

Notice of Meeting **PLANNING COMMITTEE**

Date and time of Meeting **THURSDAY, 13th DECEMBER, 2007 AT 6.00 P.M.**

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

Agenda

PART I

1. **Apologies for absence.**
2. **Minutes.**
3. **To receive declarations of interest under the Council's Code of Conduct.**
(Note: Members seeking advice on this item are asked to contact the Monitoring Officer at least 48 hours before the meeting).

Reports of the Director of Environmental and Economic Regeneration -

	<u>Page No.</u>
4. Building Regulation Applications and other Building Control matters determined by the Director under Delegated Powers	1
5. Planning Applications determined by the Director under Delegated Power	12
6. Appeals	22
7. Trees	28
8. Enforcement Action:	
(i) No. 71 High Street, Barry: New UPVC Windows to first and second floors (Grade II Listed Building).	30

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

9.	General Planning Matters:	
(i)	Vale of Glamorgan Local Development Plan (LDP): Draft preferred strategy and initial sustainability appraisal (SA) report.	34
(ii)	Report to Planning Committee to propose the confirmation of a Tree Preservation Order.	47
(iii)	Extinguishment of adopted highway at Ty Draw Farm, St. Andrews Major.	69
(iv)	B4267 Sully Moors Road, South Road and Hayes Road, Sully: Amendment to 40mph Speed Restriction Order.	73
(v)	Broad Street and Buttrills Road, Barry: Proposed One Way and Waiting Restrictions Traffic Order: Objection received.	78
10.	Planning Applications:	
	2005/01267/FUL Pancross Farm, Llancarfan	89
	2007/00179/OUT Land at ITV, Culverhouse Cross	94
	2007/00187/FUL Land adjacent to Chestnut Tree Cottage, Graig Penllyn	109
	2007/00217/FUL Wesley Hall Site, Station Road, Dinas Powys	122
	2007/00295/FUL Penarth Heights, off Harbour View Road, Penarth	133
	2007/00643/FUL 39, Montgomery Road, Barry	157
	2007/00711/FUL Site at Old Farm Mews, Station Road, Dinas Powys	162
	2007/01098/FUL Limes Gate Cottage, The Limes, Cowbridge	172
	2007/01121/FUL Former nursery land adjacent to Cemetery Road, Barry	176
	2007/01141/FUL 47, Redlands Road, Penarth	186
	2007/01185/OUT 63 - 73, Main Street, Barry	190
	2007/01251/FUL Land to the rear of Pen Y Bryn, Crossways, Cowbridge	201
	2007/01293/OUT Little West Bungalows, Southerndown	209
	2007/01296/FUL Coedarhydyglyn, St. Nicholas	213
	2007/01322/FUL Cliff Barn, Llancarfan	225
	2007/01325/FUL Aberthaw Cement Works, East Aberthaw, Barry	235
	2007/01366/FUL Aberthaw Power Station, The Leys, Aberthaw	238
	2007/01565/FUL Land south of the runway, Batslays, MOD St. Athan	242
	2006/01541/RG3 Land adjacent to Cogan Hall Farm, Penarth	249

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

PART II

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

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

John Maitland Evans
Chief Executive

7th December, 2007

Local Government (Access to Information) Act 1985

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

E-Mail: chope@valeofglamorgan.gov.uk

To the members of the Planning Committee:

Chairman: Councillor A.D. Dobbinson;

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

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

PLANNING COMMITTEE

MINUTES of a meeting held on 15th November, 2007.

Present: Councillor A.D. Dobbinson (Chairman); Councillor Ms. R.M. Birch (Vice-Chairman); Councillors R.J. Bertin, Mrs. M.E.J. Birch, G.A. Cox, A.M. Ernest, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, F.T. Johnson, G.C. Kemp, Mrs. A.J. Preston, Mrs. M. Randall, W.C. Vaughan and M.R. Wilson.

Also present: Councillor C.L. Osborne.

537 APOLOGIES FOR ABSENCE-

These were received from Councillors E. Hacker, A.G. Powell and A.J. Williams.

538 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 10th October, 2007 be approved as a correct record, it being noted that the motion to defer consideration of Application No. 2007/01121/FUL "Former nursery land adjacent to Cemetery Road" had been moved by a Labour Member and seconded by a Conservative Member.

539 DECLARATIONS OF INTEREST -

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

Councillor G.A. Cox	Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor A.M. Ernest	Planning Application 2006/01818/FUL - Lives near to site Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor A.D. Hampton	Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor Mrs. V.M. Hartrey	Planning Applications 2006/01541/RG3, 2007/01399/RG3 and 2007/01406/RG3 - Cabinet Member
Councillor M.R. Harvey	Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor G.C. Kemp	Planning Application 2006/01541/RG3 - Former Cabinet Member

Councillor Mrs. M. Randall	Agenda Item 12(iii) - Governor of St. Andrews School Agenda Item 12(v) - Member of the Cabinet Sub-Committee (Public Rights of Way) (NOTE: This agenda item was subsequently withdrawn.) Planning Application 2006/01541/RG3 - Cabinet Member Planning Application 2006/01399/RG3 - Cabinet Member Planning Application 2007/01406/RG3 - Cabinet Member

540 VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP -

The following report of the meeting held on 1st November, 2007 was submitted.

Present: Councillor A.D. Dobbinson (Vice-Chairman); Mr. D.D. Mathews (Dinas Powys Community Council), Ms. P. Goodwin (Pride in Barry), Mrs. H. March (Llantwit Major Local History Society), Mr. D. Black (Llantwit Major Chamber of Trade), Mrs. S. Allen (St. Georges Community Council), Mrs. E. Jervis (Wenvoe History Group), Councillor P.B. Williams (Wenvoe Community Council), Councillor A. Thomas (Cowbridge with Llanblethian Town Council), Councillor Mrs. C. Brown (Wick Community Council), Mr. L. Millar (Cowbridge Charter Trust), Mr. G. Haynes (Cowbridge and District Local History Society) and Mr. R. Simpson (Campaign for the Protection of Rural Wales).

Officers: Ms. V. Abraham, Mr. S. Ball and Mr. C. Hope.

(a) Apologies for absence -

These were received from Councillor Ms. R.M. Birch (Chairman), Mr. A.H. Jones (Barry Preservation Society); Councillor G.W. Bates (Colwinston Community Council). Mrs. L. Adams (Cowbridge with Llanblethian Town Council), Mr. M. Flynn (RTPI) and Mrs. J. Williams (The Victorian Society).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 13th September, 2007 be accepted, subject to the addition of the name of Mr. A.M. Jones to the list of people who had apologised for their absence.

Mr. Haynes referred to discussions at the meeting held on 30th August, 2007 concerning works to a house in Llanblethian, and asked if further information was available.

In reply, Mr. Haynes was informed that the works to which he referred, in Chantry Rise, Llanblethian, lay outside the Conservation Area boundary, and furthermore was not a "new build". As such it had been deemed not necessary for the application to be brought before the Conservation Advisory Group for consideration.

Mr. Haynes was advised to contact the Head of Planning and Transportation if he had any objections to the works in question.

(c) Information Feedback -

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

2007/01080/FUL	Land adjacent to 10, Clive Place, Penarth. New end of terrace dwelling. This application was approved.
2007/00727/FUL	The Greendown Inn, St. Georges Super Ely, Cardiff. Conversion and alteration of existing buildings for 3 No. residential units. This application was approved.
2007/00560/FUL	7, Paget Road, Barry Island. Rear extension and internal alterations to provide further residential accommodation (11 no. flats) in total. Car parking to rear. This application was approved following negotiation with the applicant.

Ms. P. Goodwin, in referring to the negotiation that had taken place re Application No. 2007/00560/FUL, stated that she hoped the amendments that had been made to the application were acceptable.

(d) Applications in Conservation Areas -

(i) Dinas Powys

Mr. D.D. Mathews declared an interest in this application and did not take part in the discussion.

2007/00711/FUL Received on 16 May 2007

Poill Developments (West) Ltd., C/O 26, John Batchelor Way, Penarth Marina, Vale of Glamorgan, CF64 1SD

Hoole and Walmsley Architects, 63, Ffynnonau, Crickhowell, Powys, NP8 1DB

Site at Old Farm Mews, Station Road, Dinas Powys

New housing scheme providing two semi-detached dwellings and two detached dwellings.

RECOMMENDED - REFUSAL - The Group felt that the scale and contemporary design of the proposal would neither preserve nor enhance the character and appearance of the Conservation Area.

(ii) Wenvoe

2007/01370/FUL Received on 28 September 2007

Mr. and Mrs. J. Culbertson, 4, Old Port Road, Wenvoe, Vale of Glamorgan, CF5 6AN

Mr. C. Le Guilcher, 1, Powys Road, Penarth, Vale of Glamorgan, CF64 3PB

4, Old Port Road, Wenvoe

Two storey side extension, single storey front and rear extensions first floor side extension and roof extension incorporating two dormer windows in each of front and rear roof slope.

RECOMMENDED - APPROVAL, subject to officers negotiating improvements to the fenestration.

(iii) Colwinston

2007/01338/FUL Received on 21 September 2007

Mr. Malcolm Jones, C/O/ Agent

Andrew Parker Architect, Studio One, The Great Barn, Bonvilston, Vale of Glamorgan, CF5 6TR

Cynma House, Colwinston

First floor extension.

Copies of a letter received from Councillor G.W. Bates were distributed at the meeting:

"Regrettably I am unable to attend the meeting on the 1st November, particularly as I was to speak on Agenda Item No. 6: Cynma House, Colwinston. Please would you extend my apologies for my absence.

I have set out the views of the Colwinston Community Council, and would be pleased if, with the chairman's permission, they were brought before the meeting.

The Community Council has considered the application, and did not wish to comment, in view of the fact that the external steps and door, prominent in the previous application, had been removed.

However, the owner of the adjoining property, Brynffrwd, has expressed concern that this proposal would, if approved, result in Cynma House having an overbearing and dominating aspect over his property, particularly at the rear.

The members of the Advisory Group may wish to consider this in their deliberations."

RECOMMENDED - APPROVAL.

(iv) Cowbridge with Llanblethian

2007/01285/FUL Received on 13 September 2007

Mr. Nigel England, C/O Pwll y Darren Farm, Welsh St Donats, Vale of Glamorgan, CF71 7SS
Robertson Francis Partnership, 5-7 Museum Place, Cardiff, CF10 3BD

The Old Post Office, 61, Eastgate, Cowbridge

Demolition of former post office outbuildings and replacement with 4 no 3 bedroom townhouses and associated car parking and amenity space.

Copies of an e-mail received from Mrs. L. Adams of Cowbridge with Llanblethian Town Council were distributed at the meeting:

"As a committee, we all felt kindly disposed towards the Post Office site plan as it's just the kind of infilling we need. There was a letter in last week's Gem complaining that the right of way that runs beside the site was threatened. This is not the case. A group of residents whose not very nice garages face onto the road behind asked for a meeting to complain. They talked to Sue Cox, chair of planning, and she told them our point of view and said that we did not think their back gardens would be much overlooked, but advised them to write to the Vale to express their views."

RECOMMENDED - APPROVAL.

(v) St. Georges-Super-Ely

2007/01171/FUL Received on 17 August 2007

Mr. Tony Lee, Mornington Bungalow, Drope Road, St. Georges-Super-Ely, Vale of Glamorgan, CF5 6EP
Plan-It-Design, Mr. Laurence Clarke, 17 Tyn y Cae Grove, Rhiwbina, Cardiff, South Glamorgan, CF14 6DB

Mornington Bungalow, Drope Road, St. Georges-Super-Ely

Add first floor to bungalow to provide 5 bedrooms with 2 en-suite bathrooms and 1 main bathroom. Add first floor to garage to provide office and storage space.

RECOMMENDED - REFUSAL - The Group felt that the application should be refused on the grounds that the design, scale and massing of the proposed alterations were not appropriate and would not preserve or enhance the character of the Conservation Area.

(vi) Broughton

2007/01319/FUL Received on 19 September 2007

Mr. Ian Shearn, Box Cottage, Broughton, Cowbridge, Vale of Glamorgan,
CF71 7QR
Richard Whitaker Architects, 43, Plas St. Andresse, Penarth Haven, Penarth,
Vale of Glamorgan, CF64 1BW

Box Cottage, Broughton

Proposed new dwelling to garden of Box cottage.

RECOMMENDED - REFUSAL - The Group felt that the proposal amounted to an inappropriate form of infill development, which would fail to preserve or enhance the character of the Conservation Area.

RESOLVED - T H A T the report be noted.

**541 LISTED BUILDINGS CONDITIONS SURVEY - LISTED BUILDINGS
"AT RISK" (REF) -**

Cabinet on 30th October, 2007 was updated on the next steps to be taken following the findings of a conditions survey of listed buildings in the Vale of Glamorgan. In March 2006 the Council had commissioned a condition survey of all the 731 listed buildings in its area and had informed Cabinet of the findings of the survey in October 2006 together with potential actions that might be progressed in respect of the 77 buildings identified as being at risk, namely:

- 17 Scheduled Monuments where consolidation and managed decay through a process of repairs was considered preferable to renovation or restoration
- 4 related to ecclesiastical buildings which were generally subject to parochial powers presided over by the local Diocese, such structures being subject to five yearly review by the Church and to a corresponding programme of planned maintenance

- the remaining 54 ranged from ruinous structures to buildings in quite reasonable condition but which were considered at risk because of the failure of a single critical element which made them vulnerable or likely to degrade exponentially in a short space of time.

When the buildings were identified as being at risk, appropriate action, relative to the degree of risk identified, might be pursued by the local authority. Outside of legislation, the local authority could encourage the undertaking of maintenance to the structures identified. In instances of deliberate or conscious neglect, the Council could utilise the Planning (Listed Buildings and Conservation Areas) Act 1990 in order to address the deterioration of listed buildings. Details were contained within the report of various sections of the Act under which Notices could be served although attention was drawn to the fact that Sections 47 - 55 were open to challenge, appeal and claims for compensation. The report to Cabinet in October 2006 provided an outline of those building where action ought to be considered based on the findings of the survey work. It was considered that further detailed reports specific to each case would be required and, if formal action was required, the detailed assessment of each case would be a matter for the Planning Committee.

Reference was made during the course of subsequent discussion to listed buildings within the ownership of the Council. Attention was drawn to the fact that the Dock Office and the Town Hall had now been brought into full beneficial use and that discussions were ongoing in relation to the Pump House, Barry Waterfront and Old Place, Llantwit Major.

Cabinet had RESOLVED -

- (1) T H A T, subject to consultation with the Planning Committee, the proposed methodology of reviewing individual cases, prioritised and informed by the findings of the Buildings at Risk Survey, be endorsed.
- (2) T H A T the requirement for formal action under the terms of legislation be considered by the Planning Committee on a case by case basis, with reports to include a consideration of the likely financial implications, liabilities and options inherent in the service of such Notices on each of the individual buildings concerned.

Planning Committee, having considered the resolution of Cabinet,

RESOLVED - T H A T the resolution of Cabinet be endorsed.

542 SITE VISITS (DLPPHS) -

RESOLVED - T H A T the attendance of the following Members at the sites indicated below on 9th October and 6th November, 2007 respectively be noted:

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9th October, 2007

(a) The Bungalow, Slon Lane, Ogmores-by-Sea	Councillor A.D. Dobbinson (Chairman) Councillors G.A. Cox, A.M. Ernest, E. Hacker, Mrs. V.M. Hartrey, Mrs. A.J. Preston and Mrs. M. Randall
(b) Rear garden of Moorlands Farm, Penllyn	Councillor A.D. Dobbinson (Chairman) Councillors G.A. Cox, A.M. Ernest, E. Hacker, Mrs. V.M. Hartrey and Mrs. M. Randall
(c) Former nursery land adjacent to Cemetery Road, Barry	Councillor A.D. Dobbinson (Chairman) Councillors G.A. Cox, R.F. Curtis, A.M. Ernest, E. Hacker, M.R. Harvey, A.G. Powell, Mrs. A.J. Preston and Mrs. M. Randall

Apologies for absence were received from Councillor R.J. Bertin (sites a, b and c), Councillor Mrs. A.J. Preston (site b) and Councillor Mrs. C.V.L. Clay (site b).

6th November, 2007

(a) The Barn adjacent to Glan Y Mor off Heol Las, Wick	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. A.J. Preston and Mrs. M. Randall
(b) Llangan Primary School, Llangan	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, G.C. Kemp, Mrs. A.J. Preston and Mrs. M. Randall
(c) Whitewell Farm Buildings, Tyn Y Coed Farm, Bonvilston	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, G.C. Kemp and Mrs. M. Randall
(d) 5 Purcell Road, Penarth	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. M. Kelly Owen and Mrs. M. Randall.
(e) 9 Kymin Terrace, Penarth	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. M. Kelly Owen, Mrs. A.J. Preston and Mrs. M. Randall.

Apologies for absence were received from Councillors R.J. Bertin, G.A. Cox, E. Hacker for sites (d) and (e) and Mrs. A.J. Preston for Sites (c) and (d).

It was noted that Councillor A.M. Ernest had attended site (e) as a member of the public and not as a Councillor.

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

RESOLVED -

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

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

544 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) -

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

Decision Codes

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

2007/00312/FUL	A	Efail y Roper, Trerhyngyll, nr Cowbridge	Proposed two storey extension.
2007/00456/FUL	R	114, Cornerswell Road, Penarth	Change of use of existing dwellinghouse to 1 No. one bedroom flat and 1 No. two bedroom flat.
2007/00938/FUL	A	13, Montgomery Road, Barry	Proposed front, rear and side extension

2007/01031/LBC	A	Ty Fry Lodge, Near Pendoylan	Demolish garden store to rear. Construct new two storey extension inc forming enlarged openings through existing windows. Walls - fine finish render. Roof - natural blue/black slate. Doors/windows - clear Douglas Fir.
2007/01053/FUL	A	Trevithyn Farm, Llanccarfan	Erection of one detached agricultural dwelling.
2007/01067/FUL	A	16, Ceri Avenue, Rhooose	Build new extension with adjoining garage.
2007/01094/LBC	A	Lower House Farm, Rhooose Road, Rhooose	Single storey extension to existing kitchen at rear of property and existing cupboard under stairs off kitchen to be removed.
2007/01096/LBC	A	The Coach House, Penarth	External alterations to existing listed building consent.
2007/01112/FUL	A	Greave Farm Barns, Port Road, Wenvoe	Construction of outdoor swimming pool to the rear of existing buildings.
2007/01114/FUL	A	87, Plymouth Road, Penarth	Replacement of UPVC double glazed windows with timber frame sash windows (double glazed) as original design.
2007/01118/FUL	A	17, Windsor Road, Penarth	Change of use from retail (use class A1) to cafe/restaurant bar (use class A3) and associated alterations including new shopfront.
2007/01120/FUL	A	29, Teasel Avenue, Penarth	Two storey side extension.

2007/01122/FUL	A	Pwll y Min Farm, Main Avenue, Peterston Super Ely	Part demolition of existing structure - two storey extension to side and rear of existing property - additional windows to existing roof space.
2007/01124/FUL	A	Porth-y-Green House, Love Lane, Llanblethian	Extension at ground and first floors to provide kitchen, bedroom and bathroom and alterations to building.
2007/01132/FUL	R	5, Cog Road, Sully	Demolition of existing building and construction of five apartment building (4 No. 2 bed units and 1 No. 1 bed unit) with associated parking.
2007/01140/FUL	A	Rhiw Goed, Westra, Dinas Powys	Two storey extension to rear of house, providing new kitchen / dining area (ground floor) and new master bedroom with ensuite and dressing area (first floor).
2007/01143/FUL	A	11, Porthkerry Road, Barry	Extension at rear of existing residential home.
2007/01157/FUL	A	10, St Davids Crescent, Penarth	Single storey rear extension.
2007/01172/FUL	A	Regwyn House, 12a, Lower Farm Court, Rhooose	Conservatory and first floor balcony.
2007/01175/FUL	A	4, Evelyn Street, Barry	Dormer loft conversion.
2007/01183/OUT	A	Wilcot, Higher End, St. Athan	One dwelling on infill plot.
2007/01187/FUL	A	5, Glan y Mor, Boverton	Single storey extension.
2007/01208/FUL	A	3, Sherbourne Close, Barry	Proposed detached garage.

2007/01226/FUL	A	7, Swanbridge Grove, Sully	Replacement of flat roof to porch and garage with a pitched roof to match existing main roof. New window to side elevation.
2007/01227/FUL	A	10, St. Andrews Road, Wenvoe	Removal of existing extension and building of new extension to accommodate kitchen and dining area.
2007/01288/LAW	A	57, Caer Worgan, Llantwit Major,	Conservatory to rear and garage to side.
2006/01052/FUL	A	Garage and yard, Salop Place, Penarth	Proposed development of garage and yard to a two storey house.
2007/00065/OUT	A	Land at Weston Street, Barry	Single detached dwelling.
2007/00514/FUL	A	The Coach House, Cowbridge Road, Ystradowen	Residential conversion of coach house.
2007/00530/FUL	R	The Spinney Holiday & Leisure Park, Beach Road, Swanbridge	Replacement of existing timber building with traditional unit as park manager's living accommodation.
2007/00731/FUL	A	12, Market Street, Barry	To convert the ground floor to a wine bar.
2007/00935/FUL	R	Greenway Cottage, Bonvilston	Proposed improvement to existing garage and extension with slate pitched roof. To enlarge garage and form hobby room to first floor.
2007/00999/FUL	R	The Warren, 60, Craig yr Eos Road, Ogmore by Sea	Extension to existing dwelling.
2007/01037/FUL	A	Plwcca Dafydd, Tredodridge	Conversion of existing stables to form a dwelling.

2007/01092/FUL	A	5, Holmes Street, Barry	Conversion of 5 bedroom, end of terrace house into two two bedroom flats including renovation of single storey side addition and installation of roof lights to roof.
2007/01101/FUL	A	Ewenny Quarry, Ewenny	Erection of readymixed concrete plant.
2007/01123/FUL	O	Penuchadre Farm, St Brides Major	Erection of a 27.40m x 15.25m livestock/ machinery / fodder shed.
2007/01158/FUL	A	33, Westgate, Cowbridge	Rear extension above garage to form new bedroom.
2007/01159/FUL	A	11, Stradling Place, Llantwit Major	Demolition of single storey utility to side and erection of new two storey extension to side and rear with new front porch.
2007/01160/FUL	A	24, Rhodfa Sweldon, Barry Waterfront, Barry	Proposed gable end ground and first floor extension.
2007/01161/FUL	R	2, Spitzkop, Llantwit Major	Ground and first floor extension, new double garage.
2007/01163/FUL	A	9, Cwrt y Vil Road, Penarth	Replacement of existing UPVC windows with white UPVC sash windows as detailed on enclosed specification. 3 windows to front of property.
2007/01165/FUL	A	57, Brenig Close, Barry	Front bedroom extension.
2007/01167/FUL	A	1, Archer Terrace, Penarth	Internal alterations to existing end of terrace dwelling and single storey extension to side of rear annexe.

2007/01169/FUL	A	23, Cowslip Drive, Cogan	Two storey extension to include ext kitchen new W.C. and playroom on ground floor. First floor new bedroom with en-suite and dressing room.
2007/01174/FUL	A	Ty Newydd, Westgate, Cowbridge	Two storey and single storey extension with integral garage.
2007/01176/FUL	A	Ash Tree House, Bonvilston	New double garage to match existing property. New entrance gates and wall as per proposed drawing.
2007/01177/FUL	A	1, Ivor Street, Barry Island	Convert existing coach house into habitable area and to be incorporated within existing dwelling.
2007/01188/FUL	A	Dochdwys House, Llandough, Cowbridge	New stone wall to the front of the building at 1.4m height adjacent to the highway.
2007/01209/FUL	A	Gospel Hall, 56, Plassey Street, Penarth	Demolish existing rear hall kitchen and toilets and replace with new extension to incorporate meeting room, kitchen and toilets with disabled access.
2007/01215/FUL	A	2, Church Road, Wick	Construct detached garage to replace existing.
2007/01222/FUL	A	22, Llys y Coed, Barry, Vale of Glamorgan	Installation of UPVC conservatory to rear elevation.
2007/01231/FUL	A	Ydfa, Corntown	Two storey extensions to dwelling.
2007/01233/FUL	R	Maes-yr-Awel, Treoes	First floor extension to existing bungalow. Alterations to north, east, and west elevations.

2007/01248/FUL	A	The Nest, St Hilary	An obscure glass window to the side (south west) elevation to the walk in wardrobe at first floor.
2007/01257/FUL	A	200, Westbourne Road, Penarth	First floor extension above existing dining room.
2007/01260/FUL	A	26, Ludlow Street, Penarth	Single storey rear extension, and alterations.
2007/01262/FUL	A	6, Heol y Fro, Llantwit Major	A single storey rear extension (utility room).
2007/01265/FUL	A	6, Raglan Close, Dinas Powys	Single storey to the rear of the house.
2007/01268/FUL	A	Anwyllfan, Main Road, Ewenny	Conversion of garage to kitchen/family room/utility. Extend rear first floor over balcony. Extend first floor side over entrance porch.
2007/01275/FUL	A	Ash Tree Cottage, 10, The Vines, Colwinston	Conversion of existing integral double garage into a single garage and incorporation of converted garage into existing playroom.
2007/01363/LAW	A	Aberthaw Power Station, The Leys, Aberthaw	Preparation of an area adjacent to existing ash mound for the temporary storage of pulverised fuel ash.
2007/00022/FUL	A	South of Bendricks Road, Atlantic Trading Estate, Barry	Extension of an existing 2.5m palisade fence including a new 5m wide 2.5m high access gate.
2007/00260/FUL	A	Highway verge approximately midway between the villages of St Mary Church and the Herberts and verge to the south of St. Marys Church	Foul sewage pumping station control kiosks and lay-by to the north and south of the village.

