Received on 25 October 2006

Vale of Glamorgan Council, Docks Office, Barry Docks, Barry, CF63 4RT
Emma Harvey, Vale of Glamorgan Council, D.E.E.R., Docks Office, Barry Docks,
Barry, Vale of Glamorgan, CF63 4RT

Rhose Transport Interchange, Rhose Point, Rhose

Erection of 1 No. CCTV camera and associated pole/cabinet

SITE DESCRIPTION

The application site relates to Rhose Transport Interchange which comprises of Rhose Railway Station and associated car parking.

DESCRIPTION OF DEVELOPMENT

The application requests permission to erect 1 No. CCTV camera and associated pole/cabinet to overlook the car park at Rhose Transport Interchange. The camera is to be situated near the Western vehicular entrance to the site, adjacent to the Pumping Station; and consist of an 8m high standard cabinet column.

PLANNING HISTORY

2001/01184/FUL – Full planning permission was granted for the construction of a new operational railway station at Station Road, Rhose on 14 January 2002.

CONSULTATIONS

The Civil Aviation Authority was consulted on 8 November 2006. They have no objection to the proposed development.

REPRESENTATIONS

A site notice was posted on 10 November 2006. To date, no representations have been made.

REPORT

Planning Policies

ENV27 – DESIGN OF NEW DEVELOPMENTS

Issues

The proposed CCTV camera is to be situated adjacent to the Welsh Water Pumping Station, and is to overlook the existing pedestrian walkways, vehicle parking space and railway station.

The column which is proposed to house the camera is similar in design to existing street lighting columns on site. Therefore it is considered that the proposed development will not have any detrimental impact upon the appearance of the existing site.

Furthermore, the cabinet column will not have any impact upon the availability of parking space on site and will not have any detrimental impact upon the pedestrian walkway adjacent to the existing Pumping Station.

The proposed camera will not overlook any residential properties as its primary focus will be on the existing car park.

It is considered that pedestrian and vehicle safety will be improved with the installation of the CCTV camera.

CONCLUSION

Having regard to Policy ENV27 "Design of New Developments" it is considered that the proposal is acceptable. The proposed CCTV camera at Rhoose Transport Interchange causes no harm to the privacy or amenities of any neighbouring properties and has no detrimental impact upon the scale of the existing property or the visual amenities of the surrounding street scene. Therefore, the development complies with Policy ENV27 and the Council's 'Amenity Standards' Supplementary Planning Guidance.

RECOMMENDATION

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

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

Reason:

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

NOTE:

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

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

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

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

2006/01508/RG3 Received on 25 October 2006

Vale of Glamorgan Council, Docks Office, Barry Docks, Barry, CF63 4RT
Emma Harvey, Vale of Glamorgan Council, DE.E.R., Docks Office, Barry Docks,
Barry, Vale of Glamorgan, CF63 4RT

Llantwit Major Transport Interchange, Le Pouliguen Way, Llantwit Major

Erection of 2 no. CCTV cameras and associated poles/cabinets

The development is situated within the Llantwit Major Conservation Area.

The application was advertised on 14 November 2006.

SITE DESCRIPTION

The application site relates to Llantwit Major Transport Interchange on Le-Pouliguen Way. The site includes Llantwit Major Railway and Bus Stations, and associated vehicle parking.

DESCRIPTION OF DEVELOPMENT

The application requests permission to erect No. 2 CCTV cameras and associated poles/cabinets at Llantwit Major Transport Interchange. CCTV camera No. 1 is to be located at a central location, predominantly overlooking the bus station and eastern car parking space. The additional CCTV camera (No. 2) is to be located to the west end of the site, overlooking the western car park. Camera No. 2 is located within a conservation area. Both will be mounted on 'standard slim' 8m columns.

PLANNING HISTORY

2003/01146/REG3 – Redevelopment of existing car park, bus station. The application was approved by Committee on 13 November 2003.

CONSULTATIONS

Llantwit Major Town Council – Was consulted on the 8 November 2006. To date, no representation has been made.

REPRESENTATIONS

A site notice was posted on 13 November 2006. To date, no representations have been made.

REPORT

Planning Policies

ENV27 – Design of New Developments.

Issues

The application requests that No. 2 CCTV cameras are installed at the site; predominantly overlooking the eastern and western car parks at Llantwit Major Transport Interchange.

The columns which are proposed to house the cameras are similar in design to existing street lighting columns on site. Therefore it is considered that the proposed development will not have any detrimental impact upon the appearance of the existing site.

Furthermore, the cabinet column will not have any impact upon the availability of parking space on site and will not have any detrimental impact upon the pedestrian walkways. Camera No. 2 is considered to not have any detrimental impact upon the small conservation area in which it is proposed to be erected.

The proposed cameras will not overlook any residential properties as its primary focus will be on the existing car parks and bus station.

It is considered that pedestrian and vehicle safety will be improved with the installation of the CCTV camera.

CONCLUSION

Having regard to Policy ENV27 'Design of New Developments', it is considered that the proposal is acceptable. The proposed CCTV cameras at Llantwit Major Transport Interchange causes no harm to the privacy or private amenities of any neighbouring properties and has no detrimental impact upon the scale of the existing property or the visual amenities of the surrounding street scene. Therefore, the development complies with Policy ENV27 and the Council's 'Amenity Standards' Supplementary Planning Guidance.

RECOMMENDATION

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

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

Reason:

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

NOTE:

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

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

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

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