2007/01087/FUL	A	6, Purcell Road, Penarth	Two storey and single storey extensions to rear and side of property.
2007/01170/FUL	A	16, Chandlers Way, Penarth	Conversion of garage to living accommodation.
2007/01181/FUL	A	Holy Cross Church, Church Street, Cowbridge	Lime rendering and limewash to tower.
2007/01186/FUL	A	Ash Tree House, Bonvilston	Conservatory to the south west corner of the property with balcony above, extend entrance porch, second entrance altered to fill layout windows and an additional ground and first floor window to the front elevation.
2007/01193/FUL	R	The Dairy, Michaelston Le Pit	Single storey extension to house generator operated by water power obtained from adjacent lake and also housing general storage area. Existing pump house to be demolished.
2007/01196/FUL	R	30, Munro Place, Barry	Proposed rear single storey extension with double storey extension on side.
2007/01199/FUL	R	28, Liscum Way, Barry	Two storey side extension, front porch.
2007/01203/FUL	A	The Gables, Station Road East, Wenvoe	To retain extension approved ref. 05/01697/FUL and window to kitchen as constructed, to replace glass with obscured glass.
2007/01204/FUL	A	Former Browns Printing Works Site, adjacent to No 8, The Limes, Cowbridge	Construct new 3/4 bedroom dwelling including associated amenity and parking areas.
2007/01205/FUL	R	8, Stanton Way, Penarth	Proposed demolition of existing dwelling and erection of 2 new dwellings.

2007/01212/FUL	A	39, Hillside Drive, Cowbridge	Garage extension and conversion.
2007/01214/FUL	R	New Access off St. Lythans Road, St. Lythans Court, St. Lythans, Cardiff	New access off St. Lythans Road.
2007/01216/FUL	A	11, Wimbourne Crescent, Sully	Proposed single storey kitchen extension to the rear.
2007/01221/FUL	A	2, Cora Street, Barry	Proposed flat conversion to first and second floors.
2007/01224/FUL	R	50, Plas Taliesin, Penarth Marina	Increase in size of balcony.
2007/01229/OUT	R	Land adjacent to 21, Henry Street, Barry	Outline application for detached three bedroom dwelling.
2007/01236/FUL	R	Upper Barn, Treguff, St. Mary Church, Cowbridge	Extension to kitchen with timber windows render panels and eternit slates.
2007/01253/FUL	R	9, Caer Worgan, Pentre Cwrt, Llantwit Major	Two storey extension.
2007/01284/FUL	A	10, Anglesey Close, Llantwit Major, Boverton	Single storey rear extension.
2007/01289/FUL	A	1, Fairfield Crescent, Llantwit Major	Erect a UPVC conservatory to rear of property.
2007/01291/FUL	A	46, Borough Avenue, Barry	White lean to style porch.
2007/01301/FUL	R	87, Heol Y Frenhines, Southra Park, Dinas Powys	Two storey side extension with dormer to rear.
2006/01105/FUL	A	Dormy, Ogmore By Sea	Alterations to convert existing coach into ancillary residential accommodation and construction of double garage.
2006/01497/FUL	A	16, Meadow Court, St. Brides Major	2 storey extension, relocation of double garage and change of use of land to garden.

2007/00215/FUL	A	Land at rear of 1, Baron Close, Penarth (Baron Lane)	Demolition of existing light industrial unit and the erection of a detached private dwelling.
2007/00294/FUL	A	Land between Pets Choice and Penarth Carpets, 1-3, Queens Gate Mews, Albert Road, Penarth	Construction of 2 No retail units.
2007/00636/FUL	A	Jenner Street, Barry	Retention of 5 dwellings.
2007/01004/FUL	A	Pensarn Barn and Field, Llanmaes	Four 12 feet x 12 feet stables plus 12 feet x 12 feet tack room/feed room and to retain and to clad existing hay barn.
2007/01058/LBC	A	Former Penarth Baths, The Esplanade, Penarth	Minor revisions to previously approved scheme for conversion of buildings to form new residential houses/apartments, new external landscaping, new windows.
2007/01145/FUL	A	29, Glastonbury Road, Sully	Ground floor extension to reform new living area, utility and w.c. first floor extension to form new bedroom and ensuite.
2007/01164/OBS	S	Land at Roath Basin and, Locks Road, Butetown, Cardiff	Change of use of locks road to cycleway/footpath. Construction of temporary vehicle access road from cargo road to locks road. Temporary installation of 30m foot/cycle bridge over Roath basin lock (South).
2007/01184/FUL	A	Coed Mansel, Llangan	Single storey rear extension, new porch and garage to games room.
2007/01211/FUL	A	The Dormers, St Athan Road, Cowbridge	Two storey rear extension.

2007/01218/FUL	A	Cae Rhys Ddu, Llansannor	New machine building with open grid grassed hardstanding and new pitched roof to existing outbuilding.
2007/01220/FUL	A	Tyle Cottage, Penllyn	First floor extension.
2007/01230/FUL	A	9, Cwrt y Vil Road, Penarth	To demolish dilapidated garage and adjust site location/reconstruct new garage.
2007/01232/FUL	A	9, Cwrt y Vil Road, Penarth	To extend to rear of dwelling.
2007/01235/FUL	R	The Barn, Newton	Demolition of existing outbuilding and construction of new day room.
2007/01243/FUL	A	2, Plas St. Pol de Leon, Portway Marina Penarth	Loft conversion including the insertion of 4 velux roof lights.
2007/01244/FUL	A	Wenvoe Quarry, Wenvoe	Variation of condition 3 of planning permission 0452 to allow continued extended operation hours for Wenvoe Coating Plants.
2007/01245/FUL	A	Tesco Store, Culverhouse Cross	Relocation of customer pick up point.
2007/01247/FUL	A	1 and 2, Argoed Cottages, Llanharan	Two storey extension to the cottages, providing equal additional accommodation to each, comprising new dining and family room at ground floor and new bedroom and ensuite at first floor.
2007/01255/FUL	A	89, Arlington Road, Sully	Proposed single storey extension to side.
2007/01256/LAW	A	21, Uppercliff Close, Penarth	Single storey extension with flat roof access to a balcony area.

2007/01258/FUL	A	21, Archer Road, Penarth	Single storey extension to side/rear of property.
2007/01263/FUL	A	Orchard House, Port Road, Wenvoe	Removal of balcony/extend master bedroom/convert ensuite bathroom to bedroom/create new ensuite bathroom internally.
2007/01278/FUL	A	Unit 20, Vale Business Park, Llandow	Second floor extension over existing premises. Workshop extension on east elevation.
2007/01282/FUL	A	Lower Farm House, Rhoose Road, Rhoose	Single storey extension to rear of property, to enlarge existing kitchen.
2007/01314/FUL	A	3, Courtenay Road, Barry	Proposed conversion to 2 No. self contained flats.
2007/01316/FUL	A	4, Tyle House Close, Llanmaes	Single storey extension and alterations to kitchen and garage. Relocate carport, alter crossover to road. New stone wall to part of boundary.
2007/01323/FUL	A	186, Redlands Road, Penarth	Two single storey extensions and to retain gates and pillars to front of site.
2007/00770/FUL	A	Land next to 24, Cedar Road, Eglwys Brewis, St Athan	Detached five bedroom house with associated parking.
2007/01198/FUL	A	Plot 01, Trehill, St Nicholas	Amendment of one house and garage.
2007/01207/FUL	A	Marks & Spencer, Culverhouse Cross, Cardiff	Installation of additional roof plant.
2007/01238/FUL	A	2, Beach Road, Penarth	Amendment to 05/01511/FUL for 8 No. apartments, including alteration to roof.

2007/01249/FUL	A	The Red Lion, Bonvilston	Proposed new kitchen extension, new disabled toilet and internal improvements
2007/01254/FUL	A	45, Plymouth Road, Barry Island	Single storey utility and lounge extension, hard standing at rear of property.
2007/01266/FUL	A	18, Four Acre, Llantwit Major	Proposed loft conversion with dormer windows to rear elevations.
2007/01309/FUL	A	55, Laburnum Way, Penarth	Two and single storey extension to rear of property. Pitched roof over front canopy.
2007/01310/FUL	R	33, Mountjoy Avenue, Penarth	Dormer loft conversion to side and rear.
2007/01313/PNT	A	In footway jcn Elm Grove Road, Dinas Powys	Remove pole from garden of 12, Elm Grove Road and resite at footway.
2007/01318/FUL	R	79, Porthkerry Road, Barry	Construct garage/shed to rear.
2007/01333/FUL	R	Griffinton, Grants Field, St. Lythans Downs	Replacement of existing dormer roof and window to roof with larger gable roof and window.
2007/01339/FUL	A	The Anstees, Duffryn Crescent, Peterston Super Ely	Roofspace alterations to include insertion of 2 new velux windows, new juliette balcony, new window and new gabled roof.
2007/01351/FUL	A	27, Willow Close, Penarth	Two storey house extension.
2007/01357/FUL	A	85, Plassey Street, Penarth	Demolition and rebuilding of front elevation.

545 APPEALS (DEER) -

RESOLVED -

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

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

546 TREES (DEER) -

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2007/01252/TPO	A	Land adjacent to Pwll Y Min Farmhouse, Main Avenue, Peterston Super Ely	Works to 4 Chestnuts front verge and 2 Oaks rear paddock
2007/01269/TPO	A	1, Merevale, St. Andrews Road, Dinas Powys	Fell 4 Sycamores
2007/01297/TCA	A	3, Hill Head Cottages, Llantwit Major	Fell 3 Conifers
2007/01377/TPO	A	Llandough Hospital, Llandough	Fell two Norway Maples; crown raise two Sycamores up to 6m and one Sycamore up to 5m; crown raise Norway Maple up to 6m and remove lowest branch from Ash
2007/01337/TCA	A	Raismere, Park Road, Penarth	Yew and Bay - reduce and shape by 30%, fell 2 Sycamores, fell Ash

2007/01385/TCA	A	Church Cottage, Bonvilston	Fell young self-sown Ash to west side of dwelling and reduce canopy of Horse Chestnut by 30%.
2007/01395/TCA	A	6, Ger y Llan, St. Nicholas	Fell one Cherry

547 ENFORCEMENT ACTION (DEER) -

(i) No. 15 St. Ambrose Close, Dinas Powys, Vale of Glamorgan: Wooden decking (including balustrades and a raised walkway) on top of an existing extension

A complaint had been received by the Local Planning Authority concerning the erection of decking, along with balustrades and a raised walkway, on top of an existing, and unauthorised, extension at No. 15 St. Ambrose Close, Dinas Powys, Vale of Glamorgan.

Following an initial site inspection it was noted that a balustrade had been erected to enclose the decked roof area of an existing flat roof extension. The balustrade enclosed the perimeter of the extension roof across its 5.2m width and 4.1m length. The balustrade has a height of 0.9m and the height of the extension and decking was approximately 2.8m.

Access to the extension roof was gained via a raised walkway from the rear garden. The rear garden was terraced as the land to the rear of the garden was at a higher level. As a result the raised walkway had a maximum height of 2m from the remaining terrace of the garden. The raised walkway had a length of 3.9m and a width of 0.85m. Again the balustrade had a height of 0.9m.

The development did not benefit from permitted development rights granted under the Town and Country Planning (General Permitted Development) Order 1995 and therefore, required the benefit of planning permission. However, in view of the fact that an application to retain the development seemed to be unlikely to receive a favourable recommendation, the owners of the property were requested to remove the balustrades and raised walkway by Monday, 20th August, 2007.

The main issue in this matter was the appearance of raised walkway and balustrade, and the privacy implications that resulted from use of the raised walkway and the flat roof of the extension, facilitated by the presence of the balustrade around the perimeter of the roof of the extension.

The balustrade had been erected on the perimeter of the roof of an extension which adjoins the boundary of the property at No. 17 St. Ambrose Close. The height of the balustrade, together with the height of the existing extension resulted in a structure of approximately 3.6m along 4.1m of the boundary with No. 17 St. Ambrose Close. The resultant structure was considered to be

overbearing and had a cluttered appearance which was considered to unacceptably affect the visual amenities of the adjoining occupiers. In addition to this, as the balustrade and walkway were elevated, the structure was also visible for other properties in the vicinity as well as from the walkway to the rear of the site. The resultant development was out of keeping with the character of host building and was an incongruous feature that was detrimental to the general visual amenity of the area. The appellant had recently erected a 1.8m bamboo screen in an attempt to overcome the privacy implications. It was felt that the screen only served to worsen the visual impact of the development.

In view of the visual impact of the development, it was not considered to accord with Policy ENV27 of the Vale of Glamorgan Unitary Development Plan Adopted March 2005. Neither did it accord with Policy 1 of the Council's "Supplementary Planning Guidance: Amenity Standards" approved in January 1999.

The decked area of the extension roof was now used as a sitting out area by the occupiers of No. 15 St. Ambrose Close. Use of this area allowed the occupiers to overlook the gardens at both sides of the property from a vantage point of approximately 2.8m high. More importantly, the use of this area allowed close range views (at approximately 2m distance) into the adjoining occupiers' bedrooms (No. 17 St. Ambrose Close). Whilst the Council did not have any powers to prohibit the use of the extension roof as a sitting out area, this policy infringement was considered to be wholly unacceptable. The raised walkway and balustrade facilitate that use of the extension roof as a sitting out area. These forms of development were therefore considered to be contrary to Policy 1 of the Council's "Supplementary Planning Guidance: Amenity Standards" approved in January 1999 as they facilitated the use of the extension roof as a sitting out area resulting in a serious and wholly unacceptable privacy implications for the occupiers of the property adjoining the site. Whilst it was accepted that a privacy screen could be erected to prevent overlooking and obscure views into the bedrooms of the adjoining property, this was considered to be unacceptable in visual amenity terms. The recently erected 1.8m bamboo screen was ineffective as a privacy screen as it was, to an extent, transparent.

In view of the comments above, Committee considered it expedient to require the removal of the balustrade and walkway.

RESOLVED -

(1) T H A T the Director of Legal, Public Protection and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the removal of the raised walkway and the balustrade erected to enclose the walkway and the decked roof of the existing extension to the rear of No. 15 St. Ambrose Close, Dinas Powys.

(2) T H A T in the event of non-compliance with the Notice, authorisation was also granted to take such legal proceedings as may be required.

Reasons for decisions

(1) The development is not considered to accord with Policy ENV27 of the Vale of Glamorgan Unitary Development Plan adopted in March 2005. Neither does it accord with Policy 1 of the Council's "Supplementary Planning Guidance: Amenity Standards" approved in January 1999.

(2) To progress action in the event of non-compliance with the Enforcement Notice.

548 GENERAL PLANNING MATTERS (DEER) -

(i) Report to Planning Committee to propose the confirmation of a Tree Preservation Order - No. 19 Sigginstone, Near Cowbridge

The site in question was within the village of and along the approach road into Sigginstone, near Cowbridge.

A provisional Tree Preservation Order was served as the first stage towards the re-surveying trees within the Vale of Glamorgan's area with a view to updating existing records of which, 15% were 40 years old and completely unrepresentative of the current position.

Sigginstone was last surveyed in 1973 and there appeared to be no trace of the documented Order and, moreover, the Order did not appear to have been confirmed and therefore had no legal status.

The Order referred to some 94 individual trees, 16 groups of trees and three woodland tracts. A number of representations had been received by the Council, and these were itemised within the report.

Sigginstone had been selected as a first step or pilot study in order to establish a consistent survey methodology, testing administration procedures and to help quantify the resources and time frame for a re-survey programme for the Vale of Glamorgan. Best practice suggested a pilot study should incorporate an area taking in 100-200 dwellings - Sigginstone, including some properties around the approach roads, amounted to 62, making it a manageable survey to be undertaken by an individual.

Mainly trees which contributed to the visual amenity by softening harsh lines of predominantly modern dwellings in Sigginstone were included in the Order. There was a paucity of trees in some parts of the village and as a consequence some trees selected were small young specimens but with potential to grow. There were no particularly outstanding examples of any species in the village which led to the survey taking account of the wooded tracts on the land between Sigginstone and Llanmihangel.

Accommodations had been made in respect of residents' concerns and the modifications to the proposed Order were detailed in Appendix C to the report.

RESOLVED - T H A T the Tree Preservation Order should be confirmed as modified.

Reason for decision

To accommodate concerns of residents of Sigginstone.

(ii) Various Roads, Llandough: Prohibition of Waiting Order: Objections Received

Members were advised of objections received to the proposal to introduce a Traffic Regulation Order to prohibit the waiting of vehicles between the hours of 8.00am and 6.00pm on Mondays to Friday inclusive along sections of Dochdwy Road, Pantycelyn Road, Waverley Close, Grassmere Close, Greenhaven Rise and Uplands Crescent, Llandough.

At its meeting on 6th September, 2007, the following recommendation had been approved:

"That Members resolve to give public notice of the Council's intention to make an Order under Section 1 of the Road Traffic Regulation Act 1984, the effect of which was described in Appendix A and shown on Drawing No. T/07/83/MS."

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

Dochdwy Road was the main spine road and a bus route through a residential estate which was located immediately to the east of Llandough Hospital site. The road also provided access to the Llandough County Primary School.

The Cardiff and Vale NHS Trust had adopted a policy of charging for car parking at Llandough Hospital. One effect of this policy was that some members of the Hospital's staff elect to park on-street rather than within the Hospital site. The above proposal, if accepted, would be the latest of a set of waiting restrictions introduced in the surrounding streets since 1998 directly linked to this problem.

Public notice of the proposal was given on 14th September, 2007 with any objections to be received in writing by 5th October, 2007.

A number of letters of objection and also of support had been received.

RESOLVED -

(1) T H A T the objections be acceded to and the Order be significantly reduced in length as indicated in Schedule 1 and Drawing No. T/07/93A/MS as contained in Appendix O to the report.

(2) T H A T the revised Order be made and the works progressed.

(3) T H A T the supporters of the original proposal be advised of the Committee's decision.

Reasons for decisions

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To permit the proposed Traffic Regulation Order to be introduced and the works undertaken.
- (3) To clarify Committee's decision.

(Note: Councillor C.L. Osborne spoke with the consent of the Committee.)

(iii) St. Andrews Major Church in Wales Primary School; St. Andrews Road (Part) and Britway Road, Dinas Powys: 20m.p.h. Zone Order: Objection Received

Members were advised of an objection received to the proposal to introduce a 20m.p.h. speed restriction incorporating speed cushions over parts of St. Andrews Road and Britway Road, Dinas Powys.

The Committee at its meeting of 6th September, 2007 approved the following recommendation:

"That members resolve to give Public Notice of the Vale of Glamorgan Council's intention to introduce a 20m.p.h. zone, the effect of which would be as shown in Schedule 1 of Appendix C, and to construct a series of speed cushions and a raised zebra crossing as shown in Schedule 2 of Appendix C.

That, in the event of no objections being received, the Order be made and the traffic calming works constructed."

Public Notice of the proposals was given on 14th September, 2007 with any objections being invited in writing by 5th October, 2007.

A letter of objection to the proposed speed restriction had been received from Mr. K.M. Lumb of 38A Britway Road, Dinas Powys.

A copy of the letter was appended to the report as Appendix B and contained four main points of objection, as follows:

1. Difficulties in manoeuvring around the cushions when entering / exiting the property.
2. The positioning of the cushions in front of the property will pose a direct obstruction if the owner wishes to reposition the entrance to the middle of their property.

3. A continuous flow of traffic, at peak periods, will further obstruct the owner / occupier leaving the property.
4. Concern for the owner's safety whilst in a car or waiting as a pedestrian to cross the road for traffic to potentially veer onto the hard standing to avoid the cushion.

Having considered the objections, and responses made by officers, it was

RESOLVED -

(1) T H A T the objection be not acceded to and the Order be made as proposed.

(2) T H A T the objector be notified accordingly.

Reasons for decisions

(1) To comply with the requirements of the Road Traffic Regulation Act 1984, the Highways (Road Hump) Regulations 1999 and the Highways Act 1980.

(2) To allow the necessary works to be undertaken.

(iv) Westgate and The Broadshoard, Cowbridge: Variation and Amendments to Waiting Restriction Order

Committee approval was sought to introduce amendments to the waiting restrictions in Westgate and The Broadshoard in connection with the proposed new Medical Centre at The Bear Field, Cowbridge.

The only access road to the site known as The Broadshoard was some 300m in length serving the sports ground and Leisure Centre and formed a junction with Westgate. A further arm of The Broadshoard led westwards serving the residential area and the junction priority at that location would be changed to allow the access road to have priority.

Currently the northern side of Westgate and both sides of The Broadshoard at the junction, were controlled by short sections of "No Waiting at Anytime" restrictions with additional "Limited Waiting" extending along the northern side of Westgate.

The southern side of Westgate was currently uncontrolled at this location and vehicles parked between the Police Station and The Broadshoard frequently obstruct the flow of through traffic, especially heavy goods vehicles. The additional vehicle movement generated by the Medical Centre and which would be obliged to use this junction would obviously cause greater congestion at times. It was therefore felt to be appropriate to extend the waiting restrictions on either side of The Broadshoard throughout its length as far as the entrance to the development and for a short section into the residential section to protect the priority junction. Waiting restrictions would

also be placed on Westgate on either side of the junction with The Broadshoard and opposite the junction to allow safer turning and passing movements.

These restrictions would reduce the Limited Waiting bays on the northern side of Westgate by 25m either side of the junction.

RESOLVED -

(1) T H A T subject to the views of the Chief Constable and other statutory consultees, public notice be given of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order, the effect of which would be as shown at Appendix A to the report.

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

Reason for decision

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

(2) To allow the necessary works to be undertaken.

(v) Extinguishment of adopted highway at Ty Draw Farm, St. Andrews Major and the creation of a Public Footpath as an addition to Public Footpath No. 8 St. Andrews Major

The report was withdrawn.

549 PLANNING APPLICATIONS -

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

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

2005/01694/FUL Received on 27 October 2005

P.161

W. S. Jones & Son, C/o Cooke & Arkwright, Bayer Lodge, Western Avenue, Bridgend, CF31 3TZ

Cooke & Arkwright, Bayer Lodge, Western Avenue, Bridgend, CF31 3TZ

Whitewell Farm Buildings, Tyn Y Coed Farm, Bonvilston

Conversion of agricultural buildings to one dwelling including work from home

office.

REFUSED (written representations)

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

2006/00025/FUL Received on 24 July 2007

P.170

Mr. J. Thomas, Flemingston Court, Flemingston, Vale of Glamorgan,
Fidmac Limited, Rosevine Cottage, Vistla Road, Penllyn, Vale of Glamorgan,
CF71 1RQ

Stone-built agricultural buildings and adjacent farmyard at Flemingston Court Farm, Flemingston

Conversion of three redundant agricultural buildings to create four holiday units.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the location plan, all "existing" plans and supporting documents registered on 10 January 2006, and the amended proposed plans and supporting documents for four holiday lets received on 24 July 2007.

Reason:

To ensure a satisfactory form of development and for the avoidance of

doubt as to the approved plans.

3. The accommodation hereby approved shall be used or occupied solely as holiday let accommodation only and not as permanent dwellings.

Reason:

The site is not suitable for permanent residential accommodation being contrary to Policies ENV8 - Small Scale Rural Conversions, ENV17 - Protection of Built and Historic Environment, ENV20 - Development in Conservation Areas and Strategic Policies 2 and 8 of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policy ENV1 - Development in the Countryside of the Unitary Development Plan.

5. Notwithstanding the submitted 'Proposed Site Layout' plan, Drawing No. JT/08 (A1), received on 24 July 2007, further details of the proposed on-site parking and manoeuvring area, which shall provide for the omission of the proposed vehicular access to the adjoining fields, shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the first beneficial occupation of any one of the holiday lets hereby permitted and thereafter retained and maintained on site for the exclusive use of the holiday lets.

Reason:

To ensure adequate on-site parking and manoeuvring in the interests of highway safety in accord with Policies ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments of the Unitary Development Plan.

6. The development hereby approved shall be implemented in accordance with the recommendations of the owl and bat survey dated May 2005, prepared by Rob Colley, in conjunction with the amended plan Drawing No. JT/09DE (A1), received 24 July 2007 and the following additional recommendations of the Countryside Council for Wales, unless otherwise agreed in writing with the Local Planning Authority:

- Potential bat access points should not be sealed during the November to end of March hibernation period and should be

checked by a competent bat ecologist prior to any work.

- A staged approach to works should be employed in order to minimise disturbance, e.g. manual removal of the roof or roof ridges a few days before major works begin.
- The site is monitored for bat use for a period of 2 years post development.

Reason:

In the interests of wildlife protection in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan.

7. Full details of a scheme for the foul drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details before the first beneficial occupation of any one of the holiday lets hereby permitted.

Reason:

To ensure adequate and sustainable drainage of the site in accordance with Policy ENV27 of the Unitary Development Plan and Supplementary Planning Guidance on Sustainable Development.

8. No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

To ensure that archaeological interest is protected and recorded and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the holiday lets 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.

2006/00056/LBC Received on 18 January 2006

P.183

Mr. J. Thomas, Flemingston Court, Flemingston, St. Athan, Vale of Glamorgan,
Fidmac Limited, Rosevine Cottage, Vistla Road, Penllyn, Vale of Glamorgan,
QF71 1RQ

Stone-built agricultural buildings and adjacent farmyard at Flemingston

Court Farm, Flemington.

Conversion of three redundant agricultural buildings to create four dwelling units and the construction of two new garages and five external car parking spaces to serve the new dwellings.

APPROVED - That Listed Building Consent be granted, subject to the following conditions.

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The Local Planning Authority* shall be notified in writing by the developer or his agent of the proposed commencement date of the works hereby granted consent. The notification shall be provided not less than 14 days prior to the commencement of work on site.

Reason:

To ensure that all conditions relating to this consent are discharged appropriately, and to ensure for the preservation of the special character of this building in this respect.

3. Prior to the commencement of development and notwithstanding the submitted details, details of windows and external doors (1:1, 1:10, 1:20, as appropriate) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the appropriateness of the details of replacement external joinery in the context of the special interest of the historic building.

4. The details referred to in Condition No. 3 shall allow for the provision of casement windows in traditional sections, without trickle ventilation and a painted (not stained) finish.

Reason:

To ensure the appropriateness of the details of replacement external joinery in the context of the special interest of the historic building.

5. Prior to commencement of development, samples of natural slate and of ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure that the proposed roof finishes are appropriate to the special architectural/historic interest of the barns.

6. The proposed replacement rainwater goods shall be of half round sections with circular rainwater pipes, colour black.

Reason:

In order to ensure that the proposed rainwater goods are appropriate to the special architectural/historic interest of the building.

7. Prior to the commencement of development and notwithstanding the submitted details, details of internal finishes, including walls, ceilings and floors shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to give further consideration of these details in the context of the special interest of the listed building.

8. The details referred to in Condition No. 7 shall allow for the provision of traditional, lime plastered finishes to partitions and ceilings.

Reason:

In order to ensure consistency of internal finish and the use of traditional repair technology in the reuse of the building.

9. Prior to their insertion, details of the location and specification/detail of all flues, chimneys and soil pipes required for the purposes of heating, ventilation and above ground drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details are designed and located in such a way as to not detract from the special interest of the building or its rural character.

10. Notwithstanding the submitted details, to the lower pitched roof of Building 2 (south-eastern elevation) the two single conservation rooflights shall be omitted.

Reason:

In order to reduce the overall number and impact of the rooflights to Building 2.

11. Prior to the commencement of development, details and sizes of the

proposed conservation rooflights shall be submitted to and approved in writing by the Local Planning Authority. All roof lights shall be 'flush fitting' so that the exterior face of the window glass is, so far as is practical, level with or lower than the exterior face of the slate roof covering immediately adjacent to it.

Reason:

To minimise the impact of the windows on the character and appearance of the building.

12. Prior to the commencement of development, details (1:20) of the proposed floor construction and its relationship in section to the intermediate floor of Building 2 shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the existing exterior walls are not subject to underpinning without consent and in the interests of retaining the existing section of the building.

13. Prior to the commencement of development, details and a Method Statement describing the proposed reuse and retention of the existing cast iron columns in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure consideration of retention of the columns.

2006/01747/FUL Received on 6 December 2006

P.191

Kingfishers Developments, Hayes Building, The Square, Llantwit Major, Vale of Glamorgan

Alun Arthur Architects, 71 Merthyr Mawr Road, Bridgend, CF31 3NS

Andrew House, High Street, Llantwit Major.

Residential development, converting main house into two apartments and 3 new build houses.

APPROVED

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

- The developer shall pay the sum of twenty thousand pounds (£20,000) to the Council to improve Sustainable Transport Facilities in the vicinity of the site.

- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£230.40 in this case).

The developer should note that deliveries and contractors' vehicles should not park on or obstruct the highway adjacent to the application site in this restricted and very busy part of the Llantwit Major town centre.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 389/PP/7 and 389/PP/8, received on the 26 September 2007, and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

7. No development shall commence until full details of a scheme for the drainage of the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

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

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

9. Prior to their use in the development hereby approved, samples of the roof and ridge tiles, panels of painted render for the external elevations and samples of the materials to be used in the door canopies and dormer extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and in order to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

10. Prior to their use in the development hereby approved, samples of the roof and ridge tiles, panels of painted render for the external elevations and samples of the materials to be used in the door canopies and dormer extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and in order to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted plans, the triangular area of land identified on plan 389/PP/7 as 'side court', shall be used as a communal bicycle storage facility, as opposed to private curtilage to serve any dwelling. There shall be no direct access to this area from the dwelling labelled as "House 3" on that plan.

Reason:

In order to ensure space is available to store bicycles within the site, and to support the use of more sustainable transport methods, in compliance with Strategic Policies 2 and 8 of the Unitary Development Plan.

12. Prior to the first beneficial occupation of the units hereby approved, details of a covered bicycle storage rack to be located within the area of land shown as "side court" on plan ref: 389/PP/7, shall be submitted to and approved in writing by the Local Planning Authority. The cycle rack shall be provided in accordance with the approved details prior to the first beneficial use of the units and shall be so retained at all times thereafter.

Reason:

In order to provide adequate facilities for the storage of bicycles and to encourage more sustainable forms of transport, in compliance with

Strategic Policies 2 and 8 of the Unitary Development Plan.

13. Prior to the first beneficial occupation of the units, a line of bollards shall be provided along the edge of the new pedestrian footway fronting High Street, in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority. The bollards shall be retained at all times thereafter.

Reason:

In the interests of pedestrian safety and to discourage unauthorised parking along the frontage of the site, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

2006/01818/FUL Received on 19 December 2006

P.203

John Lean 68, Huddleston Road, London, N7 0AE

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

9, Kymin Terrace, Penarth.

New house in grounds at rear.

REFUSED

1. The application if granted would introduce an incongruous and unsympathetic element into this part of the Penarth Conservation Area contrary to Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments, both within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.
2. The development would result in the loss of existing off-street parking within the boundary of the development site to the detriment of highway

and pedestrian safety contrary to Policy ENV27 - Design of New Developments within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/00078/FUL Received on 24 September 2007

P.214

Mr. Mark Canning, West Ceffyl, Broughton, Wick, Vale of Glamorgan
Chris J. Morgan, 4A, Fontygary Road, Rhoose, Vale of Glamorgan,
CF62 3DR

Crofta Farm, Ystradowen

Change of use of agricultural buildings to 2 No. dwellings.

WITHDRAWN

2007/00187/FUL Received on 8 February 2007

P.222

AG Developments 1979 LTD C/O Agent
Boyer Planning, 1b Oak Tree Court, Mulberry Drive, Cardiff Gate Business
Park, Cardiff, CF23 8RS

Land adjacent to Chestnut Tree Cottage, Graig Penllyn.

Construction of a detached part single, part two storey dwelling, garage and new access.

DEFERRED - for a site visit.

2007/00711/FUL Received on 16 May 2007

P.234

Poil Developments (West) Ltd., C/O 26, John Batchelor Way, Penarth Marina,
Vale of Glamorgan., CF64 1SD
Hoole and Walmsley Architects, 63, Ffynnonau, Crickhowell, Powys,
NP8 1DB

Site at Old Farm Mews, Station Road, Dinas Powys

New housing scheme providing two semi-detached dwellings and two detached dwellings.

DEFERRED - for a site visit.

2007/01000/FUL Received on 10 July 2007

P.243

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

CF3 2ES

5, Purcell Road, Penarth.

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

REFUSED (written representations)

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

Enforcement action authorised.

2007/01078/FUL Received on 22 August 2007

P.245

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

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

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

REFUSED (written representation)

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

New Developments as well as advice in Planning Policy Wales 2002
and the Council's approved Supplementary Planning Guidance on the
Conversion of Rural Buildings.

2007/01091/FUL Received on 31 July 2007

P.252

Dr. M. L. Ham, 2, The Courtyard, Michaelston Le Pit, CF64 4HE
John Rosser RIBA, 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan,
CF64 4HE

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

Conversion of existing house into 2 flats and extension to create separate dwellinghouse.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 31 July 2007 other than where amended by plans reference PA03.A., PA04.A. and PA05.A. received on 5 October 2007 and plan reference PA02.B. received on 19 October 2007.

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the scale of development 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 a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing. No: 027/PA02.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. Prior to commencement of development, a scheme to reinstate the existing planting area adjacent to the site access along Elm Grove Road as a public footway shall be submitted to the Highway Authority for approval. The scheme shall thereafter be implemented prior to beneficial occupation of the dwellings hereby approved in accordance with the approved details.

Reason:

To ensure that adequate pedestrian access is maintained along Elm Grove Lane in the interests of highway safety and to ensure compliance with Unitary Development Plan Policy ENV27.

7. Before its construction on site, a method statement for the bedding, coursing and laying of stone, and the pointing and mortar to be used in the reconstruction of the front boundary wall, shall be submitted to and agreed in writing with the Local Planning Authority, with a sample panel 2m² provided on site for inspection. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of the Dinas Powys Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of

New Developments of the Unitary Development Plan.

8. A scheme showing full details of the proposed enclosures around the site, including details of the privet hedge and 750mm wall, shall be submitted to the Local Planning Authority for approval. The scheme shall thereafter be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

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

Reason:

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

11. Details of a scheme for the replacement of the Yew Tree to be removed shall be submitted to the Local Planning Authority for their approval in writing prior to the commencement of development and the scheme shall thereafter be carried out in accordance with the approved details in the first planting season following the occupation of the buildings or the completion of the development, whichever is the

sooner.

Reason:

To ensure an appropriate replacement tree is provided to compensate for the loss of the Tree Preservation Order tree and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. Prior to their use in the construction of the dwellings hereby approved, details, including samples, of the materials to be used for the roof, external walls, fascias, barge boards and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

13. Notwithstanding the submitted details and before their installation on site, full details of the windows, rooflights to be of a conservation style and external doors, to a scale of 1:20, including plan, section and elevations, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

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

14. Notwithstanding the submitted details, the consent hereby granted shall not infer the demolition or replacement of any existing external wall to the property unless full details of any such demolition are first submitted to and agreed in writing with the Local Planning Authority prior to those works taking place, and the development shall be completed in accordance with the approved details.

Reason:

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

2007/01098/FUL Received on 3 August 2007

P.264

Miss Catherine Rosewell, The Old Post Office, Boverton, Llantwit Major, Vale of Glamorgan, CF61 1UF
Anderson and Associates, 39, High Street, Cowbridge, Vale of Glamorgan, CF71 7AE

Limes Gate Cottage, The Limes, Cowbridge.

Provision of timber decking to rear of cottage, extending above river thaw.

DEFERRED - for a site visit.

2007/01156/FUL Received on 15 August 2007

P.268

Mrs. J. Frampton, Great Hamston Farm, Dyffryn, St. Nicholas, Vale of Glamorgan, CF5 6SU
Civic Planning Associates, 35, Marine Drive, Barry, Vale of Glamorgan, CF62 6QP

Great Hamston Farm, Dyffryn.

Conversion of domestic stone outbuilding to holiday let.

APPROVED subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policy ENV1 - Development in the Countryside of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

6. The development hereby permitted shall be implemented in accordance with the recommendations of the Bat & Barn Owl Survey Report by Steve Pickering, received by the Local Planning Authority on 5 September 2007.

Reason:

In the interests of wildlife protection in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan.

7. Full details of a scheme for the foul drainage of the site, which, if a cesspool should be fitted with a warning device for emptying, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial use of the premises as holiday let accommodation.

Reason:

To ensure a satisfactory form of drainage of the site, and to ensure

compliance with the terms of Policy ENV27 of the Unitary Development Plan.

2007/01219/FUL Received on 16 October 2007

P.277

Mr. John Canning, Brynawel House, St. Brides Major, Vale of Glamorgan,
CF32 0TA

Chris J. Morgan, 4A Fontygary Road, Rhooose, Vale of Glamorgan, CF62 3DR

Land and buildings at Little West Farmyard, Broughton Road, Wick

Change of use of agricultural building to 1 No. dwelling.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference Drawing Nos. 01 Rev A, 02 Rev A, 03 Rev A and Amended Plan Revision A, received on the 16 October 2007, and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking 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 Policies ENV8 and ENV27 of the Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the 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 Policies ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

To safeguard the appearance and character of the barn, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

6. No new means of enclosure shall be erected within the site until full details and samples of the means of enclosure associated with the development hereby approved have been submitted to and agreed in writing by the Local Planning Authority, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use. No additional means of enclosure shall be erected, other than those which have been agreed in writing.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

7. Notwithstanding the submitted details, further details of windows, rooflights (which shall be of a flush fitting conservation type), doors, eaves and rainwater goods, including sections to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority, prior to their use in the development. The development shall be constructed in full accordance with the details as agreed and thereafter so maintained at all times.

Reason:

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

8. Samples of the slates, ridge tiles and timber infill panels to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development. The development shall

thereafter be carried out in accordance with the agreed samples and so maintained at all times thereafter.

Reason:

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

9. A method statement detailing the cleaning, repair, repointing and where necessary the re-instatement of the stone elevations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall be constructed in full accordance with the agreed method statement and so thereafter so maintained at all times.

Reason:

In order to protect the character of the barn and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

10. Prior to the commencement of development, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be put into beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason:

To ensure the satisfactory drainage of the site.

11. No development shall commence until a scheme for the protection/provision of potential roosts for bats, including gaps between the barn walls and fascias, and bat boxes, has been submitted to and agreed in writing by the Local Planning Authority. The scheme, as agreed, shall be fully implemented prior to the first beneficial occupation of the dwelling.

Reason:

To ensure the protection and provision of potential bat roosts and in order to ensure compliance with Policy ENV16 of the Unitary Development Plan.

12. The dwelling hereby approved shall not be beneficially occupied until a parking layout indicating 2 No. parking spaces and turning area has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall thereafter be provided in accordance with the agreed details.

Reason:

In order to ensure a satisfactory level of parking to serve the dwelling, in the interests of highway safety, and to ensure compliance with Policies ENV8, ENV27 and TRAN 10 of the Unitary Development Plan.

13. Notwithstanding the submitted plans, no further areas of hard surfacing, gravel, or new surface materials shall be laid to the north of the barn within the existing yard area, without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenities and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan, and in order to ensure a satisfactory level of parking is provided.

2007/01277/OUT Received on 12 September 2007

P.287

Mr and Mrs P T Thomas, The Villa, Pendoylan Road, Gwern-y-Steeple,
Peterston Super Ely, Vale of Glamorgan, CF5 6LG
Mr and Mrs P T Thomas, The Villa, Pendoylan Road, Gwern-y-Steeple,
Peterston Super Ely, Vale of Glamorgan, CF5 6LG

The Villa, Pendoylan Road, Gwern-y-Steeple.

Outline application for one detached house in part of existing garden as infill.

REFUSED (written representations)

1. By reason of its location outside the settlement boundary of Peterston-super-Ely and its relationship to the existing built and natural environment, the proposal represents an unjustified form of development in the countryside, which is unsympathetic to the environs of the site and would have an unacceptable effect on the character and wider visual amenities of the area. It is therefore considered that the development does not constitute the logical rounding off of the settlement nor can it be considered a form of infilling within the group of dwellings. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS8 - Residential Development Criteria, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002).

2007/01281/FUL Received on 13 September 2007

P.290

Richard Morgan-Price, Egerton Grey Hotel, Porthkerry, Near Rhoose, Vale of Glamorgan, CF62 3BZ

Civic Planning Associates, 35, Marine Drive, Barry, Vale of Glamorgan,
CF62 6QP

Egerton Grey Country House Hotel, Porthkerry, Near Rhoose.

Change of use of hotel to residential property.

APPROVED subject to the following condition(s):

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

Reason:

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved by change of use from a hotel 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 Policies ENV27 and HOUS7 of the Unitary Development Plan.

3. 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 or hard surface 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.

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

Reason:

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

2007/01293/OUT Received on 17 September 2007

P.296

Mr and Mrs Norfolk, 1, Little West Bungalows, Southerndown, Vale of Glamorgan, CF32 0PY
Anthony A Clark, Beechwood, Wick Road, Ewenny, Vale of Glamorgan, CF35 5BL

Little West Bungalows, Southerndown

New Bungalow

DEFERRED for a site visit.

2007/01348/FUL Received on 24 September 2007

P.300

Nomolos Limited, 3, The Nurseries, Fontygary Road, Rhose, Vale of Glamorgan, CF62 3BW
Mr. M. Dummer, Groften House, Farteg Road, Bryn, Port Talbot, SA13 2RF

Hillcrest, Off Gileston Road, St. Athan

Two dwellings

REFUSED (written representations)

1. The proposal represents an unjustified form of new residential development in the countryside, which would cause serious harm to the rural character and appearance of this part of the Heritage Coast, which is designated for its undeveloped and unspoilt landscape value. As such the proposed development is contrary to Policies ENV1, HOUS3, ENV5 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and national guidance contained in Planning Policy Wales (2002).

2007/01367/FUL Received on 28 September 2007

P.305

Springfield Spray, Sutton Road, Llandow, Vale of Glamorgan
Andrew Parker Architect, Studio One, The Great Barn, Bonvilston, Vale of Glamorgan, CF5 6TR

Springfield Spray Llandow Ltd, Sutton Road, Llandow.

Retention of essential workers caravan.

In the event of Committee agreeing to the recommendation to refuse the

planning application, the Director of Legal, Public Protection and Housing Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure the cessation of the residential use and removal of the unauthorised caravan. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSED (written representations)

In the opinion of the Local Planning Authority, there is no justification for a second residential unit to serve the existing horticultural use and therefore the proposal represents unjustified residential development in the countryside outside any recognised settlement. Accordingly, the development both breaches and undermines the objectives of Policies ENV1 - Development in the Countryside, HOUS2 - Residential Development, HOUS3 - Dwellings in the Countryside, HOUS5 - Agricultural or Forestry Dwellings and ENV10 - Conservation of the Countryside, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained in Planning Policy Wales 2002 and Technical Advice Note 6.

2006/01541/RG3 Received on 31 October 2006

P.310

Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Chris Fray, Head of Econ. Dev. & Leisure, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Land adjacent to Cogan Hall Farm, Penarth.

Layout and landscaping of public open space.

DEFERRED for a site visit.

2007/01399/RG3 Received on 8 October 2007

P.319

John Dent Major Projects Manager, Vale of Glamorgan Council, Docks Office, Barry, Vale of Glamorgan.

John Dent Major Projects Manager, Vale of Glamorgan Council, Docks Office, Barry, Vale of Glamorgan.

Hood Road Goods Shed, Hood Road, Barry Waterfront, Barry.

Change of use of building to allow storage.

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

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

Reason:

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

2. The use of the building hereby granted shall be limited to that of storage, restoration and exhibition of heritage and related rolling stock, and for no other use within Use Classes B2 or B8 of the Town and Country Planning (Use Classes) Order 1987.

Reason:

In order to control the nature of the use and to ensure compliance with Policies EMP2 and EMP3 of the Unitary Development Plan.

2007/01406/RG3 Received on 15 October 2007
P.325

Directorate of Env. & Economic Regeneration, Vale of Glamorgan Council,
Dock Offices, Barry Docks, Barry, Vale of Glamorgan, CF63 4RT
Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road,
Barry, CF63 4RU

Civic Offices, Holton Road, Barry.

Upgrading of hard and soft landscaping to the main public entrance.

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

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

Reason:

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

2. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development hereby permitted, which shall include new / replacement tree and shrub planting, and indications of all existing trees and shrubs/ hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following completion of the development; 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.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

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

(a) Building Regulation Applications - Pass

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

2007/0029/PV	AC	12, Peterswell Road, Barry	Two storey side extension.
2007/0031/PV	A	7, Manorbier Close, Dinas Powys	Recovering of flat roof with single ply membrane, upgrading thermal insulation
2007/0498/CW	A	20, Winchester Close, Barry	Cavity wall insulation
2007/0499/CW	A	4, Coleridge Crescent, Barry	Cavity wall insulation
2007/0500/CW	A	5, Berkrolles Avenue, St. Athan	Cavity wall insulation
2007/0501/CW	A	3, Laleston Close, Barry	Cavity wall insulation
2007/0502/CW	A	Keepers Cottage, St. Andrews Major, Dinas Powys	Cavity wall insulation
2007/0503/CW	A	23, Hywel Crescent, Barry	Cavity wall insulation
2007/0504/CW	A	23, Chamberlain Row, Dinas Powys	Cavity wall insulation
2007/0505/CW	A	33, Jestyn Close, Dinas Powys	Cavity wall insulation
2007/0506/CW	A	460, Gladstone Road, Barry	Cavity wall insulation

2007/0507/CW	A	1, Pendoylan Close, Barry	Cavity wall insulation
2007/0508/CW	A	50, Althorp Drive, Penarth	Cavity wall insulation
2007/0509/CW	A	Ty Gwyn, Higher End, St. Athan	Cavity wall insulation
2007/0510/CW	A	3, The Meadows, Corntown	Cavity wall insulation
2007/0511/CW	A	47, Raglan Close, Dinas Powys	Cavity wall insulation
2007/0512/CW	A	5, Fairfield Road, Penarth	Cavity wall insulation
2007/0513/CW	A	21, Spencer Drive, Penarth	Cavity wall insulation
2007/0514/CW	A	67, Cosmeston Drive, Penarth	Cavity wall insulation
2007/0515/CW	A	22, Dinas Road, Penarth	Cavity wall insulation
2007/0516/CW	A	51, St. Brannocks Close, Barry	Cavity wall insulation
2007/0517/CW	A	13, Heol y Felin, Llantwit Major	Cavity wall insulation
2007/0518/CW	A	Wirrel House, Llanbethery	Cavity wall insulation
2007/0519/CW	A	131, Port Road West, Barry	Cavity wall insulation
2007/0520/CW	A	103, College Road, Barry	Cavity wall insulation
2007/0521/CW	A	105, College Road, Barry	Cavity wall insulation
2007/0522/CW	A	21, Cwm Barry Way, Barry	Cavity wall insulation
2007/0523/CW	A	18, Morningside Walk, Barry	Cavity wall insulation
2007/0524/CW	A	11, Newgale Close, Barry	Cavity wall insulation
2007/0525/CW	A	62, Dobbins Road, Barry	Cavity wall insulation
2007/0526/CW	A	2, Ravenshoe Road, Barry	Cavity wall insulation
2007/0527/CW	A	12, Twyn yr Eglwys, Colwinston	Cavity wall insulation

2007/0528/CW	A	10, Twyn yr Eglwys, Colwinston	Cavity wall insulation
2007/0529/CW	A	Edge Hill, Victoria Park Road, Barry	Cavity wall insulation
2007/0531/CW	A	13, Millbrook Heights, Dinas Powys	Cavity wall insulation
2007/0532/CW	A	42, Fitzhamon Avenue, Llantwit Major	Cavity wall insulation
2007/0533/CW	A	7, Laburnum Way, Dinas Powys	Cavity wall insulation
2007/0534/CW	A	7, Blenheim Close, Barry	Cavity wall insulation
2007/0535/CW	A	18, Gileston Road, St. Athan	Cavity wall insulation
2007/0536/CW	A	34, Oxford Street, Barry	Cavity wall insulation
2007/0537/CW	A	58, The Broadshoard, Cowbridge	Cavity wall insulation
2007/0538/CW	A	110, Lougher Place, St. Athan	Cavity wall insulation
2007/0539/CW	A	3, St. Johns Place, St. Athan	Cavity wall insulation
2007/0540/CW	A	17, Whittan Close, Rhoose	Cavity wall insulation
2007/0541/CW	A	19, Whittan Close, Rhoose	Cavity wall insulation
2007/0542/CW	A	14, Berkrolles Avenue, St. Athan	Cavity wall insulation
2007/0543/CW	A	10, Fairfield Road, Penarth	Cavity wall insulation
2007/0544/CW	A	11, The Broadshoard, Cowbridge	Cavity wall insulation
2007/0545/CW	A	24, Whittan Close, Rhoose	Cavity wall insulation
2007/0546/CW	A	89, Eagleswell Road, Llantwit Major	Cavity wall insulation
2007/0547/CW	A	1, Greenfield Road, Barry	Cavity wall insulation
2007/0548/CW	A	Holly House, Llyswooney	Cavity wall insulation

2007/0549/CW	A	14, St. Johns Place, Rhoose	Cavity wall insulation
2007/0550/CW	A	343, Holton Road, Barry	Cavity wall insulation
2007/0551/CW	A	37, Somerset Road, Barry	Cavity wall insulation
2007/0552/CW	A	66, Trinity Street, Barry	Cavity wall insulation
2007/0557/BR	AC	Plot 1, rear of 30, Station Road, Penarth	New dwelling (as amended)
2007/0724/BR	AC	Plot No. 2, Trehill, St. Nicholas	New Dwelling House (as amended)
2007/0728/BR	AC	33, Lon Yr Eglwys, St Brides Major, Bridgend	Single storey rear kitchen extension and loft conversion.
2007/0730/BR	A	The Well House, Pen Y Lan , Cowbridge	Extension to include two additional bedrooms and additional upstairs and downstairs living space.
2007/0731/BR	AC	25, Holton Road, Barry	Internal alterations which consists of installation of steel beams at ground floor level.
2007/0740/BR	AC	Ysgol Gwaun Y Nant, Amroth Court, Caldy Close, Barry	Construction of toy store and covered secure area
2007/0746/BR	AC	Rhws Primary School, Fontygary Road, Rhws	Two storey - 4 classroom teaching block at the School as Phase 1 of strategic re-development of the whole site.
2007/0748/BR	AC	171, Plymouth Road, Penarth	Two storey extension
2007/0750/BR	AC	15, Britway Road, Dinas Powys	Single storey extension to enlarge existing kitchen.
2007/0754/BR	AC	Land at Gilbert Lane, Dinas Powys	Farmhouse with garage (as amended)
2007/0762/BR	AC	104, Murlande Way, Rhoose	First floor bedroom extension (as amended)

2007/0768/BR	AC	Aberthaw Power Station, The Leys, Aberthaw, Barry	Single storey control room, located within a PFA facility
2007/0771/BR	AC	Little West, Southerndown	Phase two - Conversion of existing flat and garage into two apartments
2007/0772/BR	A	57, Brenig Close, Barry	Front bedroom extension
2007/0793/BR	A	26, Plymouth Road, Penarth, CF64 3DH	Alterations to ground floor kitchen and dining room of existing house
2007/0794/BR	AC	2, Collard Crescent, Barry	Change existing lounge to new bedroom and associated shower room.
2007/0804/BR	AC	St. Andrews Major Church in Wales Primary School, St. Andrews Road, Dinas Powys	Provision of pergola with polycarbonate roof single storey over existing play area
2007/0814/BR	AC	Downside, (Stables) Sully Road, Dinas Powys	Single storey extension to existing steel canopy to cover new cattery
2007/0817/BR	AC	12, Barons Close, Llantwit Major	Single storey side extension for bedroom and shower room for disabled use
2007/0821/BR	AC	15, Clinton Road, Penarth	Demolish existing kitchen and construct new kitchen and breakfast room
2007/0823/BN	A	72, Wordsworth Avenue, Penarth	Relocating kitchen to single storey extension which is involving internal alterations and removal internal walls with supporting walls in place and installation of two roof windows in extension.
2007/0824/BN	A	6, Dochdwy Road, Llandough	Internal alterations
2007/0825/BN	A	51, Meadowvale, Barry	Single storey garage attached to existing neighbours garage.

2007/0826/BN	A	Westwinds, St. Mary Church, Cowbridge	Installation of new private drain to connect to first time sewerage scheme with Welsh Water.
2007/0828/BN	A	154, Windsor Road, Penarth	Fit new UPVC windows to front and rear of property
2007/0829/BR	A	27, Cwrt y Vil Road, Penarth	To provide new shower room/toilet to second floor
2007/0830/BR	A	2, Talyfan Close, Cowbridge	Two single storey extensions to enlarge lounge and kitchen
2007/0833/BN	A	5, Heol Sirhwi, Cwm Talwg, Barry	Garage conversion
2007/0834/BN	A	Ty'r Berllan, St. Mary Church	Connection of sewage system to a new lateral drain being constructed by Welsh Water
2007/0835/BN	A	Akaroa, St. Mary Church	Laying of new 100mm foul drain to connect property to new foul sewer
2007/0836/BN	A	Cae Yd, St. Mary Church	Laying new 100mm drains to connect property to new foul sewer
2007/0837/BN	A	Unit 3, Windmill Industrial Estate, Barry Docks	Single storey toilet block
2007/0838/BN	A	Springfield, The Westra, Dinas Powys	Demolish existing garage erect new garage to existing site
2007/0839/BN	A	Ashton House, St. Mary Church	Private drains to be connected to new main sewer
2007/0840/BN	A	Orchards, St. Mary Church, Nr. Cowbridge	To connect existing domestic sewage pipe to new sewage system currently being installed by Welsh Water.
2007/0841/BR	A	29, Adenfield Way, Rhoose	Attached single garage

2007/0842/BR	AC	13, Archer Terrace, Penarth	Single storey extension to house at rear of premises.
2007/0845/BN	A	Westfield, Southerndown, Vale of Glamorgan, CF32 0RW	Replacement windows and door
2007/0846/BN	A	The Old Barn, St. Mary Church	Private drains to be connected to the main sewer
2007/0847/BN	A	3, Earl Road, Penarth	Single storey extension to kitchen. First floor extension above rear annex and works to existing attic floor
2007/0848/BR	AC	32, Trem Y Don, Barry	Single storey rear extension. Porch extension. Loft conversion
2007/0849/BN	A	Ydfa, Corntown	Two storey extension - garage to ground floor and bedroom to first floor
2007/0851/BN	A	The Vicarage, 6, Milburn Close, Rhoose	Refurbishment upgrade and repairs to internal and external fabric of existing dwelling including car port.
2007/0852/BR	A	Barclays Bank, 2, Windsor Road, Penarth	Installation of replacement ATM cash machine
2007/0854/BN	A	3, Herbert Street, Barry	Two storey rear extension & loft conversion
2007/0855/BN	A	Dinas Powys Infants School, Cardiff Road, Dinas Powys	Canopy over nursery area
2007/0859/BN	A	Penbury, Welsh St. Donats	Change flat garage and utility room to pitched clad in slate. Change plastic windows and door to hardwood.
2007/0860/BN	A	Quantos, St. Mary Church, Cowbridge	Installation of new private drain to connect to first time sewerage scheme with Welsh Water.

2007/0861/BN	A	Moreton, St. Mary Church, Cowbridge	Installation of new private drain to connect to first time sewerage scheme with Welsh Water.
2007/0862/BN	A	Ashleigh, St. Mary Church, Cowbridge	Installation of new private drain to connect to first time sewerage scheme with Welsh Water.
2007/0863/BR	AC	10, Anglesey Close, Llantwit Major, Boverton	Single storey rear extension
2007/0864/BN	A	Between 23, & 24, Eagle Road, St. Athan	Four new dwellings
2007/0865/BN	A	Lower House, Michaelston Le Pit	Lowering of internal floors and walls
2007/0867/BR	AC	Brynhyfryd, Bonvilston	Detached garage (as built)
2007/0870/BR	A	60, Woodlands Road, Barry	Internal alterations - removal of chimney breast and rearrangement of W.C.
2007/0871/BR	AC	81, Tynewydd Road, Barry	Single storey side extension
2007/0872/BR	AC	106, Murlande Way, Rhoose	First floor bedroom extension
2007/0874/BN	A	The Coach House, Cowbridge Road, Ystradowen	Refurbishment of existing building
2007/0876/BR	AC	74, Minehead Avenue, Sully	Extension to front bedroom, incorporating en-suite
2007/0879/BN	A	8, Gaen Street, Barry	Create opening in rear wall of property to kitchen lean to structure and install suitable lintels. Replace roof above lean to structure. Relocate bathroom to 1st floor rear bedroom.
2007/0881/BN	A	Great House, Llanquian Road, Aberthin	Bathroom installation

2007/0882/BN	A	18, Cedar Way, Penarth	New level access shower and external soil and vent pipe (disabled facilities grant)
2007/0884/BR	AC	Cae Rhys Ddu, Llansannor	New Machine building with open grid grassed hardstanding and new pitched roof to existing outbuilding
2007/0885/BN	A	Compton House, East Street, Llantwit Major	Two storey side extension
2007/0886/BN	A	Fir Cottage, Llantwit Road, St. Athan	Conversion of disused workshop to Kitchen/dining room with new staircase to first floor of existing cottage and access to storage loft
2007/0890/BN	A	5, Belvedere Crescent, Barry	Refurbishment due to fire damage and loft conversion
2007/0891/BN	A	11, Harbour Road, Barry	A downstairs shower and utility to be installed in existing kitchen/dining area. Rewiring of the whole house.
2007/0896/BN	A	The Paddocks, St. Marys Church, Cowbridge	Connection to new sewer

(b) Building Regulation Applications - Reject

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

2007/0856/BN	R	64, Lewis Road, Llandough	Two storey extension to enlarge lounge and kitchen and provide one extra bedroom
2007/0883/BN	R	16, High Street, Barry	Refurbishment of ground floor shop and first floor flat

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

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

2007/0102/AI	A	1 Tynewydd Road, (Going Places), Barry	Internal alterations
2007/0103/AI	A	Pwll y Min Farm, Main Avenue, Peterston Super Ely	Two storey extension, loft conversion and internal alterations
2007/0104/AI	A	6, Heol y Fro, Llantwit Major	Single storey extension
2007/0105/AI	A	21, Lavernock Road, Penarth	Loft conversion to dwelling to create 1 new room with bathroom facility at 3 rd storey level and demolition and rebuild of existing extension to create two storey rear extension
2007/0106/AI	A	21, Church Avenue, Penarth	Loft conversion
2007/0107/AI	A	1, Lllys Teilo, Llantwit Major	Loft conversion
2007/0108/AI	A	16, Plassey Square, Penarth	Loft conversion
2007/0109/AI	A	Unit 1B, Palmersvale Business Centre, Barry	Refurbishment to create office space
2007/0110/AI	A	1, Button Ride, St. Nicholas	Single storey rear conservatory extension
2007/0111/AI	A	41a High Street, Penarth	Internal alterations
2007/0112/AI	A	23, Clive Place, Penarth	Conservatory and new balcony
2007/0113/AI	A	Westbourne School, 4 Hickman Road, Penarth	Extension and internal alterations
2007/0114/AI	A	Loch Fyne Restaurant (formerly Mulligans), Stalling Down, Cowbridge	Extensions and refurbishment
2007/0115/AI	A	20, Yr Efail, Treoes,	Structural alterations for lintels
2007/0116/AI	A	Parcel of land adjacent to 35, Lidmore Road, Barry	Three storey dwelling with integral garage

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the local authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications:

2004/1238/BR	2004/1523/BR
2004/1309/BR	2004/1544/BR
2004/1322/BN	2004/1564/BR
2004/1326/BR	2004/1566/BN
2004/1331/BN	2004/1573/BR
2004/1336/BR	2004/1576/BN
2004/1337/BR	2004/1581/BN
2004/1343/BN	2004/1601/BR
2004/1366/BR	2004/1615/BN
2004/1385/BN	2004/1622/BR
2004/1386/BR	2004/1623/BR
2004/1463/BR	2004/1637/BR
2004/1479/BR	2004/1640/BR
2004/1504/BR	2004/1665/BR
2004/1509/BR	2004/1710/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

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

Decision Codes

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

2004/01245/FUL	A	Caer Wigau Uchaf Farm, Pendoylan	Conversion of redundant stone built barn and cowhouse to provide new 2 bedroom dwelling ancillary to house.
2006/01318/FUL	A	Ford Farm, Llancarfan	Proposed conversion of existing workshop and store to form granny annex
2007/00961/FUL	A	38, Eastgate, Cowbridge	Loft conversion and dormer extension
2007/01144/FUL	A	Field opposite 23, St Brides Road, Wick	To retain stables, hay barn and railway boxes
2007/01250/FUL	A	150, Colcot Road, Barry	Proposed enlargement of a formerly approved conservatory

2007/01264/FUL	A	Old Froglands, Llanmaes	Converting existing garage/workshop to games room and attached internal/external stores to gym, building new lightweight glazed link to new timber framed swimming pool pavilion
2007/01271/FUL	A	Wisteria Lodge, 7, The Mount, Dinas Powys	Extensions and refurbishment to include additional living rooms, bedrooms and bathrooms
2007/01274/TPO	A	Springdale, West Street, Llantwit Major	Removal of side growth of Ash growing through Cypress and 30% crown reduction to remaining two Sycamores.
2007/01279/FUL	A	Glebe Farm, St Andrews Major, Dinas Powys	2 No minor extensions to existing cottage comprising sunroom & bathroom
2007/01286/FUL	A	Land west of Llangan	3 stables and store area
2007/01290/FUL	A	103, Phyllis Street, Barry	White tiled roof porch
2007/01292/FUL	R	19, Tyle House Close, Llanmaes	Build new detached dormer bungalow
2007/01294/FUL	A	6, Heol Ger-y-Felin, Llantwit Major	Single storey extension to side of dwelling
2007/01298/FUL	A	18, Paget Terrace, Penarth	General refurbishment and alterations (Penarth renewal scheme) with front elevation and foundations rebuilt.
2007/01299/FUL	A	Tesco Store, Culverhouse Cross	Re-positioning of means of escape doors on external elevations of new foodstore
2007/01300/FUL	A	19, Paget Terrace, Penarth	General refurbishment & alterations (Penarth Renewal Scheme) with front/side elevation and foundations rebuilt

2007/01302/FUL	A	The Orchard, St. Hilary, Cowbridge	Installation of Solar Panels
2007/01304/FUL	A	33, Elfed Avenue, Penarth	Part two storey part single storey extension
2007/01305/FUL	A	3, Hazel Road, Penarth	Two storey extension
2007/01306/FUL	A	The Hollies, Peterston-Super-Ely	Minor amendments to existing current permission 03/00852/FUL. Replace rear window with door, simplify driveway design
2007/01308/FUL	A	107, Cedar Way, Penarth	Two and single storey extensions and porch
2007/01311/FUL	A	7, Sandringham Close, Highlight Park, Barry	White UPVC Edwardian style conservatory approx dimensions 3.5m x 2.750m as on enclosed drawings
2007/01315/FUL	A	14, Smithies Avenue, Sully	2 no. Two storey residential dwellings
2007/01320/FUL	A	28, Heol y Dryw, Rhoose Point, Rhoose	Retrospective application for porch to front of dwelling
2007/01324/FUL	A	8, Clos Ogney, Llantwit Major	Side single storey extension to enlarge dining room
2007/01328/FUL	A	88, Plymouth Road, Penarth	Conservatory
2007/01332/FUL	A	23 Clive Place, Penarth	Conservatory and New Balcony
2007/01335/FUL	A	44, Westgate, Cowbridge	Retention of existing building ref no. 2006/00508/FUL
2007/01336/FUL	A	52, Heol St. Cattwg, Pendoylan	Proposed extension to add bathroom to ground floor with pitched roof over garage conversion to form bedroom
2007/01344/FUL	A	15, Llwyn y Gog, Rhoose Point, Rhoose	Proposed conservatory to rear

2007/01350/FUL	A	1, Mountjoy Crescent, Penarth	Loft conversion with pitched roof dormers to side and rear.
2007/01352/FUL	A	5, Coed yr Odyn, Barry	Conservatory to be constructed at rear of property
2007/01364/FUL	A	No. 3, Nant Hir, St Johns Hill, St Athan	Single garage to rear
2007/01368/FUL	A	St. Jude, Penmark	single storey extension to side & new conservatory
2007/01374/FUL	A	Llanilltud Fawr Primary School, Ham Lane East, Llantwit Major	Erection of Canopy
2007/01382/FUL	A	32, Llwyn y Gog, Rhoose Point, Rhoose	Garage conversion into proposed dining room
2007/01386/FUL	A	19, Afal Sur, Pencoedtre Village, Barry	Small dormer to front of already approved loft conversion. Side window in ground floor.
2007/01390/ADV	R	Lidl, Cennin Pedr, Pencoedtre Village, Barry	2 x Billboards: 1 x wallmounted, 1 x freestanding
2007/00754/FUL	A	Land part of Great House Farm, Treoes, Vale of Glamorgan	Four detached houses and private roadway
2007/00913/FUL	A	Springfield, Station Road East, Wenvoe, Cardiff	The demolition of the existing house to allow for a new purpose built two storey dwelling
2007/01033/ADV	E	Cambria House, Penarth Road, Cardiff	External signage
2007/01108/FUL	A	1, Glynne Tower, 12, Bridgeman Road, Penarth	Replacement of windows and external doors, modification of existing windows 2nd floor level, new balustrade and roof glazing

2007/01171/FUL	R	Mornington Bungalow, Drope Road, St. Georges- super-Ely	Add first floor to bungalow to provide 5 bedrooms with 2 en-suite bathrooms and 1 main bathroom. Add first floor to garage to provide office and storage space
2007/01303/FUL	R	Field 7179 Aberthin Lane, Aberthin	Riding arena
2007/01307/FUL	R	The Cottage, Ystradowen	Two storey rear extension and relocation of conservatory
2007/01317/FUL	R	Box Cottage, Broughton, Cowbridge	Proposed new driveway
2007/01319/FUL	R	Box Cottage, Broughton	Proposed new dwelling to garden of Box Cottage
2007/01321/FUL	A	24, Trem Y Don, Barry	Outbuilding for existing swimming pool
2007/01327/FUL	A	Arosfa, Ewenny Road, Wick	Single storey annex
2007/01329/FUL	A	16, Jewel Street, Barry	Proposed conversion to 2 no. self contained flats
2007/01330/FUL	A	Land adjacent 'Tregof', Ystradowen	Remove Planning Condition No. 3 on approval 06/01399
2007/01334/ADV	A	Walston Castle, Port Road, Cardiff	Small entrance sign, freestanding.
2007/01338/FUL	R	Cynma House, Colwinston	First floor extension
2007/01340/FUL	A	45, North Walk, Barry	Two storey side and single storey rear extensions to existing house.
2007/01341/FUL	A	5, Eastgate Street, Cowbridge	Demolition of existing conservatory and shed. Proposed conservatory and garage to form off lane parking.
2007/01343/FUL	A	8, Raven Way, Penarth	Two storey side extension and single storey rear extension

2007/01345/ADV	A	Site entrance off Sully Moors Road,	Freestanding sign with arrow indicating entrance into cabot carbon site
2007/01346/FUL	A	Lawn Cottage, Ystradowen, Cowbridge	Alteration and extension works
2007/01355/FUL	A	Public telephone kiosk 02920 712568, outside Starbucks, Windsor Road, Penarth	Retention of existing public telephone kiosk and change of use to form combined public payphone and ATM
2007/01356/FUL	A	1, Elm Grove Lane, Dinas Powys	Side extension
2007/01360/FUL	R	50, Brookfield Avenue, Barry	Side/rear extension
2007/01365/FUL	A	The Mill, St Georges Super Ely, Cardiff	Construction of detached garage
2007/01378/FUL	A	Stoneleigh, St. Georges Super Ely	Installation of stainless steel flue
2007/01397/FUL	A	3, Rookery Close, Sully	2 storey side extension (amendment to previously approved planning application 2006/01334/FUL)
2007/01398/FUL	A	2, Westbourne Road, Penarth	Single storey extension to the rear side of the property
2007/01400/FUL	A	Wallace Fach Cottage, Wick Road, Ewenny	Remove existing timber garden & motor mower store and rebuild with stone & rendered block walls and slate roof
2007/01401/FUL	A	22, St. Athan Road, Cowbridge	Proposed two storey extension to front of property to enlarge study/bedroom and rear single storey extension to provide dining room
2007/01413/FUL	A	2, Rutland Close, Barry	Conservatory to rear of property
2007/01417/FUL	A	85, Port Road, Barry	Two storey extension

2006/00481/FUL	R	Vicarage Lawns, Wick Road, St. Brides Major	Conversion and extension of existing garage for Granny Annexe accommodation
2006/00880/FUL	A	Tinkinswood Farm, Off Dyffryn Lane, St. Nicholas	Retention of new vehicular access road into fields O.S. no 4347 and 3038 for safety reasons
2007/00991/FUL	A	Langdale, Merthyr Dyfan Road, Barry	Demolition of existing bungalow and granny flat and replacement with two detached bungalows
2007/01206/FUL	A	3, Factory Road, Llanblethian	Off road car parking
2007/01234/LBC	R	The Old Dairy, Michaelston le Pit	Single storey extension of decorated rendered brickwork with standing seam metal pitched roof and timber windows. Existing pump house to be demolished
2007/01353/FUL	A	Old Carriageway Stables, Hensol, Pontyclun	Demolition of existing stables and rebuilding of new proposed stables
2007/01358/FUL	A	11, Porth Y Castell, Barry	Provision of timber steps to rear elevation
2007/01369/FUL	A	6, Llety'r Eos, Rhoose, Barry	Conversion of garage into an habitable room
2007/01372/FUL	A	1, Mountbatten Road, Barry	Remove fence and replace with wall including a shed
2007/01375/FUL	R	5, Plymouth Road, Penarth	Construction of off road parking at front of property to accommodate 1 no. vehicle
2007/01383/FUL	A	108, St. Davids Crescent, Penarth	Garage
2007/01388/FUL	A	Manor Piece, St. Hilary	Single storey kitchen extension and two storey living room/guest bedroom extension

2007/01391/FUL	A	Dinas Powys Infants School, Cardiff Road, Dinas Powys	Two canopies on side nursery entrance and back entrance
2007/01404/FUL	A	4, Purcell Road, Penarth, Vale of Glamorgan, CF64 2QL	Two storey rear extension
2007/01405/FUL	A	2, Chandlers Way, Penarth Marina, Penarth	Balcony to rear of property and conversion of garage into study with window
2007/01410/FUL	A	David Street, (Former post office site), Wick	Erection of double garage
2007/01411/FUL	R	Ty Canol, Plot 2, Graig Penllyn, Cowbridge	Detached dwelling and associated external works
2007/01414/FUL	A	Dow Corning, Cardiff Road, Barry	Weather Station attached to 16 metre tall mast
2007/01418/FUL	A	3, Plas Taliesin, Penarth Marina, Penarth	Garage conversion and minor alterations
2007/01420/FUL	A	7, Channel View, Penarth	Steel verandah to be bolted onto front of house with wooden decking floor supported by 2 steel legs welded to underside of floor
2007/01424/FUL	A	20, Gelyn-y-Cler, Pencoedtre Village, Barry	Two storey side extension
2007/01433/LBC	A	Barclays Bank, 62, High Street, Cowbridge	Installation of new replacement non-illuminated external signage
2007/01438/FUL	A	5, Romilly Road, Rhoose	Conservatory to rear of property
2007/01445/FUL	A	113, Redlands Road, Penarth	White UPVC edwardian style conservatory
2007/01532/OBS	N	Culverhouse Cross junction of A4232 and Cowbridge Road West, Ely, Cardiff	Retention of existing signs insitu 2 and propose 2 additional signs

2007/00593/LBC	O	Nash Cottage, Nash Manor Gardens, Cowbridge	Alterations to include: constructing 3 new dormers, demolish timber conservatory, construct stone single storey side extension, general alterations and construct new boundary wall.
2007/01200/FUL	A	Brooklyn House, Piccadilly Road, Llanblethian	Double storey side extension
2007/01354/FUL	A	204, Gladstone Road, Barry	Dormer Loft Conversion
2007/01362/FUL	A	21, Clinton Road, Penarth	Proposed conservatories to ground and first floors
2007/01380/OUT	R	Land to the rear of 2, Ringwood Crescent, St. Athan	Residential development - erection of 2 no. detached dwellings
2007/01392/FUL	A	Land adjoining existing bungalow known as Awelon, Treoes	1 no detached dwelling
2007/01402/FUL	R	26, Cog Road, Sully	First floor extension to provide a bedroom and ensuite
2007/01412/ADV	A	Ty Croes Cwrlwys/Culverhouse Cross House (formerly Daewoo), Copthorne Way, Culverhouse Cross	1 non-illuminated totem/monolith sign 1.2m x 4m. 1 illuminated above entrance door sign 2.44m x 0.53m
2007/01422/FUL	A	British Airways Maintenance Cardiff, Dragonfly Drive, Cardiff International Airport, Rhoose	Extend existing storage facility at BAMC site
2007/01428/FUL	A	1, Highwalls Road, Dinas Powys	Take down section of wall to widen opening, new wooden gates/fencing
2007/01430/FUL	A	12, Barons Close, Llantwit Major	Proposed single storey side extension to provide bedroom and shower room
2007/01432/FUL	A	40, Cosmeston Drive, Penarth	Conservatory to rear

2007/01437/FUL	A	27, Clive Place, Penarth	Replacement window in dormer
2007/01440/FUL	R	The Retreat (formerly Primrose View), Sigginstone	Planning Permission to retain the construction of a 1200mm high fence which has been placed upon a 1000mm high retaining wall
2007/01443/FUL	A	24, Cwrt-y-Cadno, Llantwit Major	Retention of conservatory
2007/01449/LAW	A	Hexion Speciality Chemicals Ltd, Sully Moors Road, Sully	Demolition of redundant portion of offices and laboratory buildings. Making good and cladding the interface with the remaining buildings
2007/01452/FUL	R	119, Stanwell Road, Penarth	Two storey extension to existing dwelling plus rear conservatory
2007/01476/FUL	R	12, Tudor Place, Llantwit Major	demolish garage, construct double storey extension to side/front & rear of dwelling, porch to front, widen drop kerbs to roadside
2007/01485/FUL	R	96, South Road, Sully	Enlarged front dormer to create new bedroom
2007/01582/OBS	B	Brocastle Manor, Brocastle	Formalisation of existing woodland footpaths, 6 no. open concrete slabs to provide seating areas

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No:	2007/00410/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2058868
Appellant:	Mr. W. J. Laing,
Location:	Capehart, Higher End, St. Athan
Proposal:	Single storey extension to kitchen at front of house
Start Date:	8 November 2007

Enforcement Appeals Received

None.

(b) Planning Appeal Decisions

L.P.A. Reference No:	2007/00881/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2058850
Appellant:	Paddle Limited,
Location:	Former allotments at Cedar Road, Eglwys Brewis
Proposal:	Residential development with associated roads
Decision:	Appeal Withdrawn
Date:	13 November 2007
Inspector:	
Council Determination:	Committee

Summary

Appeal withdrawn.

L.P.A. Reference No: 2007/00430/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2052626
Appellant: Stuart Munro,
Location: 6, Chaucer Close, Penarth
Proposal: Attic conversion and kitchen extension
Decision: Split Decision - UPHELD - see file
Date: 15 November 2007
Inspector: Mr. Richard Poppleton
Council Determination: Delegated

Summary

The Inspector dismissed the appeal in respect of the attic conversion and construction of the dormer window, but allowed the appeal and granted planning permission for the kitchen extension subject to conditions.

The Inspector considered the main issue in the appeal to be the effect of the proposal upon the appearance of the area.

The Council raised no objection in respect of the kitchen extension both terms of its design and effect on adjoining residents. The Inspector therefore agreed with the Council's findings with regard to the extension.

However, with regard to the large, flat roof dormer, the inspector concluded that this development failed to respect the design of the host building, that also forms part of a pair of similarly shaped dwellings within a close group of other hipped roof houses. He considered that the proposal would fundamentally alter the appearance of the building and destroy the visual harmony with the other half of the building and its neighbours.

L.P.A. Reference No: 2006/01412/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2049861
Appellant: Mr. Goodwin,
Location: Ivy Cottage, Colwinston
Proposal: Proposed conservatory to side
Decision: Appeal Dismissed
Date: 30 October 2007
Inspector: Mr. P. G. Horridge
Council Determination: Delegated

Summary

The Inspector considered the main issue in this appeal to be the effect of the conservatory on the character of the dwelling and the wider Conservation Area.

The Inspector recognised the value of the Colwinston Conservation Area as an attractive grouping of old and new cottages and houses within a pattern of narrow streets. He noted that although Ivy Cottage is not listed, it contributes positively to the Conservation Area. He commented that the conservatory occupies a prominent position on the side of the property, visible at the adjoining highway.

In dismissing the appeal, he stated that the design of the conservatory reflects those of others in the area which he felt did not contribute to the present appearance of the area. He felt the pitch of the conservatory roof differs from that of the main house, and the hipped roof sits uncomfortably with the existing development. In summary, he thought that the conservatory presents a jarring appearance and fails to preserve or enhance the character or appearance of the Colwinston Conservation Area.

L.P.A. Reference No:	2006/01322/FUL
Appeal Method:	Written Representations
Appeal Reference No:	07/2049481
Appellant:	Rocketfine Limited,
Location:	Land to the rear of Daniel Street, Barry
Proposal:	Erection of housing development, flats and associated site works (4 flats and 16 houses, total 20 units)
Decision:	Appeal Dismissed
Date:	30 October 2007
Inspector:	Mr. P. G. Horridge
Council Determination:	Committee

Summary

The Inspector recognised that the principle of residential development on the site had been established as the site is allocated for such purposes in the Unitary Development Plan (UDP).

However, it appears that the Inspector had three reasons for dismissing the appeal:

1. Some of the dwellings would have inadequate amenity space, leading to unsatisfactory living conditions for future residents. This would conflict with policies UDP Policies ENV27 and HOUS8 which require new housing developments to meet the Council's standards on provision of amenity space as set out in Supplementary Planning Guidance (SPG) on Amenity Standards.
2. There is a shortfall in parking provision which could result in on-street parking on local roads.
3. There would also be problems of loss of privacy to existing dwellings outside the site in view of the close proximity of the habitable room windows in parts of the new development to some of the dwellings that surround the site.

Overall the Inspector thought the scheme to be an overdevelopment of the site, which in all respects would be contrary to UDP Policies ENV27, particularly criterion (ii) and HOUS8, particularly criterion (v).

L.P.A. Reference No:	2006/01546/FUL
Appeal Method:	Hearing
Appeal Reference No:	07/2047538
Appellant:	Lt Col L.L. Traherne,
Location:	Site at the Drope, Drope Road, Nr. St. Georges Super Ely
Proposal:	Construction of a new residential dwelling.
Decision:	Appeal Dismissed
Date:	12 November 2007
Inspector:	Mr. Hywel Jones
Council Determination:	Delegated

Summary

The Inspector considered there to be two main issues in the appeal:

1. Whether the site is a suitable location for the proposed development having regard to the Council's strategy on new housing in rural areas; and
2. The effect of the proposed development on the character and appearance of the area.

With regard to the first issue, the Inspector noted that the Council's Strategic Policies seek to control the location of new development in a way that minimises dependency on the private car. In the light of this, whilst he accepted that the proximity of the site to Cardiff means that it is in a reasonably sustainable location when compared to more remote rural locations, he thought the absence of a footway connection, the limited bus service and the distance from local shops are such that the site does not perform well in this respect. The Inspector felt that occupiers would be likely to be dependent on the private car for many of their day-to-day journeys. In view of this, he found the scheme to conflict with the UDP's strategy on new housing in rural areas.

As for the second issue, the Inspector considered that the Drope Conservation Area was characterised by traditional rural buildings, including an imposing Rectory, several large farmhouses and associated outbuildings and more modest farm workers cottages. In the Inspector's opinion, the recent residential conversion of nearby barns only serves to reinforce the importance of protecting the area from any development that would further erode its rural character. He noted the enhancement works that would result from the development and that there is no objection to the design of the proposed dwelling. However, he concluded that none of these considerations overcome the concerns that the erection of a dwelling and the associated domestication of the site would harm the character and appearance of the Conservation Area.

L.P.A. Reference No: 2006/01548/FUL
Appeal Method: Hearing
Appeal Reference No: 07/2046096
Appellant: Brian Griffiths,
Location: **Land to the rear of 37, Victoria Road (Walton House), Penarth**
Proposal: Erection of a detached one and a half storey dwelling and two parking spaces off existing driveway to Victoria Road and demolition of existing shed
Decision: Appeal Dismissed
Date: 30 October 2007
Inspector: Iwan Lloyd
Council Determination: Delegated

Summary

The Inspector considered the main issues in this case to be:

1. The effect of the proposal on the character or appearance of Penarth Conservation Area; and
2. The effect of the proposal on the living conditions of occupiers of Nos. 18 and 20 Salisbury Avenue, in relation to overlooking.

With regard to the first issue, the Inspector concurred with the Council that there was importance in maintaining the line of the designation of the Conservation Area (the site is at the edge of the Conservation Area boundary) and the historical pattern and layout of the Victorian villa with its walled garden. He considered the walled garden of the property as a whole to form an intrinsic part of the historic pattern of development in the Conservation Area and one which would be eroded by the proposed scheme. He, therefore, concluded that the proposal would fail to preserve the character of Penarth Conservation Area.

As for the second issue, the Inspector felt that, due to the proximity of the proposed dwelling overlooking the adjoining sites, the privacy of the occupiers of this dwelling would be compromised. He commented that whilst this point was not a reason for refusing planning permission, it was considered to be a legitimate concern for which planning conditions could not appropriately address. He, therefore, concluded that the proposal would harm the living conditions of adjoining occupiers.

(c) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn / Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree)	W	22	11	33	5
	H	4	1	5	1
	PI	-	-	-	-
Planning Total		26 (68.5%)	12 (31.5%)	38	6
Enforcement Appeals	W	1	2	3	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (33.33%)	2 (66.67%)	3	-
All Appeals	W	23	13	36	5
	H	4	1	5	1
	PI	-	-	-	-
Combined Total		27	14	41	6

(d) Other Matters

None.

Background Papers

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

Contact Officer:

Justina M Walsh, Tel: 01446 704690

Officers Consulted:

Head of Planning and Transportation.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

5. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2007/01274/TPO	A	Springdale, West Street, Llantwit Major	Removal of side growth of Ash growing through Cypress and 30% crown reduction to remaining two Sycamores.
2007/01381/TCA	A	53, The Verlands, Cowbridge	Crown reduction of Norway Maple and fell Prunus, Malus, Prunus Ceriferas, Cherry and Lawson Cypress
2007/01394/TCA	A	23, Church Avenue, Penarth	Fell 4 Leylandii
2007/01470/TCA	A	Porth-y-Green House, Love Lane, Cowbridge	Fell Silver Maple
2007/01480/TCA	A	23, Westgate, Cowbridge	Crown reduce one Birch, reduce height one Cherry
2007/01373/TPO	A	Searoads, 5, Cliff Parade, Penarth	Remove overhanging branches of Hornbeam and Beech, prune overhanging branches of Oak - all 3 in garden of Searoad and remove two lowest branches of Lime.

2007/01415/TCA	A	1, Sycamore Cottages, The Broadshoard, Cowbridge CF71 7DA	Crown reduce by one third 1 No. Sycamore
2007/01482/TCA	A	36, Westbourne Road, Penarth	Remove flowering Cherry tree
2007/01512/TCA	A	Marsh House, East Aberthaw	Fell 15 Conifers
2007/01523/TCA	A	Knottsberry, St. Nicholas	4 Ash stems in hedgeline and Macrocarpia in front garden
02007/01524/TC A	A	Carreg Llwyd, Llancarfan	Fell spruce
2007/01571/TCA	A	The Kymin, Beach Road and St. Augustines Triangle	Works to trees
2007/01242/TPO	R	The Coach House, Church Road, Llanblethian	Lopping of Ash

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

7. ENFORCEMENT ACTION

NO. 71 HIGH STREET, BARRY : NEW UPVC WINDOWS INSERTED TO FIRST
AND SECOND FLOORS (GRADE II LISTED BUILDING)

Purpose of Report

1. To seek authorisation for the service of a Listed Building Enforcement Notice in respect of the removal of timber sash windows and the installation of white new UPVC windows to first and second floors within a Grade II Listed Building without the benefit of Listed Building Consent at No. 71 High Street, Barry.

Background

2. In September 2006 it was noted that a breach of planning control had taken place at No. 71 High Street, Barry. The site was visited and it was established that the timber windows in the front elevation of the property had been removed and replaced with new, white UPVC double glazed windows. The building is Grade II Listed and as such the works observed require the benefit of Listed Building Consent as they affect the buildings character as one of special architectural interest.
3. In addition to the replacement windows, it has also been noted that an advertisement canopy has been added to the ground floor shop front of the building. Again, this canopy affects the special character of the building and the necessary Listed Building Consent has not been sought.

Relevant Issues and Options

4. The original windows of the building would have consisted of a double hung box frame sash windows constructed out of timber. It is not however certain that such windows were removed to be replaced with the current UPVC windows.
5. The new UPVC windows are a completely inappropriate alteration to this listed building. They reflect nothing of the special architectural interest of the property and are particularly poor in design, being open casements, which only vaguely reflect what the original would have been. The materials in particular make the windows appear a particularly incongruous addition, which has a seriously negative impact on the special character and interest of the building.

6. With regard to the canopy, this is considered to be out of keeping with the character of the building. It is a prominent and incongruous feature that has a detrimental effect on the architectural interest of the building.
7. In view of the comments above, the modern windows and canopy have a profound negative impact on the character and appearance of the building recognised for its special architectural interests. As such the development is considered to be contrary to Policies ENV17 and ENV27 of the adopted Vale of Glamorgan Unitary Development Plan, which seeks to ensure that the built and historic environment is protected and that new forms of development have regard to the context and character of the environment within which they are proposed.
8. In addition to this, Planning Policy Wales (2002), Paragraph 6.5.7 states that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possess. By carrying out the works detailed above, the special character of this building is not preserved and architectural interest of the property is undermined.
9. Despite a number of requests to remove the UPVC windows and replace them with an appropriate alternative, the UPVC windows still remain in place.

Planning History

Application No.	Description	Decision	Date
2001/01019/FUL	Change of use of 3 no. bedsits to 2 no. flats on first and second floor levels	Approved	8 th February 2002

Legal Implications (to include Human Rights Implications)

10. If a Listed Building Enforcement Notice is served, the recipient has a right of appeal under Section 38 of the Listed Building and Conservation Area Act 1990.
11. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

12. None.

Conclusions

13. By virtue of the design and materials used in the white UPVC double glazed windows that have been inserted into the first and second floor of a Grade II Listed Building, these alterations together with the addition of the canopy are considered to have a serious detrimental impact on the special character and appearance of the listed building. As such the development is considered to be contrary to Policies ENV17 and ENV27 of the adopted Vale of Glamorgan Unitary Development Plan and Planning Policy Wales (2002), which seek to ensure that the built and historic environment is protected and that new forms of development have regard to the context and character of the environment within which they are proposed.

RECOMMENDATION

- (1) That the Director of Legal and Regulatory Services be authorised to serve a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 to require:
 - (i) To remove white UPVC double-glazed windows at the first and second floor of the front elevation of the listed building.
 - (ii) To replace these windows with appropriate timber framed, double hung box frame sash windows (in accordance with a scheme of works which will be attached to the Notice).
 - (iii) To remove the canvas canopy and all its fixtures and fittings from the front elevation of the building and make good any damaged surfaces resulting from these works.

In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) The reason for the above recommendation is to ensure the character of the Grade II Listed Building is preserved and the visual amenity of the area is protected.

In the event of an appeal being lodged, the written representation procedure should be adopted.

Background Papers

Enforcement File Ref: ENF/2006/0510/INT

Contact Officer – Miss H Phillips, Tel: 01446 704672

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN (LDP) : DRAFT
PREFERRED STRATEGY AND INITIAL SUSTAINABILITY APPRAISAL
REPORT

Purpose of Report

1. To enable Planning Committee to consider and approve the LDP Draft Preferred Strategy and Initial SA Report for consultation purposes.

Relevant Issues and Options

2. The attached report (Appendix A) was considered by Cabinet on 12 December 2007. The report provides a brief overview of the Draft Preferred Strategy (including key background documents) and Initial SA Report. In addition, it states that both documents will be subject to a 6 week public consultation exercise in Spring 2008. The report makes the following recommendations:

RECOMMENDATIONS

It is recommended that subject to consideration by the Planning Committee and the Economy and Environment Scrutiny Committee:

- (1) That Cabinet endorse the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report for public consultation purposes in Spring 2008.
- (2) That Cabinet permits the Director of Environmental and Economic Regeneration and / or the Head of Planning and Transportation in consultation with the Cabinet Member for Planning and Transportation to make minor amendments to the LDP Draft Preferred Strategy and Initial SA Report prior to public consultation if required.
- (3) That a further report be presented to Cabinet later in 2008 on the representations to the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report.

RECOMMENDATION

- (1) That Planning Committee considers the appended report and Cabinet be informed that recommendations (1) to (3) inclusive be supported.

Reason for Recommendation

- (1) In order to advise Cabinet of Planning Committee's stance on this matter.

Background Papers

- The Planning and Compulsory Purchase Act 2004 (Part 6).
- The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.
- The Local Development Plan Manual (June 2006).
- Local Development Plans Wales (December 2005).
- Wales Spatial Plan (2004).
- The Vale of Glamorgan Local Development Plan Delivery Agreement (October 2007).
- Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.
- The Conservation (Natural Habitats, & c.) Regulations 1994.
- ODPM (2005) Practical Guide to the Strategic Environmental Assessment Directive.
- Vale of Glamorgan LDP Sustainability Appraisal Approved Scoping Report (July 2007)

Contact Officer – Lucy Turner Tel: 01446 704665.

Officers Consulted:

Operational Manager Legal and Regulatory Services
Senior Accountant
All Heads of Service
Section 106 Officer

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

CABINET MEETING: 12TH DECEMBER, 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

**VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN (LDP) – DRAFT
PREFERRED STRATEGY AND INITIAL SUSTAINABILITY APPRAISAL (SA)
REPORT**

Purpose of Report

1. The purpose of this report is to enable Cabinet to consider and approve the LDP Draft Preferred Strategy and Initial SA Report for consultation purposes.

Background

2. The Delivery Agreement (October 2007) sets out the process and timetable for the preparation of the LDP. The Council is currently at the pre-deposit participation and consultation stage (LDP Regulations 14, 15 and 16 refer). As part of this process, LDP Wales (2005) requires local authorities to prepare a vision, various strategic options, preferred strategy and key policies. All of these are contained within the Draft Preferred Strategy document attached at Appendix A to this report. The Council has also produced a number of key background documents (e.g. population and housing projections), which have informed the Draft Preferred Strategy. In addition, local authorities are required to produce an Initial SA Report, which is attached at Appendix B to this report. Both the Draft Preferred Strategy and the Initial SA Report must be publicised over a 6-week period in accordance with the procedures set out under LDP Regulation 15.

Relevant Issues and Options

- **Vision**
3. A key feature of the new LDP system is the emphasis on creating synergy between LDPs and Community Strategies. LDP Wales (2005) states that: "the LDP should seek to address the unique economic, environmental and characteristics, opportunities and issues of the area. It should be based on a vision of the future which should be clear, realistic and based on the objectives and priorities of the relevant community strategy/ies" (paragraph 2.10 refers)." Similarly, the LDP Manual (2006) indicates that the "LDP vision and objectives will flow from having a clear view of what sort of place the authority wants to become. This should already have been achieved within the authority with partners through the preparation of the Community Strategy" (paragraph 5.5. refers).

4. Having assessed its appropriateness, Cabinet resolved to adopt the Community Strategy vision as the vision for the LDP (minute number C2871 refers):

“Our vision for the Vale is a place that is safe, clean and attractive, where individuals and communities have opportunities to improve their health, prosperity and well-being, and where there is a strong sense of community in which local groups and individuals have the capacity and incentive to make an effective contribution to the future of the area.”

- **Strategic Options**

5. The LDP Manual (2006) refers to the need to identify and test realistic strategic options for meeting the objectives. The Draft Preferred Strategy identifies 8 LDP objectives, which relate to matters such as the economy, housing, transport and climate change. In line with national planning guidance, the Council has developed a number of spatial scenarios in conjunction with relevant stakeholders of how the Vale might develop and change to meet the above vision. Cabinet will recall that the Council originally drafted 6 options for consideration and a further 3 hybrid options were suggested by stakeholders at a workshop in May 2007. All 9 options are set out below:

- Option 1: Maximising the potential of and concentrating growth in Barry, Penarth, Dinas Powys, Sully and Rhoose (current UDP strategy).
- Option 2 a: Dispersal of housing and employment opportunities based on the current population of each settlement (without a sustainability test.)
- Option 2 b: Dispersal of housing and employment opportunities based on the current population of each settlement (with a sustainability test).
- Option 3: Higher growth in the larger villages in rural areas (e.g. Llantwit Major, Cowbridge, St. Athan, Rhoose and potentially others to be identified).
- Option 4: A rural new settlement able to promote sustainable self-containment.
- Option 5: Concentrate development opportunities in Barry, Penarth/ Llandough, Dinas Powys and Sully. Llantwit Major and St. Athan to be a key development opportunity. Smaller sustainable settlements to accommodate further housing and associated development.
- Option 6: Option 1 in conjunction with option 4
Maximising the potential of and concentrating growth in Barry, Dinas Powys, Sully and Rhoose (current UDP strategy) as well as developing a rural new settlement to promote self-containment.

- Option 7: Option 2b in conjunction with option 5
Concentrate development opportunities in Barry, Penarth/Llandough, Dinas Powys and Sully. Smaller sustainable settlements to accommodate further housing and associated development based on a sustainability test.
 - Option 8: Option 5 in conjunction with option 4
Concentrate development opportunities in Barry, Penarth/Llandough, Dinas Powys and Sully. Llantwit Major and St. Athan to be key development opportunities. Smaller sustainable settlements (including a rural new settlement) to accommodate further housing and associated development.
6. It should be noted that following further consideration the descriptions of options 5, 7 and 8 were modified to make them more strategic as follows:
- Option 5
Concentrate development opportunities in Barry and the South East zone. The St. Athan area to be a key development opportunity. Other sustainable settlements to accommodate further housing and associated development.
 - Option 7: Option 2b in conjunction with option 5
Concentrate development opportunities in Barry and the South East zone. The St. Athan area to be a key development opportunity. Other sustainable settlements to accommodate further housing and associated development based on a sustainability test.
 - Option 8: Combination of Options 5 and 4
Concentrate development opportunities in Barry and the South East zone. The St. Athan area to be a key development opportunity. Other sustainable settlements (including a new settlement) to accommodate further housing and associated development.
 - **The Draft Preferred Strategy**
7. In line with the majority of relevant stakeholder views, the Draft Preferred Strategy identifies Option 5 as the proposed spatial strategy for the emerging LDP. Given that the majority of the Vale's population, services and facilities are concentrated in the South East zone, this option provides greater opportunities for supporting future sustainable growth. In addition, it accords with the Wales Spatial Plan, which identifies Barry and St. Athan as areas of opportunity in the South East Wales region. Outside these areas, new development will only be permitted in settlements that are already well catered for in terms of services and facilities (please see the Sustainable Settlements Review background paper and the settlement hierarchy policy below). It is considered that additional development in these settlements will help to sustain them and provide for current and future local needs.

8. In terms of the sustainability, the options appraisal report recognised that this option would spread the benefits of development more evenly across the Vale and reduce pressure for greenfield development. The report also highlighted the potential for new development to relieve traffic congestion in the main urban areas by facilitating improvements to existing public transport provision.

- **Key policies**

9. The Draft Preferred Strategy contains 12 Core Strategic Policies (CSPs) on the following topics:

- (i) Sustainable Development (CSP1)
- (ii) Climate Change (CSP2)
- (iii) Renewable Energy (CSP3)
- (iv) Housing Need (CSP4)
- (v) Affordable Housing (CSP5)
- (vi) Planning Obligations (CSP6)
- (vii) Retailing (CSP7)
- (viii) Employment (CSP8)
- (ix) Minerals (CSP9)
- (x) Built and Natural Environment (CSP10)
- (xi) Strategic Transport Improvements (CSP11)
- (xii) Sustainable Waste Management (CSP12)

10. The CSPs are cross-referenced to the relevant strategic objectives and will assist the Council in delivering the Draft Preferred Strategy. More detailed planning policies that seek to deliver elements of the strategic objectives will also be supported by further issues or site specific policies which will be developed later and published in the deposit draft LDP.

11. To assist in the delivery of the spatial strategy, the Draft Preferred Strategy also includes a settlement hierarchy policy which states:

"Future development will be guided towards the following settlements which maximise social and economic benefits, reduce the need to travel and minimise the loss of greenfield sites:

Key settlements: Barry and St.Athan

Primary settlements: Cowbridge, Dinas Powys, Llantwit Major, Penarth, Llandough (Penarth), Rhose, Sully and Wenvoe

Secondary settlements: Bonvilston, Ystradowen, Ogmore by Sea, St. Brides Major, Wick, Southerndown, Corntown and Ewenny

Minor settlements: East Aberthaw, Colwinston, Aberthin, St. Nicholas, Pendoylan, Treoes, Llysworney, Llancafarn, Llanmaes, Peterston Super Ely, Sigingstone, Penllyn and Llandow. "

- **Key background documents**

12. The Council has produced the following key background documents, which supplement the Draft Preferred Strategy and the Initial SA Report. Copies of these documents have been placed in the Member's Room for ease of reference. However, it should be noted that they will be made available on the Council's web site and at the deposit locations specified in the Delivery Agreement (October 2007) during the forthcoming public consultation period.

- **Population and Housing Projections Topic Paper**

13. The paper includes the following:

- Government housing policy relating to population and housing projections;
- population, housing, migration and build trends and
- eight population, household and dwelling forecasts.

It highlights that only the regional requirements model, meets the guidance offered by the Wales Spatial Plan and it is therefore proposed to use this model to establish the proposed future housing requirements for the LDP.

14. The South East Wales Region projections estimate that the number of households will increase from 583,700 in 2003 to 692,600 in 2021, an increase of 108,900 (18.6%). SEWSPG has apportioned the WAG regional projected housing figure between the 10 local authorities that form the South East Wales Region. This is in the context of the Wales Spatial Plan and associated South East Wales area work, whilst considering each authority's particular needs and limitations. The SEWSPG Memorandum indicates the Vale should accommodate 8% of the regional figure. This is an apportionment of 500 dwellings per annum, which equates to 7500 dwellings over the Plan period, 2011 to 2026.
15. Whilst the Council intends to use this figure for the LDP, it should be noted that it will be subject to regular review, as required by Government Guidance and can therefore be amended should the migration or the Wales Spatial Plan requirements change.

- **Employment Land Study**

16. In March 2007, the Council appointed consultants to review the Vale's existing and allocated employment sites and assess the need for employment land in the LDP including any need generated by the DTA at St. Athan.

17. The study highlights that the Vale currently has an insular property and employment land market that is predominantly industrial in character with demand largely for small start up units and grow on space for locally based companies. Whilst there is a market for office development this is currently relatively small, with demand for office space below 100 sq.m. The reasons for the Vale's insular market are because there is limited inward investment; the larger settlements are at a distance from the motorway network and the Vale's proximity to larger neighbouring employment centres with more favourable grant regimes e.g. Bridgend.
18. Despite these constraints the report concluded that due to proposals at DTA St Athan and projected passenger growth at Cardiff International Airport the Vale is in a favourable position, and demands for employment land at these locations and elsewhere will grow over the next 5-10 years. The report suggests that DTA St Athan itself has the potential to generate demand for 0.5- 1 ha of employment land per annum.
19. Consequently, in terms of future employment land requirements the report indicates that the current supply of 173 hectares of employment is sufficient to meet the Vale's future employment needs, including any potential demand generated from DTA St Athan. However, the study has identified a need to overcome development constraints at key sites at Barry (Hayes Wood, Atlantic Trading Estate) and at Cardiff International Airport and to provide serviced, freehold, development plots in Barry, (including the provision of a new 10ha should any existing sites be de-allocated due to constraints). The study also highlighted that future policy should actively support the rural economy.
20. Accordingly, the focus of the LDP's employment strategy will be to utilise existing employment sites, to overcome infrastructure constraints and also to enhance the range of units available. The emphasis will be on working in partnership with key landowners and the Welsh Assembly Government to ensure that the Vale is in a strong position to capitalise on the economic opportunities identified within the report.

• Sustainable Settlements Review

21. In accordance with Planning Policy Wales (2002), the Council has reviewed the existing level of key services and facilities in 96 settlements in the Vale to establish how sustainable they are. The following table shows the selection criteria, indicators and weighting used for this study:

Criteria	Indicators	Weighting
Social considerations	Population	Zero weighted but used to identify ranges of settlements.
Retail Services / Employment	General Store / Post Office/ Employment Area e.g. power station, garden centres, RAF base	Considered of highest importance to reduce the number of journeys, as these are basic every day essential needs and therefore triple scored.

Transport Services and Accessibility	Bus / Rail	Seen as very important to reduce the number of trips made by single car occupancy, therefore public transport was double rated.
Community Services and Facilities	Preferable and Desirable Services and Facilities e.g. schools, restaurants, play areas etc	Each of the other community services and facilities were given a single score each.

22. All the settlements were scored and ranked accordingly. The results of the study were used to inform the settlement hierarchy policy referred to above.

- **Spatial Options Background Paper**

23. This paper sets out how and when the various spatial options were considered and refined by the Council. It provides a brief explanation and illustrative map for each option and briefly explains why option 5 was chosen as the proposed spatial option for the emerging LDP.

Options Appraisal Report

24. To assist the Council in determining the LDP draft preferred strategy, an independent appraisal of all the above options has been carried out as part of the SA process. The appraisal predicts and evaluates the effects of each option on the SA objectives set out in the LDP SA Approved Scoping Report (July 2007). The report highlights that all of the 9 options would have similar effects in terms of their environmental impacts. However, the main differences relate to the delivery of socio-economic benefits throughout the Vale of Glamorgan. Option 1 would deliver benefits in urban areas alone, while options 3 and 4 would deliver benefits to the rural settlements. All the other options would deliver some benefit throughout the Vale of Glamorgan. However, options 2a and 2b would lead to growth that is highly dispersed and not focussed, thereby putting a strain on existing resources.
25. It is essential that the Draft Preferred Strategy delivers the benefits where they are most needed and this includes both urban and rural settlements. The options that are likely to achieve this are options 5, 7 and 8. Nevertheless the benefits of options 8 would be limited as a significant amount of development may be focussed on the new settlement. The key strengths of these options are:
- delivery of benefits in both urban and rural areas;
 - potential for use of previously developed land, where it is available, in urban areas;

- a balanced spread of growth contributing to tackling the causes of deprivation proportionally to settlement size;
- provision of development in key settlements thereby reducing the need to travel for local services; and
- maintaining and enhancing vitality and viability of key urban and rural settlements.

- **Habitats Regulation Assessment of the Vale of Glamorgan LDP Draft Preferred Strategy - Screening Report**

26. In accordance with the EC Habitats Directive, the Council has undertaken a screening exercise to establish whether the Draft Preferred Strategy is likely to have a significant effect on European sites of nature conservation importance. The Vale of Glamorgan contains the Dunraven Special Area of Conservation (SAC) and its boundary for part of the Severn Estuary Special Protection Area (SPA). Other European Sites that could potentially be affected by the LDP within adjacent local authority areas and which are considered in this report are Kenfig (SAC), Cefn Cribwr Grasslands (SAC), Blackmill Woodlands (SAC) and Cardiff Beech Woods (SAC).
27. The report concludes that likely significant impacts could result from the Draft Preferred Strategy and therefore Appropriate Assessment (AA) is required in this instance.

- **Initial SA Report**

28. Although the SA/SEA and LDP preparation are separate processes, it is essential that they are well integrated. The SA/SEA process needs to inform the LDP process to ensure that the adopted LDP is one that promotes sustainable development. ODPM/WAG guidance (2005) states that the SA/SEA process is an iterative one that needs to guide the development of the LDP. In accordance with the guidance, the Council has prepared an Initial SA Report, which tests the LDP objectives and core strategic policies contained within the Draft Preferred Strategy against the sustainability objectives set out in the LDP SA Approved Scoping Report (July 2007). The report has been independently checked to ensure that all the necessary tasks have been carried out and that it meets all legal requirements.

- **Next Steps**

29. Subject to approval by Cabinet, the Council intends to undertake a 6 week public consultation exercise in February / March 2008 on the Draft Preferred Strategy and Initial SA Report. The consultation will be carried out in accordance with the procedures set out in the Delivery Agreement (October 2007):
 - (i) Direct contact with all stakeholders;
 - (ii) Placing copies of the Draft Preferred Strategy, Initial SA Report and comment forms on the Council's web site and at deposit locations;
 - (iii) Issuing press releases and
 - (iv) Undertaking various staffed exhibitions across the Vale;

30. Following the consultation, the responses will be discussed with the key stakeholder group and checked with the responses from the control group. The Council will prepare and publish a consultation report containing details of all the representations and the Council's responses. All stakeholders will be made aware of the availability of this report. When the LDP Strategy has been confirmed, the Council will commence work on the candidate site assessments to establish which ones are compatible with it.

Resource Implications (Financial and Employment)

31. The LDP is being undertaken by officers within the Planning and Transportation Policy group within existing budgets. Although the preparation of the Draft Preferred Strategy and Initial SA Report are key parts of the process they have no additional resource implications.

Legal Implications (to include Human Rights Implications)

32. The Council's statutory duties under the new LDP system are contained in Part 6 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. This report has been prepared to meet the requirements of the Act.

Crime and Disorder Implications

33. None arising out of this report. In due course, crime and disorder issues will be considered in the preparation of the LDP.

Equal Opportunities Implications (to include Welsh Language Issues)

34. The Council will publish proposals and consult with the public in English and Welsh whenever it is practicable to do so, and make provisions for representations and communication at the Examination Proceedings to be carried out in English and Welsh. However, this may not always be possible, due to the technical nature of some documents.

Corporate/Services Objectives

35. One of the service objectives for Planning and Transportation is "to develop a sustainable land use planning and transport framework for the Vale of Glamorgan." The preparation and adoption of the LDP is key to meeting this objective. The adoption of a LDP for the Vale of Glamorgan will be one of the main service targets for the Planning and Transportation Division over the next 4 years.

Policy Framework and Budget

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

Consultation (including Ward Member Consultation)

37. No Ward Member consultation has been undertaken as this report has implications for the Vale as whole rather than specific wards. Wherever feasible, consultation on the LDP will be carried out in accordance with the Council's adopted Code of Practice on Written Consultation (August 2002). However, it should be noted that the consultation timeframes for the LDP are set out in the relevant national legislation and these must be complied with.

Appropriate Scrutiny Committee

38. Economy and Environment.

RECOMMENDATIONS

It is recommended that subject to consideration by the Planning Committee and the Economy and Environment Scrutiny Committee:

- (1) That Cabinet endorse the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report for public consultation purposes in Spring 2008.
- (2) That Cabinet permits the Director of Environmental and Economic Regeneration and/or the Head of Planning and Transportation in consultation with the Cabinet Member for Planning and Transportation to make minor amendments to the LDP Draft Preferred Strategy and Initial SA Report prior to public consultation if required.
- (3) That a further report be presented to Cabinet later in 2008 on the representations to the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report.

Reasons for Recommendations

- (1) To ensure that the LDP is prepared in accordance with the LDP Delivery Agreement (October 2007) and to satisfy the requirements of the LDP and SEA Regulations.
- (2) To allow factual updates, correction of typographical errors etc to be made to the reports prior to public consultation.
- (3) To ensure Cabinet are kept informed of progress on this matter.

Background Papers

- The Planning and Compulsory Purchase Act 2004 (Part 6).
- The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.
- The Local Development Plan Manual (June 2006).
- Local Development Plans Wales (December 2005).
- Wales Spatial Plan (2004).

- The Vale of Glamorgan Local Development Plan Delivery Agreement (October 2007).
- Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.
- The Conservation (Natural Habitats, & c.) Regulations 1994.
- ODPM/WAG (2005) Practical Guide to the Strategic Environmental Assessment Directive.
- Vale of Glamorgan LDP Sustainability Appraisal Approved Scoping Report (July 2007).

Contact Officer – Lucy Turner Tel: 01446 704665.

Officers Consulted:

Operational Manager Legal and Regulatory Services
Senior Accountant
All Heads of Service
Section 106 Officer

Rob Quick
Director of Environmental
and Economic Regeneration

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

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

SITE DESCRIPTION

The Coach House is a separate two storey dwelling which was once part of The Old Rectory situated on a south facing slope, to the west of the village of Peterston-Super-Ely. Both structures are under the same Grade II Listing being of a 19th Century Gothic design and fall within the Peterston-Super-Ely Conservation Area.

DESCRIPTION OF DEVELOPMENT

This application seeks permission to clear fell three semi-mature Sycamore trees and prevent regrowth. The trees are growing in the adjoining field, which belongs to Backway Farm, and are in close proximity to the south facing boundary wall of The Coach House.

TREE HISTORY

07/01065/TCA – The Coach House, Peterston-super-Ely. Fell row of Cypress, 2 Sycamore and one Horse Chestnut within the grounds of The Coach House. Approved 22 August, 2007.

REPRESENTATIONS

The applicants have detailed their objections to the Tree Preservation Order which includes a supporting structural engineers report (received 30 October, 2007).

REPORT

The Sycamores were given provisional protection following receipt of an application for felling under the Works to Trees in a Conservation Area procedure. It was felt that the trees as a cohesive group gave the attractive impression of one very large spreading specimen and therefore, allowing the felling of any or all would detract from the general impression of open countryside when viewed from footpaths south of the site.

Furthermore, the Coach House, which is included in the CADW Listing for the larger adjacent property The Old Rectory was viewed to be secondary in importance, visually, to the latter and that the Sycamores assisted in this perception by allowing the former to recede into the background copse of native trees, to the west.

- The view of the objections above to the above rationale for serving the Tree Preservation Order is that:
- The Sycamores are only visible from the footpath for a section of 150 metres.
- The trees are still quite young with the potential for further growth in an inappropriate location.
- It is not accepted that the trees are rare enough to be an additional draw for various birds and insects and,
- Lastly, the Coach House was sympathetically developed and refurbished in materials to match the Old Rectory and therefore, it is not fitting to allow it to recede into the background.

Ultimately, the applicant's main concerns (summarised) are as follows:

- Proximity of the Sycamores to structures means they can only develop at the expense of the property and the already damaged retaining wall.
- There is the potential for damage to the drain run which is below the driveway and aligned with the retaining wall.
- All three trees overhang the conservatory (on the front elevation of the Coach House) and falling debris has cracked all but one of the glass panels (see Appendix A).

An important point to note in situations such as this is that whilst *"...trees are on many occasions a contributory factor in subsidence and related structural damage. ...it is also true that on many occasions they are not the causative agent in the movement..."*. There are several other factors, natural seasonal soil moisture changes; localised geological variations; settlement and land slip and various structural defects introduced by poor construction practices where extensions or alterations are made. This is to name but a few. (Taken from **The London Tree Officers Association – A Risk Limitation Strategy for Tree Root Claims, 3rd Ed, May 2007**). However, the above strategy advocates that regular reductive pruning can successfully limit damage by tree roots thereby allowing the tree or trees to be retained.

The structural engineers report carried out and prepared by the Austin Partnership (dated 13 October 2007 – Conclusions/Recommendations 3.0) recommends that:

“...In order to restore the integrity of the wall and more importantly ensure the long term of the stability of the drainage system and foundations it is recommended that the trees in the influencing distance of the property should be removed. ...” (see Appendix B).

This report by the Austin Partnership has been scrutinised by a suitably qualified Senior Building Control Officer and the officer has confirmed the reports findings and agrees that these Sycamore trees are mainly responsible for undermining the boundary/retaining wall (which will have to be dismantled and rebuilt). This wall cannot be rebuilt without there being some damage to the roots of the Sycamores and new concrete in the foundations is likely to contaminate the soil.

If the trees were on land in the applicants ownership it would have been reasonable to recommend regular reductive pruning in an attempt to retain them. Unfortunately this is not the case and in view of the survey's findings it is considered that it would be prudent not to confirm this provisional Tree Preservation Order and to allow the felling of the three Sycamores.

RECOMMENDATION

- (1) That this Tree Preservation Order is NOT confirmed.

Reason for Recommendation

- (1) The retention of the trees could cause structural problems to an existing property in the future.

Background Files

Planning File 2007/01014/TCA

Contact Officer – Margaret Kzemieniewski, Tel: 01446 704742

Officers Consulted:

Not applicable.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX A

Objections to Tree Preservation Order (No 17) 2007 Trees Situated at Field South of The Coach House Peterston Super Ely Sycamores T1-T2-T3

1. The trees are planted too close to the property allowing insufficient space for them to develop without causing future structural damage to the house.
2. The trees are causing structural damage to the existing stone boundary wall.
3. There are drains serving The Coach House and the adjacent property running in close proximity to the Sycamore Trees. The tree roots will (if not already having done so) invade the drainage system.
4. A significant amount of all three tree canopies overhang The Coach House's conservatory and the debris (smaller branches) falling from the Sycamore trees has cracked all but one of the glass panels (see enclosed photographs).

My wife and I commissioned the services of the Austin Partnership, a firm of Consulting Structural Engineers to undertake a structural inspection of the boundary wall and the conservatory that was constructed when The Coach House was developed.

Please find enclosed a copy of this report, which I trust provides the necessary supporting information.

Also find enclosed an estimate for the replacement of the glass roof panels, highlighting the considerable cost to be incurred in rectifying the damage caused by the falling debris.

In addressing the Council's reasons for the issuing of the TPO (due to HIGH amenity value) as provided to me in the email from Mrs Margaret Krzemieniewski dated 10th September 2007 (copy attached) our response is as follows:

1. The existence of the public footpaths is accepted but the copse of native trees that lie to the west of the site and the Western Red Cedars that line our driveway make the Sycamores in question only visible for a very small section of the footpath (approx 150m).
2. These trees would appear to be approx 50yrs old with plenty of scope for growth without sufficient safe growing space (please refer to structural engineers report).

It is not accepted that the non native sycamore trees have a rarity that would suggest that they would be an additional draw for a variety of bird species and insects.

We would embrace suggestions for future planting from the LPA perhaps more suitable smaller native trees, plants, shrubs and flowers so as to encourage biodiversity within the conservation area.

3. The former owner of "The Rectory House" was the late Graham Weaver, a chartered architect who developed the Coach house in the very early 1980's. The Coach House, as it's name suggests was the original coach house to the Rectory House, and when the development and extension program was designed by Mr Weaver it was done sympathetically seeking to use similar materials from the red engineering brick, stone wall construction, use of local slate for the roof, down to the terracotta roof tiles on the veranda. Whilst we accept that the houses cannot be compared as equals, it is visible from the similar construction style and materials (please see photographs attached) they could at least be seen to originate from the same family (as they indeed did!). As a result it seems fitting NOT to allow the Coach House to recede into the background as suggested.

CONCLUSION

Our concerns have been confirmed in the structural survey carried out by the Austin Partnership who have recommended that **"in order to restore the integrity of the wall and more importantly ensure the long term stability of the drainage system and foundations it is recommended that the trees in the influencing distance of the property should be removed."**

We have addressed the LPA's reasons for the issuing of the TPO based upon high amenity value, but if we are able to assist you further then please do not hesitate to contact us.

Nick Colmsee

From: Krzemieniewski, Margaret [MKrzemieniewski@valeofglamorgan.gov.uk]
Sent: 10 September 2007 14:02
To: 'Nick Colmsee'
Subject: RE: The Coach House - Peterston Super Ely

Dear Mr Colmsee,

I acknowledge your intention to provide representations in respect of the TPO'd Sycamores on land adjoining your property, by October 4.

It is my understanding that usually, arboriculturists and other tree specialists can only comment on the condition of the trees of the trees in question. Where one is attempting to confirm, without doubt, that the trees are responsible for structural damage (in this case - the boundary wall) a structural survey may be necessary.

Whilst it was clear from the site visit that the wall has several cracks from top to bottom, it is an issue, (that is, whether mature trees are wholly the reason why such structural damage occurs) which is subject to intense debate nationally. One view is that it is often easier to blame trees when many other factors could be acting to cause such stresses. On this basis then, if the main thrust of your concerns is the damaged wall a survey that includes some geotechnical tests will establish causal factors within reasonable limits. If you focus instead upon nuisance factors such as failing limbs damaging your property or potential damage to drainage then you will be advised that there are certain remedial techniques to guard against this such as reducing the canopy of the offending trees.

As requested, below is my rationale for the issue of the TPO. As I have previously stated I am not unamenable to the trees being felled if appropriate tests prove they are the main cause. (I would add that I was under the impression at the outset that a structural survey had probably been carried out at the time you purchased The Coach House and had prompted you to pursue the matter of the Sycamores.)

Council's reason for issuing a TPO

This site enjoys some nominal privacy from the surrounding trees given that it is situated on land which slopes down towards public footpaths along the southern edge of the field within which the Sycamores are growing. However footpaths run northwards, east and west of the site. Furthermore from a distance south of the site, for example, when viewed from across the main road through the village of Peterston-Super-Ely, the land has the appearance of open fields

The Sycamores themselves are clearly benefiting from having the room to develop shapely crowns and cohesively they give the impression of one very large attractive tree. Although prolific and quick growing, Sycamores have a long potential life expectancy of 200 to 300 years: these specimens appear to be circa 50 to 60 years old. These trees support a high insect biomass and draw a variety of bird species.

In terms of visual amenity, whilst the Western Red Cedars at the front of Rectory House provide an evergreen screen with neat and distinctive shapes and texture bringing the main structure of the Grade II Listing within the grounds generally, to the fore, the Sycamores aid this illusion by allowing the Coach House to recede into the background amongst the copse of native trees mainly to its west.

I hope the above helps to clarify the issues. I await your response/report.

Yours sincerely

Margaret Krzemieniewski
Asst Planner - Trees
01446 704742

[Krzemieniewski, Margaret] -----Original Message-----

From: Nick Colmsee [mailto:nicholas@colmsee.orangehome.co.uk]
Sent: 09 September 2007 21:34
To: mkrzemieniewski@valeofglamorgan.gov.uk

APPENDIX B

Structural Engineers Report

The Coach House
Peterston-Super-Ely
Vale of Glamorgan

Austin Partnership
11 Drake Walk
Waterfont 2000
Atlantic Wharf
Cardiff, CF10 4AN

13th October 2007

Ref: 07.2007

Contents

1.0 INTRODUCTION

2.0 INSPECTION

3.0 CONCLUSIONS/RECOMMENDATIONS

4.0 APPENDICES

Appendix 1 Photographs

Appendix 2 Extract of original extension plan.

Appendix 3 Building Near Trees NHBC Standards Chapter 4.2

1.0 Introduction.

The Austin Partnership was commissioned by Mr & Mrs Colmsee to undertake a structural inspection of a site boundary wall and conservatory extension that are known to be constructed in close proximity to several semi-mature Sycamore trees at the property known at The Coach House, Peterston-Super-Ely, Vale of Glamorgan.

The purpose of the inspection was to determine the cause of cracking that has developed within the boundary wall and to consider what affect the trees have had in respect of the present condition and also any affects that the trees will have in the long term.

The trees that are adjacent to the wall are separated from conservatory extension by a gravel finished driveway serving the property which is approximately 5.0m wide. Located within this driveway is a drain, which is known to run parallel between the wall and property; this not only carries the drainage from the property but also receives discharge from an adjacent.

2.0 Inspection.

Inspection of the property boundary wall noted a number of cracks of varying width, these were in the proximity of the trees, the cracks were generally confined to the mortar jointing but extended the full height of the wall. At these locations the roots could be seen to extend under the base of the boundary at these locations as a consequence the pressure from the growth has caused localised upward deformations.

A representative sample of the soil was taken within the proximity of the trees, this confirmed that the near surface soil is predominantly clay type which is known to be susceptible to seasonal moisture changes which will result in shrinking and swelling.

Having referred to the original plans of the property, this confirmed that conventional shallow depth strip foundations have been adopted in the construction of the extension and the presence of the drain run in the gravel driveway. Appendix i.

3.0 Conclusions / Recommendations.

The cause of the movement within the boundary wall is the consequence of the trees being in very close proximity, with insufficient space for long-term growth, this has been further compounded by the presence of the root growth under the wall ultimately causing the cracks to develop. Movements and deterioration of the wall will continue and exacerbate the defects as the trees mature in future years.

It is recognised that roots from trees and other vegetation will extract moisture from the soils, this more commonly so during long periods of dry weather, as these soils are recognised to be clay type; these will be susceptible to greater shrinkage and swelling than normal type soils.

It is also recognised that fine roots will also be attracted toward drain run and over a period of time, these will enter the system to result in damaged joints, undulations and possible disruption to the system.

Having referred to the building regulations and reference to the British Standard for trees in relation to construction the existing foundations could be susceptible to damage resulting from seasonal moisture changes in the ground.

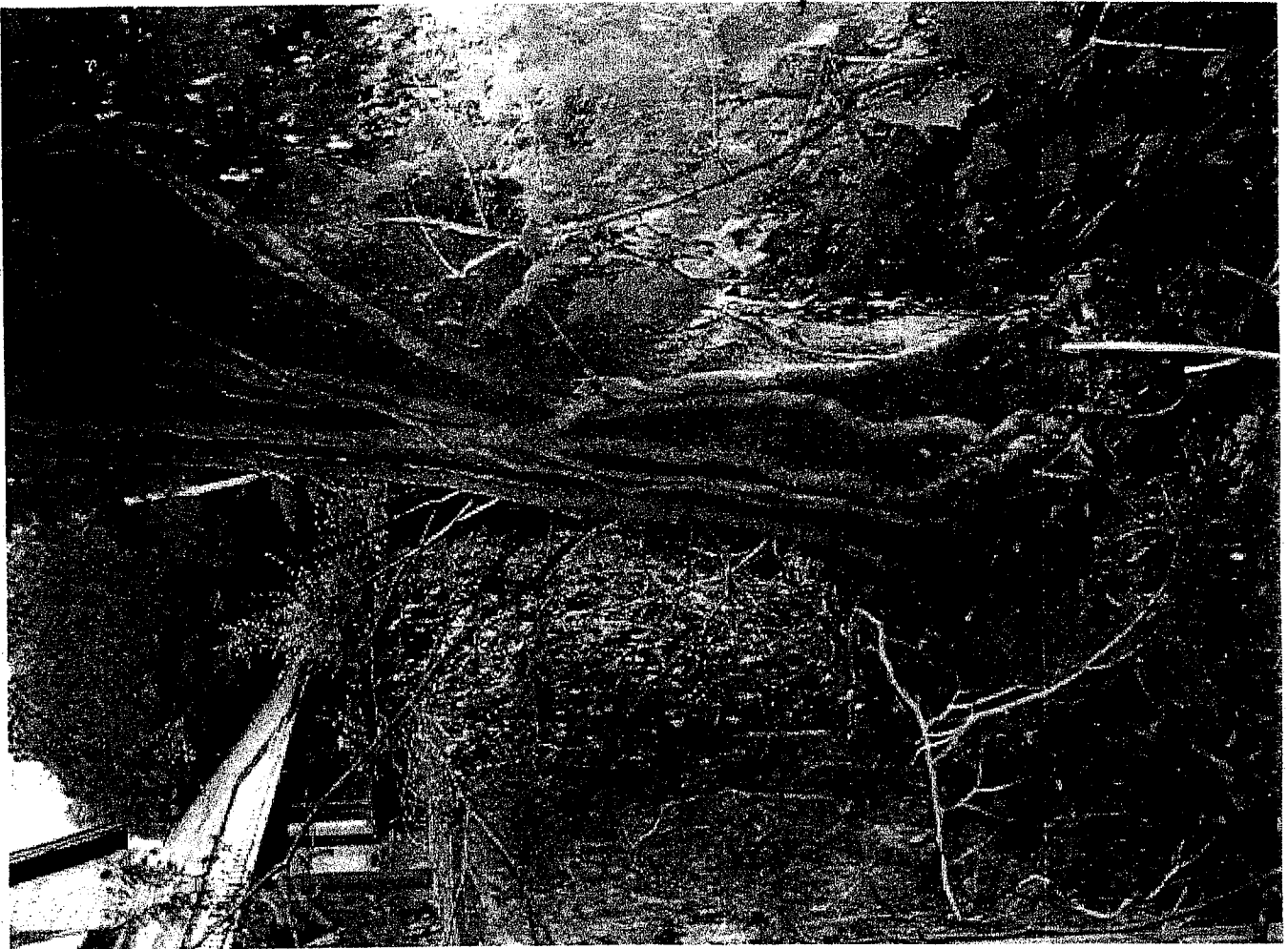
A clay subsoil can shrink when it dries out of its normal winter moisture content, and this can cause substantial movements and ultimately damage to the property. With reference to Building Near Trees – NHBC Standards Chapter 4.2 it is recommended that conventional foundation should have a minimum depth of 900mm but required foundation depth of 1600mm below ground level. The existing foundation depth is no more than 600mm below ground level. Appendix ii.

The foundations may experience movements in years to come, which will inevitably result in underpinning.

In order to restore the integrity of the wall and more importantly ensure the long term of the stability of the drainage system and foundations it is recommended that the trees in the influencing distance of the property should be removed.

APPENDICES

APPENDIX 1
PHOTOGRAPHS







APPENDIX 2

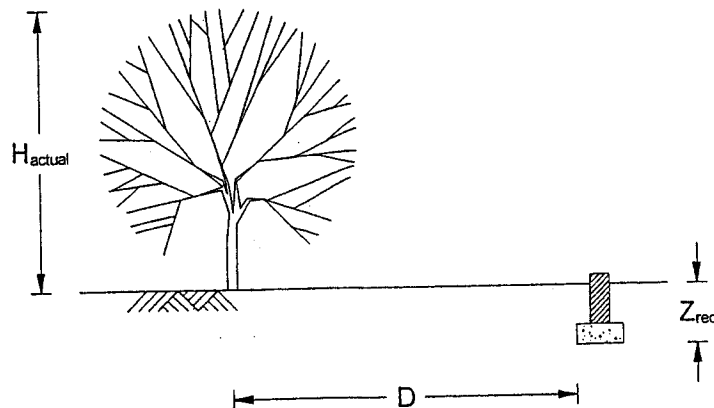
EXTRACT OF ORIGINAL EXTENSION PLAN



APPENDIX 3

BUILDING NEAR TREES NHBC STANDARDS CHAPTER 4.2

 AUSTIN PARTNERSHIP CONSULTING ENGINEERS 11 DRAKE WALK, WATERFRONT 2000, ATLANTIC WHARF, CARDIFF.	Project				Job Ref.	
	Section				Sheet no./rev. 1	
	Calc. by GF	Date 19/10/2007	Chk'd by	Date	App'd by	Date



BUILDING NEAR TREES - NHBC STANDARDS CHAPTER 4.2

Tree details

Species of tree;

Broad leaf - Sycamore

Mature height of tree;

$H_{mature} = 22 \text{ m}$

Actual height of tree;

$H_{actual} = 10 \text{ m}$

The tree is to remain at the site

Tree height for calculation;

$H = 22 \text{ m}$

Water demand;

Moderate

From NHBC Standards, Chapter 4.2, Table 2

Zone of influence factor;

$K = 0.75$

Zone of influence;

$x = K \times H_{mature} = 17 \text{ m}$

Distance from centre of tree to face of foundations;

$D = 5 \text{ m}$

The foundations are within the zone of influence exerted by the tree

Site details

Site location;

Cardiff

From NHBC Standards, Chapter 4.2, Figure 13

Reduction in foundation depth due to climate variations; $Z_c = 0.10 \text{ m}$

Determine the volume change potential of the soil

Plasticity index from lab tests;

$I_p = 40 \%$

Percentage of particles smaller than $425 \mu\text{m}$;

$p_{425} = 80 \%$

Modified plasticity index ;

$I'_p = I_p \times p_{425} / 100\% = 32 \%$

From NHBC Standards, Chapter 4.2, Table 1

Volume change potential;

Medium

Determine the required foundation depth

From NHBC-Table 18 Broad leafed trees

Base foundation depth;

$Z_b = 1.70 \text{ m}$

Foundation depth corrected for climate;

$Z = Z_b - Z_c = 1.60 \text{ m}$

From NHBC Standards, Chapter 4.2, Table 5

Minimum foundation depth;

$Z_{min} = 0.90 \text{ m}$

Required foundation depth;

$Z_{req} = 1.60 \text{ m}$

Restrictions on new planting

No new low water demand trees within a distance of $0.5 \times$ mature height from the face of the foundations

 AUSTIN PARTNERSHIP CONSULTING ENGINEERS 11 DRAKE WALK, WATERFRONT 2000, ATLANTIC WHARF, CARDIFF.	Project				Job Ref.	
	Section				Sheet no./rev.	
					2	
Calc. by	Date	Chk'd by	Date	App'd by	Date	
GF	19/10/2007					

No new moderate water demand trees within a distance of $0.75 \times$ mature height from the face of the foundations
 No new high water demand trees within a distance of $1.25 \times$ mature height from the face of the foundations
 There are no restrictions on the planting of new shrubs

TREE PRESERVATION
ORDER (N°17), 2007
THE COACH HOUSE
PETERSTON-SUPER-ELY

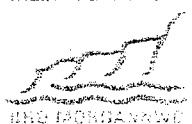
The
 Old Rectory
 (surgery)

The
 COACH
 HOUSE

T1 T2 T3

T1 - Sycamore
 T2 - Sycamore
 T3 - Sycamore

Peterston

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	The Vale of Glamorgan Council Department: PLANNING Title: THE COACH HOUSE, PETERSTON- Drawn By: SUPER-ELY	
	Scale 1:500 Time 12:17:41 PM Date 17 Aug 2007	

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

EXTINGUISHMENT OF ADOPTED HIGHWAY AT TY DRAW FARM,
ST. ANDREWS MAJOR

Purpose of Report

1. To seek Committee approval for the extinguishment of a length of adopted highway contained within the boundary of Ty Draw Farm, St. Andrews Major; and to inform Committee that a report has been presented to Cabinet Sub Committee (Public Rights of Way) for the creation of a public footpath to extend Public Footpath No. 8 St. Andrews Major to replace that length of extinguished highway.

Background

2. The section of adopted highway in question provides access to the rear of Ty Draw Farm and is included in the deeds of the property. It also links Public Footpath Nos. 7 and No. 8 St. Andrews Major. The land owner is concerned that the property cannot be gated-off to any vehicular traffic due to the adopted status of the section of highway.

Relevant Issues and Options

3. In the interests of improved security the house owner has requested the Council, in accordance with Section 117 of the Highways Act 1980, to progress the extinguishment under Section 116 of the Highways Act 1980.
4. The area of adopted highway in question forms a link between Public Footpath Nos. 7 and 8 and the continuity of the Public Footpath will need to be addressed in advance of the proposed extinguishment.

Resource Implications (Financial and Employment)

5. Staff from the Council's Legal Services Division and Engineering Design and Procurement Division will implement the proposal if approved. All costs associated with the extinguishment and Public Path Creation Agreement will be met by the applicant.

Legal Implications (to include Human Rights Implications)

6. Extinguishment will be progressed, if approval is granted, in accordance with Section 116 of the Highways Act 1980 and will be subject to the making of a Public Path Creation Agreement between the Council and the landowner in accordance with Section 25 of the Highways Act 1980.
7. The proposal will not adversely affect the existing provision of human rights for access over the footpaths involved, though public vehicular access will be prohibited.

Crime and Disorder Implications

8. Security will be improved at Ty Draw Farm, St. Andrews Major.

Equal Opportunities Implications (to include Welsh Language Issues)

9. There are no equal opportunities implications or Welsh language issues with regard to this report.

Corporate/Service Objectives

10. To provide a safe highway infrastructure.

RECOMMENDATION

- (1) That the Director of Legal and Regulatory Services be requested to progress the extinguishment of the adopted highway as indicated on the attached plan in accordance with Section 116 of the Highways Act 1980, subject to the making of a Public Path Creation Agreement between the Council and the landowner in accordance with Section 25 of the Highways Act 1980.

Reason for Recommendation

- (1) In the interests of improved security and to ensure the continuity of the public right of way between Public Footpath No. 7 and Public Footpath No. 8 St. Andrews Major.

Background Papers

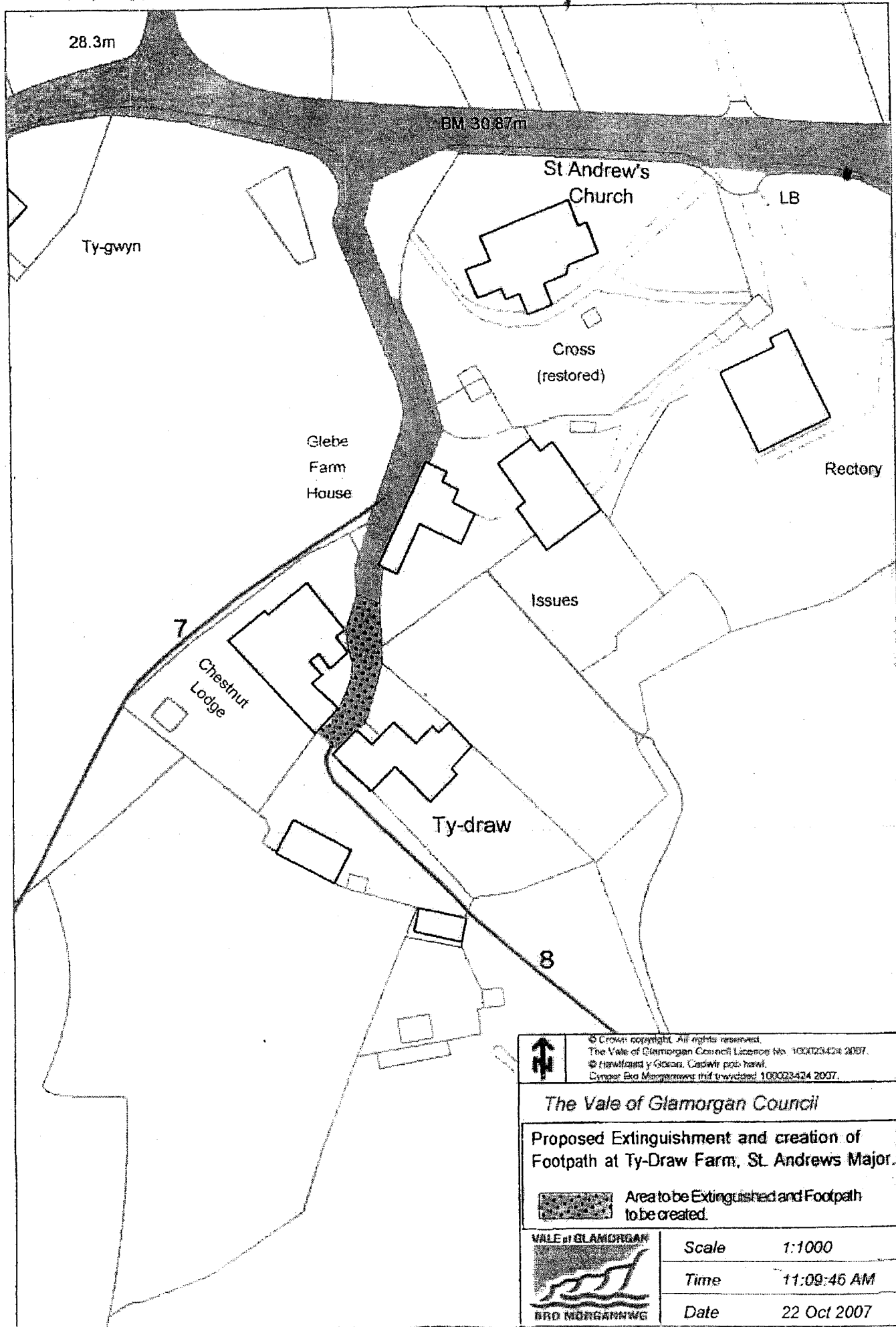
None.

Contact Officer - Tom Bevan, Tel: 0290 2067 3055

Officers Consulted:

Operational Manager Legal and Regulatory Services
Accountant Building and Visible Services
Operational Manager Highway Maintenance
Public Rights of Way Officer

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

B4267 SULLY MOORS ROAD, SOUTH ROAD AND HAYES ROAD, SULLY :
AMENDMENT TO 40 MPH SPEED RESTRICTION ORDER

Purpose of Report

1. To seek Members' approval to amend the existing 40 mph speed restriction Order on the B4267 Sully Moors Road South Road and Hayes Road, Sully.

Background

2. In September 2006 a Traffic Regulation Order was made to introduce a 40 mph speed restriction on Hayes Road, Sully, together with additional short sections along Sully Moors Road and South Road Sully. The implementation of site works, including the erection of signs, has since been delayed until the completion of a new section of footway along Hayes Road.
3. The extent of the Traffic Regulation Order, includes speed restrictions on short sections of Sully Moors Road and South Road Sully, adjacent to and including the roundabout. This means that the roundabout would lie within a 40 mph speed restriction area rather than the 30 mph speed limit previously operating which appears to compromise safety at this location.

Relevant Issues and Options

4. It would appear opportune at this time to amend the Traffic Regulation Order to allow the roundabout to remain within the 30 mph speed restriction area and to commence the 40 mph speed restriction on Hayes Road close to the roundabout.
5. This will allow the existing signing to remain in Sully Moors Road and South Road, Sully which will reduce the cost of implementation.
6. Prior to formal consultation, a local Member has indicated support for this proposal.

Resource Implications (Financial and Employment)

7. The cost of the Order and implementing the scheme is estimated at £1,300 which will be met under the Traffic Management operational budget for 2007/2008 and will utilise the Council's own administrative resources.

Legal Implications (to include Human Rights Implications)

8. The Road Traffic Regulation Act 1984 allows highway authorities to make and vary Orders to regulate the movement of vehicular traffic and to improve the amenities of an area.
9. The Council as highway authority has a responsibility to improve the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
10. There are no human rights implications.

Crime and Disorder Implications

11. The provision of the speed restriction is likely to engender a greater sense of safety within a community.

Equal Opportunities Implications (to include Welsh Language Issues)

12. There are no Welsh language implications.

Corporate/Service Objectives

13. Stakeholder consultations will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That subject to the views of the Chief Constable and other statutory consultees, Members resolve to give public notice of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order, the effect of which will be as shown at Appendix A.
- (2) That, in the event of no objections being received, the Order be made.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic File IF 392
Plan No. T/07/108/CEP

Contact Officer - Clive Phillips, Tel: 029 2067 3073

Officers Consulted:

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

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

The restriction is shown on the accompanying Plan No. T/07/108/CEP.

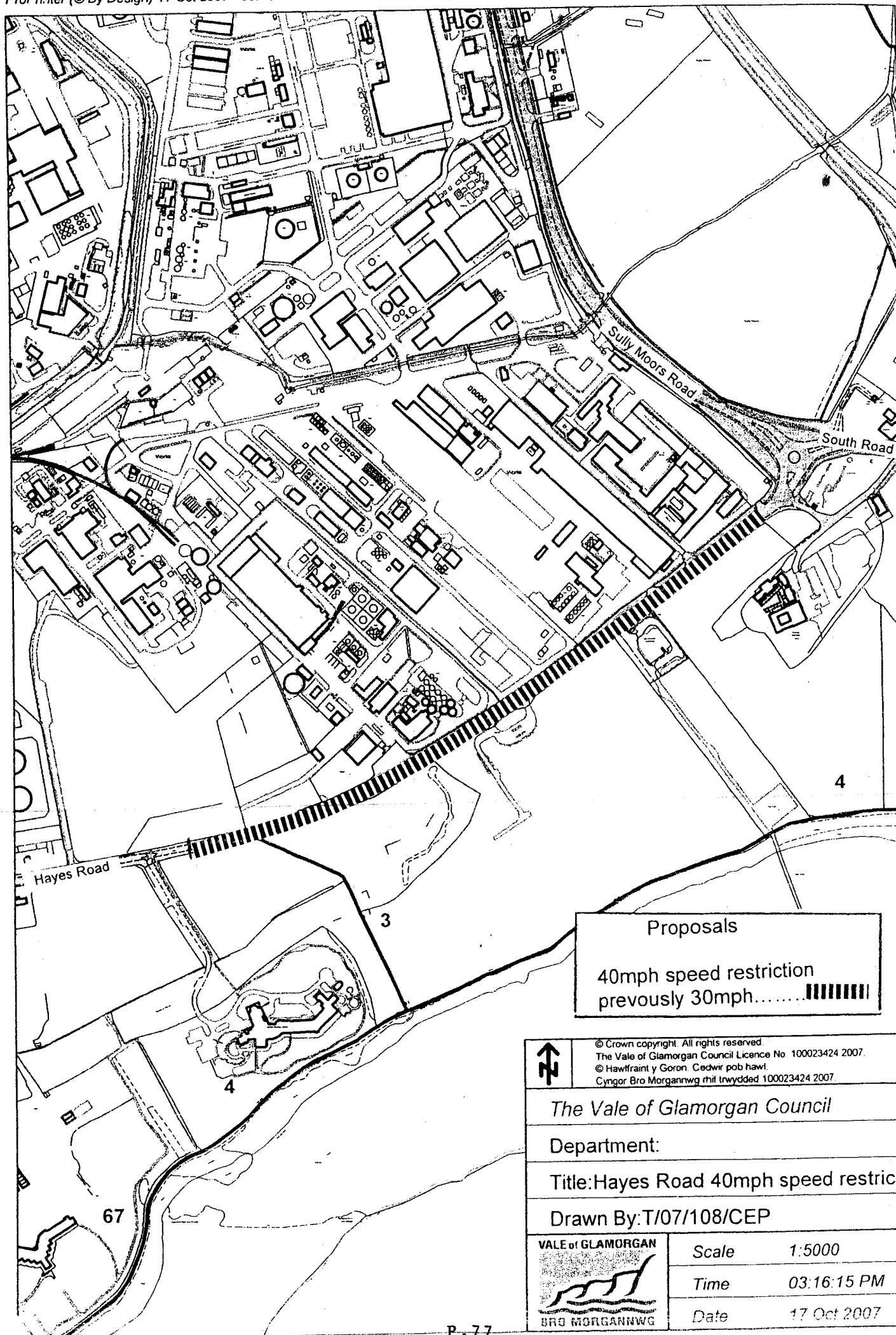
APPENDIX A

SCHEDULE

Proposed 40 mph Speed restriction Order

Hayes Road, Sully

From a point 55 metres south west of its junction with Sully Moors Road and South Road Sully for a distance of approximately 680 metres south west.



Proposals

40mph speed restriction
previously 30mph.....



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Cyngor Bro Morgannwg rhif trwydded 100023424 2007

The Vale of Glamorgan Council

Department:

Title: Hayes Road 40mph speed restriction.

Drawn By: T/07/108/CEP



Scale 1:5000

Time 03:16:15 PM

Date 17 Oct 2007

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

BROAD STREET AND BUTTRILLS ROAD, BARRY PROPOSED ONE WAY
AND WAITING RESTRICTIONS TRAFFIC ORDER : OBJECTION RECEIVED

Purpose of Report

1. To advise Members of an objection received to a proposal to introduce a 'One Way' traffic system in Broad Street Barry, from its junction with Buttrills Road to its junction with Dock View Road, in the direction east to west and in Buttrills Road between its junction with Gladstone Road and Broad Street in the direction north to south together with various waiting restrictions.

Background

2. Members will recall at their meeting on 10 October, 2007, they adopted the following recommendation.

"That subject to the views of The Chief Constable and representative groups of road users, Members resolved to give public notice of the Council's intention to create an Order under the Road Traffic Regulation Act 1984 as contained in the Schedule to the Planning Committee Report included in the Appendix to this report.

That in the event of no objections being received, the said Order be made and the Director of Legal and Regulatory Services be authorised to sign all necessary documents to bring the Order into effect".

A copy of this report is appended at Appendix 'A'.

Relevant Issues and Options

3. **Objection**

One objection was received by email via the Contact Centre Mailbox from a resident of Buttrills Road and a copy of the email is attached at Appendix 'B'.

The main points of objection are:

- (1) 'Whilst I note the proposal to make Buttrills Road one way on the basis of traffic movement difficulties that sometimes result in traffic collisions, I consider that this proposal will add to the ongoing congestion evident at the roundabout at Broad Street and Gladstone Road.
- (2) 'I would respectfully suggest a better alternative to deal with the objective of the Highway Authority would be to employ traffic calming measures which would also not cause such inconvenience to residents of which I am one of Buttrills Road.'

Response

Members will be aware that the scheme in the Holton Road area is primarily designed to regenerate the centre of Barry by introducing improvements to provide an enhanced shopping environment and to increase trade. A feature of this scheme is a 'One way' system along Holton Road from east to west to the junction with Buttrills Road. This proposal is designed to continue the 'One way' system along Broad Street from its junction with Buttrills Road to the junction with Dock View Road together with ancillary waiting restrictions to the roundabout at Gladstone Road.

For many years the Traffic Management team have been aware of difficult traffic movements that sometimes result in collisions at the roundabout located at the northern end of this section of Buttrills Road at its junction with Gladstone Road and this scheme assists by removing the 'on' movement from the southern section of Buttrills Road.

The scheme would render the east bound section of Broad Street of little value as a route and the only traffic that will enter Broad Street from Gladstone Road will be service buses and delivery vehicles to shops near the junction and these will be able to use a short designated traffic lane and turn, at a new mini roundabout to be constructed at that location, to return to the main roundabout at Gladstone Road. The volume of traffic entering Broad Street from the roundabout will decrease and not add to congestion at the roundabout, as suggested in the objection.

The suggestion by the objector to implement traffic calming measures in Buttrills Road is not an alternative option, as the 'One way' scheme is not designed to control the speed of traffic on Buttrills Road but rather to improve the east - west traffic flow and to prevent turning movements into Buttrills Road from Broad Street. It is likely that there will be an overall reduction in the volume of traffic in that section of Buttrills Road. Any traffic calming scheme would be a separate issue, which could be considered following implementation of the 'One way' proposal, bearing in mind the change in traffic patterns likely to occur.

Resource Implications (Financial and Employment)

4. It is anticipated that the cost of the Order and implementation of the scheme will be met from gaining a Welsh European Funding Office (WEFO) grant from WAG. Should the grant not materialise then the proposal will fall.
5. The proposed works will be designed and supervised by the Engineering Design and Procurement Division. The method of procurement for the works is yet to be decided.

Legal Implications (to include Human Rights Implications)

6. The Road Traffic Regulation Act 1984 allows highway authorities to make and vary Orders to regulate the movement of vehicular traffic and to improve the amenities of an area.
7. The Council as highway authority has a responsibility to ensure the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
8. There are no human rights implications.

Crime and Disorder Implications

9. The proposed Order will improve highway safety and help to reduce the potential for incidents of disorder.

Equal Opportunities Implications (to include Welsh Language Issues)

10. The proposal will benefit all sectors of the community by improving road safety.
11. Traffic signs forming part of any scheme will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

12. Corporate/Service Objectives - To provide a safe highway infrastructure.
13. Stakeholder consultations have taken place in accordance with the Road Traffic Regulation Act 1984 and are the subject of this report.

RECOMMENDATIONS

- (1) That the objection be not acceded to and the Order be made as proposed.
- (2) That the objector be notified accordingly.

Reasons for Recommendations

- (1) To allow the necessary works to be undertaken.
- (2) To clarify the council's position.

Background Papers

Traffic File IF 532

Contact Officer - Clive Phillips, Tel: 029 3067 3073

Officers Consulted:

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

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 10 OCTOBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

**MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT
BY REASON TO MAKE AN URGENT DECISION**

8. GENERAL PLANNING MATTERS

BUTTRILLS ROAD (PART) AND BROAD STREET (PART), BARRY :
PROPOSED ONE WAY TRAFFIC ORDER

Purpose of Report

1. To seek Members' approval to create a Traffic Regulation Order over parts of Buttrills Road (between its junctions with Gladstone Road and Broad Street) and Broad Street (between its junctions with Buttrills Road and the Gladstone Road roundabout), Barry. A drawing showing the proposals will be displayed at Committee.

Background

2. Members are aware of the presently ongoing Public Realm Improvement scheme in Holton Road and Thompson Street, Barry. This has in part been funded by the Welsh Assembly Government from the Physical Regeneration Fund.
3. The present contract was commenced in January 2007 and it is anticipated that at the present rate of progress and for the works presently instructed, substantial completion should be achieved in mid November 2007.

Relevant Issues and Options

4. The present works start at the newly refurbished King Square end of Holton Road and are to terminate at the junction of Buttrills Road and Broad Street.
5. For many years, the Traffic Management Team has been aware of difficulties for traffic movements, that sometimes result in traffic collisions, at the roundabout junction between Buttrills Road and Gladstone Road. The proposed scheme will assist in improving this situation by removing the "on" movement from the southern section of Buttrills Road.

A

6. In promoting a scheme that renders that section of Buttrills Road one-way south bound means that the present east bound section of Broad Street between Gladstone Road gyratory and the bottom of Buttrills Road ceases to have little value as a route, and therefore to complete the scheme it is proposed to make this section of Broad Street also one-way in a west bound direction.
7. The Council has submitted an application to the Welsh Assembly Government for a retrospective, ERDF grant, to augment the presently ongoing Public Realm improvement works. If successful, the Council would be looking to expend freed up funds released as a result of gaining ERDF grant (a sum equivalent to the amount of retrospective ERDF grant given) to secure the following additional regeneration activities;
 - Re-paving of the square in front of the Civic Offices.
 - Removal of the carriageway block paving over the subject length of Broad Street and relaying in a bituminous material to match the new works in Holton Road.
 - The implementation of the above one-way system on Buttrills Road and Broad Street as described.

Resource Implications (Financial and Employment)

8. It is anticipated that the cost of the Order and the implementation of the scheme will be met from the freed up funds released as a result of gaining ERDF grant (a sum equivalent to the amount of retrospective ERDF grant from WAG).
9. The proposed works will be designed and supervised by the Engineering Design Division. It is intended that the construction works will be undertaken under a Variation Order on the present Holton Road contract using the established contractor.

Legal Implications (to include Human Rights Implications)

10. The Road Traffic Regulation Act 1984 allows highway authorities to make and vary Orders to regulate the movement of vehicular traffic and to improve the amenities of an area.
11. The Council as highway authority has a responsibility to ensure the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
12. There are no human rights implications.

Crime and Disorder Implications

13. The proposed order will improve highway safety and help to reduce the potential for incidents of disorder.

Equal Opportunities Implications (to include Welsh Language Issues)

- A
14. The proposal will benefit all sectors of the community by improving road safety.
 15. Traffic signs forming part of any scheme will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

16. Corporate/Service Objectives - To provide a safe highway infrastructure.
17. Stakeholder consultations will take place in accordance with the Road Traffic Regulation Act 1984.

RECOMMENDATIONS

- (1) That subject to the views of the Chief Constable and other representative organisations of road users, Members resolve to give public notice of the Council's intention to create an Order under the Road Traffic Regulation Act 1984 as contained in the Schedule appended to this Report.
- (2) That in the event of no objections being received the said Order be made and the Director of Legal and Regulatory Services be authorised to sign all necessary documents to bring the Order into effect..

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To obviate the need for further referral to Committee if no objections are received.

Background Papers

Traffic File IF 532

Contact Officer - Clive Phillips, Tel: 029 2067 3073

Officers Consulted:

Due to the urgency of this report, no officers have been consulted.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

A

SCHEDULES

SCHEDULE 1

Make new Order

One Way Traffic

Broad Street

One way traffic in the direction north east to south west from its junction with Holton road to its junction with Dock View road.

Buttrills Road

One way traffic in the direction north west to south east from its junction with Gladstone Road to its junction with Broad Street and Holton Road.

SCHEDULE 2

No Waiting at Anytime

Broad Street

On its north west side from the centre of the roundabout known as Gladstone Road Roundabout for a distance of 32 metres north east and from a point 52 metres north east of that point for a distance of 28 metres and from a point 114 metres north east of that point for a distance of 10 metres north east and from its junction with Buttrills Road for a distance of 15 metres south west and on its south east side from the centre of the roundabout for a distance of 85 metres north east and from its junction with Holton Road for a distance of 24 metres south west.

Buttrills Road

On its west side from its junction with Gladstone Road for a distance of 18 metres south and on its east side from its junction with Gladstone Road for a distance of 25 metres south.

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SCHEDULE 3

Limited Waiting

Monday - Saturday 8 am - 6 pm
No return within 2 hours

Broad Street

On its north west side from a point 80 metres north east of the centre of the roundabout for a distance of 34 metres north east and from a point 124 metres north east of that point for a distance of 8 metres north east.

SCHEDULE 4

Loading Only

Monday - Saturday 6 am - 10 am

Limited Waiting Monday - Saturday 10 am - 6 pm

for 2 Hours no return within 2 hours

Broad Street

In the lay-by on its north west side from a point 32 metres north west of the roundabout for a distance of 20 metres north east.

In the lay-by on its south east side from a point 7 metres north east of its junction with Dock View Road for a distance of 22 metres north east.

SCHEDULE 5

Disabled Persons Parking Place

Broad Street

On its north west side from a point 132 metres north east of the roundabout for a distance of 5 metres north east.

A

SCHEDULE 6

Revoke

The County Council of South Glamorgan
(Broad Street / Gladstone Road, Barry)
(Prohibition of Waiting) Order 1977
(Amendment) Order 1982. (T.O. 138)

Amend

In The County Council of South Glamorgan
(Broad Street / Holton Road, Barry)
Prohibition of Waiting / Limited Waiting)
Order 1992
Delete Schedule 1 and in Schedule 2 delete paragraphs (i) (a) and (b)
(Broad Street). (T.O. 245)

Revoke

The County Council of South Glamorgan
(Broad Street, Barry)
(Prohibition of Waiting) Order 1978. (T.O. 111)

Amend

In The County Council of South Glamorgan
(Broad Street / Gladstone Road, Barry) (Prohibition of Waiting) Order 1977.

Delete paragraphs 1(a) (ii) and 1 (b) (T.O. 105)

Amend

In The County Council of South Glamorgan
(Broad Street Area Barry)
(Prohibition of Waiting / Limited Waiting) Order 1996
Delete paragraph 1 in Schedule 1 and delete Schedule 2 (T.O. 276)

Amend

In the Schedule to The Vale of Glamorgan Council
(Broad Street, Barry)
Disabled Persons Parking Places)
(No. 2) Order 2003

Delete reference to "The north western side from a point approximately 68 metres
south west of its junction with the south-western side of Buttrills Road south-
westwards for a distance of 66 metres". (T.O. 648)

APPENDIX "B"

Gay, Paul

From: Punter, Miles E
Sent: 09 November 2007 10:43
To: Gay, Paul
Subject: FW: Objection to the proposal of one way traffic on Buttrills Road - (Head of Visible Services- FAO Mile

Paul,
Please log and acknowledge as usual.

Thanks
Miles

-----Original Message-----

From: Contact OneVale
Sent: 09 November 2007 10:42
To: Punter, Miles E
Subject: FW: Objection to the proposal of one way traffic on Buttrills Road - (Head of Visible Services- FAO Mile

Environmental and Economic Regeneration				
09 NOV 2007				
DMS / FLARE				
Case No.	091695			
Acknowledged				
Assigned to	Forwarded to			
HVS				
OMHM				
OMED	✓	AJH/CVE		
OMWMC				CIVE
OMPGM				
HBVS				
OMBVS				

Miles,

This email came through to the Contact Centre Mailbox for your attention. I've also logged a request for contact on CRM for your attention with the reference number 1452700.

Kind Regards,

Nicola
Contact OneVale

From: Jackie Robertson [mailto:jackierobertson@hotmail.com]
Sent: 06 November 2007 17:58
To: visible@valeofglamorgan.gov.uk
Cc: ianjamesjohnson@hotmail.com; scegan@valeofglamorgan.gov.uk
Subject: Objection to the proposal of one way traffic on Buttrills Road - (Head of Visible Services- FAO Miles

Dear Sir,

Whilst I note the proposal to make Buttrills Road one way on the basis of traffic movement difficulties that sometimes result in traffic collisions, I consider that this proposal will add to the ongoing congestion evident at the roundabout at Broad Street and Gladstone Rd.

I would respectfully suggest a better alternative to deal with the objective of the Highway Authority would be to employ traffic calming measures which would also not cause such inconvenience to residents of which I am one of Buttrills Road

Kind regards

Jackie Robertson
5 Buttrills Road
Barry
CF62 8DD

Are you the Quizmaster? [Play BrainBattle with a friend now!](#)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 13 DECEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

9. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

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

Pancross Farm, Llancarfan

Retention of holding lagoon for separated slurry water and separator tank

SITE DESCRIPTION

The main Pancross Farm complex is located on elevated ground to the immediate south west of the village of Llancarfan. The slurry lagoon, which was dug over 2 years ago, is located in field 500mts north of the main farm complex and 400mts due west of the village of Llancarfan. Also Included within the application is the retention of an unrelated settlement tank, again to accommodate cow slurry, which is located within main the farm complex.

DESCRIPTION OF DEVELOPMENT

The application seeks retention of a slurry lagoon, which to date has not been used and is intended to accommodate cow slurry, and an associated settlement tank. The settlement tank element is understood to be in use.

PLANNING HISTORY

No relevant planning applications for the subject field. However, with regard to Pancross Farm complex itself the following are considered most relevant:

04/01822/FUL - Retention of 2 Silos and Structures. Refused 15 June 2007.

02/00749/FUL - Cattle Sheds and Milking Parlour. Approved 6 July 2002.

In light of the above refusal, an Enforcement Notice was served on 14 September 2007 requiring cessation of the use of all the buildings applied for (not removal). That Notice is now live as no appeal has been lodged against its terms.

CONSULTATIONS

Llancarfan Community Council, in brief, have expressed concerns for the following reasons:

- (a) Given the capacity of the lagoon (over 2.5 million gallons), and its location above the village (Llancarfan), it is vital that the stability of bunding and integrity of the clay lining is sufficient to both empound the material and prevent possible ground water contamination.
- (b) Given the existing problems of odour omissions, it is considered that use of the lagoon may recreate these problems at this new location. There is also concern that the large surface area of the lagoon may be such that the slurry material will not crust, a problem that already occurs with existing facilities at the farm.

- (c) The intended piping of slurry material across some 422mts of field to the lagoon, through flexible pipes, could result in leakage and therefore measures should be in place to warn of this.
- (d) With regard to the separator/settlement tank, surprise is expressed that given the existing problems at the site, and the solutions being put forward (by the Environmental Health Officer), that a cover is not proposed.

Environment Agency Wales, after protracted consultations, have no objection in principle, but subject to a condition being imposed that clearly states that no beneficial use shall be made of the facility until full details of the means of lining the lagoon have been submitted and thereafter, implemented and in full accord with the appropriate British Standards.

The Head of Economic Development and Leisure (Public Rights of Way Officer) (when first consulted in September 2005) objected on the grounds that fences erected around the lagoon during construction, were obstructing a public right of way. All fences have now been removed.

The Director of Legal and Regulatory Services (Environmental Health Officer) has confirmed no objection subject to the lagoon only being used to store conventional slurry that is capable of forming its own crust.

Dwr Cymru/ Welsh Water have not made any representations.

REPRESENTATIONS

25 letters of objection have been received, the majority from residents of Llancarfan, although letters have also been received from residents of Llanbethery. The comments can be summarised as follows:

- (i) The position of the lagoon could repeat odour omission problems already experienced with slurry management and disposal at Pancross Farm itself.
- (ii) Limited details submitted to detail the form and type of lining (if any) of the lagoon, which given the fractured nature of the local sub-strata, is of serious concern in terms of potential land and water contamination. Also concern is expressed over the construction of the impounding bunds and the poor choice of material used in their construction.
- (iii) What measures will be put in place to contain any spillages or overflow, including when slurry is piped from Pancross Farm to the lagoon.
- (iv) What measures will be put in place to safeguard the public given the proximity of a public footpath adjacent the lagoon.

REPORT

Planning Policies

This application is being assessed against the aims of terms of planning policies, ENV1 - Development in the Countryside; ENV4 - Special Landscape Areas; ENV7 - Water Resources; ENV29 - Protection of Environmental Quality; and WAST2 : Criteria for Assessing Waste Management Facilities, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

Issues

Members may recall that an application to retain various structures erected without planning permission, to support and operate a (cow slurry) flush wash system at Pancross Farm, ref: 04/01822/FUL, was reported to and refused planning permission, at the 7 June 2007 Planning Committee. That refusal was subsequently followed by the service of an Enforcement Notice requiring cessation of the use of all buildings used to support and operate the flush wash system and this Notice is now live.

It would appear that the current retrospective development was proposed in an attempt to overcome the major problems of cow slurry management and disposal at the site, and in particular the odours arising from use of the flush wash system. These odour problems have led to the service of Abatement Notices on the applicant by the Environmental Health Officer requiring cessation of operation, it was then reported that, some 30 months ago, the applicant had begun carrying out major excavations in a nearby field.

On investigation, it transpired that those works amounted to the excavation of a void of some 4mts in depth (below ground level) and the re-use of that excavated stone material to then form 2mt high, impounding bunds around the whole excavation. The finished result is a void of some 6mts in total depth, and measuring between the impounding bunds, 46mts x 70mts (base of the bunds external dimensions 62mts x 87mts). The total capacity of this lagoon is given as 2.6million gallons. Whilst the lagoon was completed over 2 years ago, it remains unused.

The primary issue in the consideration of this proposal would appear to be whether in engineering terms, the lagoon is actually fit for purpose, having regard to possible pollution.

As stated previously, the issue of slurry disposal at this site has already resulted in odour nuisance Abatement Notices being served by the Environmental Health Officer, and the applicant considered the lagoon, with a capacity of over twice that currently available at the site (a 1million gallon slurry tank), as being the best storage solution pending spreading the material on the land. It is calculated that based on current stock levels, the lagoon would accommodate the total slurry produced at the site for a year, estimated at over 2 million gallons. A storage facility is required to allow the slurry only to be spread when ground and weather conditions are appropriate.

However, concerns have been expressed by both local residents and the Environment Agency, over the structural integrity of the lagoon and its impounding bunds, given both its location on high ground above the village of Llancarfan and the fact that it has been excavated out of lias limestone bed rock (known as Porthkerry limestone). Such material is known to be heavily fissured and as such, prone to the rapid transmission of ground water and therefore, possibly also slurry. As a consequence, the Environment Agency has commissioned an in-house technical report, which details both their concerns and the further requirements of the applicant to allow the lagoon to become operational. The critical details and elements of that report have been copied to the applicant by the Agency.

It now appears that whilst the Agency still need to be satisfied that adequate measures will be implemented (they require details of an impermeable membrane to line the lagoon), it is suggested that there is no reason not to proceed to determination, subject to a rigorously worded condition being imposed that prevents beneficial use until such time as the necessary details have been submitted, approved and then implemented.

Given the above therefore, as the location and design of the lagoon (it appears in the landscape as a low, grassed mound on the horizon when viewed from several publicly accessible vantage points), is considered consistent with the aims and terms of Policies ENV1 and ENV4, and (subject to the necessary measures being implemented and maintained), would also be consistent with Policies ENV29 and WAST2, planning permission should be granted.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside; ENV4 - Special Landscape Areas; ENV29 - Protection of Environmental Quality; and WAST2 - Criteria for Assessing Waste Management Facilities, it is considered that in terms of the need for, and siting of, the lagoon, a refusal could not be sustained. Similarly, subject to the necessary ground water protection measures being implemented, the lagoon is also considered consistent with Policies ENV29 and WAST2 of the Unitary Development Plan.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Notwithstanding the development hereby approved, no beneficial use whatsoever shall be made of the lagoon facility until full details of a means and method of lining the whole lagoon with an impermeable membrane have been submitted to and approved by the Local Planning Authority. The submitted details shall ensure a lining to a standard that meets all approved and appropriate British Standards, Regulations and Codes of Good Agricultural Practice for such a slurry lagoon facility. The submitted details shall also show the means and method of piping slurry to the lagoon and the means and methods for protecting against any spillage.

Reason:

To ensure the necessary means of protecting the local surface and groundwater resources from any contamination are provided.

2. The approved means and method of impermeable membrane shall be fully implemented in accord with the details submitted for the purposes of Condition No. 1 and prior to any beneficial use being made of the slurry lagoon facility. The implemented scheme shall be inspected prior to any beneficial use being made of the lagoon facility by a technical competent person and the Local Planning Authority shall be given at least 3 weeks notice of that persons details and name prior to any inspection being carried out.

Reason:

To ensure that the approved details are implemented and inspected and in order to protect the local surface and ground water resources from any contamination resulting from the development.

3. Prior to any beneficial use being made of the slurry lagoon facility hereby approved, full details of a means of enclosing the whole site to a height of 1.8mts shall be submitted for the approval of the Local Planning Authority and thereafter, within 2 months of the date of the approval of those details, the means of enclosure shall be fully implemented.

Reason:

In the interests of public safety given the proximity of the public footpath that runs alongside the site.

NOTE:

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

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

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

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

2007/00179/OUT Received on 20 September 2007

ITV Wales & West, C/o ITV Plc., 200, Greys Inn Road, London., WC1 8HF
DTZ Consulting & Research, Marchmount House, Dumfries Place, Cardiff., CF10 3RJ

Land at ITV, Culverhouse Cross

Outline application for demolition of existing media studios and erection of new 3,250 sq.m. ITV Wales Headquarters (B1), 39,611 sq.m. of employment land including incubator units (B1), 212 residential units (C3), 8,840 sq.m. hotel space and an amenity building

SITE DESCRIPTION

The application relates to land encompassing the existing Television Studios at Culverhouse Cross, and to farmland to the south west.

The most southerly section of the application site lies approximately 450 metres from the settlement boundary of Wenvoe, and approximately 260 metres from Twyn-yr-Odyn.

The site is bounded to the east by the A4050 (Port Road), and to the west by a Special Landscape Area, and is partly located within the Green Wedge, both of those areas being identified in the adopted Unitary Development Plan (UDP).

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning consent, with all matters reserved other than means of access, for subsequent detailed approval, for the re-development of ITV Wales Television Studios. It includes the erection of 212 residential dwellings on the site of the current ITV studios and office, and for the development of 3 No. Class B1 commercial units and a hotel use on land to the south of the current site in the countryside between Wenvoe and Culverhouse Cross.

The proposals also include 3,250 sq m. allocated to a new ITV Wales Headquarters, 39,611 sq m. allocated to employment land and a further 8,840 sq m. allocated for hotel space and amenity building all on land designated as Green Wedge and adjacent to a Special Landscape Area as defined in the UDP.

PLANNING HISTORY

There is a substantial history of applications on the site. Of some relevance to the current application is:

06/01048/FUL - HTV Television Centre, Culverhouse Cross, Cardiff. Convert Social Club into a children's day nursery. Approved 19 September 2006.

99/00569/OUT -HTV Studios, Culverhouse Cross, Nr. Cardiff. Non-food retail use, A3 use, public transport interchange and associated access and junction improvements. Withdrawn 23 December 1999.

98/01296/OUT -HTV Studios, Culverhouse Cross, Cardiff. Outline application for 36231m2 of non-food retail use, 9290m2 of leisure use, 3499m2 A3 use, transport interchange and associated access and junction improvements. Deemed Refused 22 June 1999.

97/00554/OUT – Land adjacent existing HTV Television Centre, Culverhouse Cross. Outline proposal for expansion of the existing HTV site for media industry useage, and development of Media Village. Withdrawn 7 November 1997.

93/00264/FUL - HTV Site, Culverhouse Cross, Cardiff. Engineering work to regrade land and limited road works. Approved 7 May 1993.

92/00017/OUT - HTV site, Culverhouse Cross, Cardiff. Mixed dev. comprising 82,000 sq ft retail warehousing, 8,000 sq ft garden centre, 20,000 sq ft office dev., 6,000 sq ft fast food restaurant, car parking, landscaping and access. Refused 21 July 1992.

90/01262/FUL - HTV Television Centre, Culverhouse Cross, Cardiff. 3.7m Satellite receiver station. Approved 7 December 1990.

90/01216/RES - HTV Television Centre, Culverhouse Cross, Cardiff. Access road 1 points A-B-C plus westward spur at Point C, all to highway Authority adoption standards. Approved 7 December 1990.

89/01433/FUL - Site adjacent to HTV Studios, Culverhouse Cross, Cardiff. Hotel development. Approved 27 April 1990.

89/00182/OUT - HTV Television Centre, Culverhouse Cross, Cardiff. Hotel and business technology park (Class B1). Approved 4 June 1990.

87/00775/FUL - HTV Ltd., The Television Centre, Culverhouse Cross, Cardiff. Extension to existing office block - Level 3 Plant Room Level 2 Offices, Level 1 Vertical Circulation Reception and car park. Approved 29 September 1987.

87/00762/FUL - HTV Ltd., The Television Centre, Culverhouse Cross, Cardiff. Relocation of the design and graphics department to level 4 to allow additional offices and audience toilets at level 3. Approved 29 September 1987.

The HTV Studios were originally developed following the granting of outline planning permission application reference 1978/2363/OUT on 26 June 1979 and a subsequent reserved matters application reference 1979/2114/RM granted on 17 December 1979.

CONSULTATIONS

The following consultations were issued on the 26 March 2007. Responses as follows:

Wenvoe Community Council has raised an objection. Refer to Appendix A.

St. Nicholas Community Council has raised an objection stating that the proposed development is an intrusion into the countryside, destroying the Green Wedge. They also refer to other developments in the area, and a need to consider the cumulative impact of proposals in the area, referring to the impact on the village of Wenvoe and traffic congestion at Culverhouse Cross.

Cardiff County Council has concerns regarding the application with particular emphasis on traffic and congestion. Please see Appendix B for the full response.

Rhondda Cynon Taff County Borough Council. No response to date.

Glamorgan Gwent Archaeological Trust. No objection has been raised and no planning conditions are necessary.

South Wales Police Architectural Liaison Officer. No response to date.

The Badger Group. No response to date.

St. Fagans Community Council has raised an objection based on the scale of the proposal, the impact on the road network, the inadequacy of the public transport system, the adverse impact on the environment and the inadequacy of the current infrastructure to cope with the development.

Pentyrch Community Council. No response to date.

Environment Agency Wales. No objections subject to conditions. Refer to Appendix C.

The Head of Economic Development and Leisure (Public Rights of Way Officer).
No response to date.

The Director of Learning and Development. No response to date.

The Director of Housing and Community Safety. No comment other than to point out the failure to have regard to the affordable housing SPG.

Countryside Council for Wales require further information. Refer to Appendix D.

Dwr Cymru/Welsh Water/Hyder Consults. Conditions and Advisory Notes are provided for use by the Local Planning Authorities in the event of planning permission being granted.

The Head of Economic Development and Leisure (Ecology) comments that the bat survey conducted in respect of this application found evidence of a common pipistrelle bat and it will be necessary for the developer to apply for a development licence from the National Assembly. Before a licence can be granted the "three tests" specified in the Habitats Directive (given below) have to be met, and where a European Protected Species is found to be present on site, the local authority should consult with the Countryside Council for Wales to seek their advice on whether test (ii) is met before the granting of a consent.

The "three tests":

- (i) there is "no satisfactory alternative" to the derogation;
- (ii) the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range";
- (iii) the derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

SWALEC – No comments to date.

The Director of Legal and Regulatory Services (Pollution) has no objection subject to the imposition of conditions relating to a contaminated land assessment and landfill gas investigation.

The Head of Visible Services (Engineering & Design) makes comments regarding the need to provide full details of the proposals for the disposal of surface water run-off and the need to ensure all drainage matters are considered in any approval.

The Head of Visible Services (Highways Development) objects to the development. Refer to Appendix E.

The Welsh Assembly Government was consulted on 10 May 2007 and Transport Wales responded 10 October 2007 advising that the application should be refused. Please see comments in Appendix F.

REPRESENTATIONS

Six (6) site notices were erected within and in close proximity to the application site having been erected on the 6 June 2007.

Properties at Twyn-yr-Odyn, Brooklands Terrace (area), and to the north of Wenvoe were consulted. To date one hundred and seventy (170) letters of representation have been received. Three letters are attached as Appendix G being generally representative of the views expressed. The main objections relate to the coalescence of the settlement of Wenvoe with Culverhouse Cross, traffic problems, over-development, effect on the countryside and rural character of the area, infra structure problems, contrary to UDP policies and effect on ecology.

REPORT

The application site lies to the north of the settlement boundary of Wenvoe and includes land within the Green Wedge dividing this settlement from the developed land of Culverhouse Cross. As such the application should be assessed in accordance with criterion set out in the policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).

The site includes attractive open countryside as well as the present ITV Wales headquarters buildings. The site is not allocated in the UDP for development. The plan contains strategic policies as well as topic specific policies.

Planning Policies

Particular attention must be paid to the advice given in the Welsh Assembly Government's Planning Policy Wales (2002) – And Technical Advice Notes TAN12 – Design And TAN18 – Transport.

National and Regional Policy Context

Planning Policy Wales (2002) contains policy on the location and principles associated with the siting of new developments in order to promote the re-use of previously developed land and the siting of development in areas with good accessibility to a range of modes of transport and communications. It is considered that while part of the site is previously developed land, it does not have a sustainable access provision.

PPW states at para 2.6.14 *'When considering applications for planning permission in Green Belts or green wedges a presumption against inappropriate development will apply. Local Planning Authorities should attach substantial weight to any harm which a development would have on a Green Belt or green wedge.'* Para 2.6.15 goes on to advise *'Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would have on the Green Belt or green wedge.'*

Clearly given the above, the presumption is against the development proposed in a green wedge designation or a countryside location unless specific material considerations are found to be of sufficient weight to override this national policy presumption against the development. In this regard, it is notable that were it not for the proposed development of over 200 houses on the site of the existing HTV buildings, a substantial amount of the commercial development could be accommodated on the existing developed land.

In addition to the above it is considered that the development would not accord with Policies within TAN 12 in respect of the detrimental effect on the character and appearance of the countryside. The TAN states *'3.1 At the heart of the design process is the requirement to contribute to the objectives of sustainable development and to achieve a more holistic design response. All those involved in the design process should assess how design choices can pursue the objectives of social progress which recognises the needs of everyone; effective protection of the environment; prudent use of resources and maintenance of high and stable levels of economic growth.'* Further more at para 5.18 it is stated *'It is particularly important that proposals to amend or create new landscape are not considered as an afterthought and that the long-term impact of development on the landscape is fully understood.'*

With regard to TAN 18 it is considered that the proposal would be contrary to the aims and objectives of this document which states at Section 3.1:

"Where a development proposal is assessed as having relatively poor accessibility this may be sufficient grounds to refuse planning permission where this does not support the accessibility objectives set out in the development plan."

Furthermore it goes on to state at paragraph 3.3:

"It should be a key aim of development plans to identify residential sites that are accessible to jobs, shops and services by modes other than the car and where public transport services have the existing or planned capacity to absorb further development."

Environment Strategy for Wales (2006)

The Environment Strategy links a series of outcomes such as increasing the number of people choosing to walk or cycle as a means of transport (outcome 30), reducing air pollution (outcome 33) and minimising greenhouse gas emissions (outcome 7). These outcomes and the principles of the Environment Strategy for Wales are clearly relevant to the consideration of this proposal.

Draft Wales Transport Strategy (2006)

This puts forward various issues or themes such as maximising the capacity and reliability of existing infrastructure (Theme 1), reducing single occupancy car use (Theme 2) and minimising the need to travel (Theme 3). Again, this document is of relevance when assessing the proposal.

The Wales Spatial Plan (2004)

The Spatial Plan includes a number of statements relating to sustainable development and the need to locate development in locations highly accessible to public transport. In addition it refers to the need to avoid creating pressures for new development away from areas, which can be well served by public transport. The Spatial Plan identifies the Barry – St. Athan corridor as an area for future development and growth.

Vale of Glamorgan Council Employment Land and Premises Study

This report which has been considered as background work for the emerging Local Development Plan, assesses the supply, need and demand for employment land and premises (use class B) in the Vale of Glamorgan. It has been carried out for Vale of Glamorgan Council to provide robust evidence to underpin and inform the Local Development Plan, 2011 to 2026. The report does encourage the retention of ITV Wales at its site and states that the Council should *'support appropriate business development proposals at Culverhouse Cross (an important gateway to the Vale) to retain ITV Wales as a key employer'*. However it then goes on to conclude that the council should:

'Ensure future land allocations are sustainable and meet guidelines in terms of being accessible to workers; do not promote use of the car; and are well linked by public transport, cycle and pedestrian routes. However the private sector would prefer accessible, edge-of-town, green field sites.'

Furthermore it is stated:

'For the moment there is no need to allocate more land – aside from replacing any allocations 'lost'. Although there is scope to intensify development on a number of estates, e.g. Atlantic Trading Estate, Barry Docks, Llandow Trading Estate and Vale Business Park. Rural employment should be about property conversion/provision rather than the allocation of more land.'

Notwithstanding the purpose of this report, which is to inform the work being undertaken on the Local Development Plan, there is a clear research base that indicates that there is no need for any further employment land to be allocated. While the report advises that ITV is a key employer it clearly advocates for new development at the site if it meets the terms of the existing policies within the UDP.

UDP Policies

Locally, the strategic and specific policies of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 are relevant, as follows:

Strategic Policies

- Policy 1** The Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife, the best and most versatile agricultural land and important features of the built heritage. Proposals which enhance these areas will be favoured.
- Policy 2** Proposals which encourage sustainable practices will be favoured including:
- (i) proposals which contribute to energy conservation or efficiency, waste reduction or recycling; pollution control; biodiversity and the conservation of natural resources;
 - (ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport;
 - (iii) the reclamation of derelict or degraded land for appropriate beneficial use; and
 - (iv) proposals which improve the quality of the environment through the utilisation of high standards of design.
- Policy 3** Land will be made available for an additional 6079 dwellings between 1998 - 2011. This provision will be met by:
- (i) the provision of infrastructure and services for the development of sites with planning permission for housing;
 - (ii) the redevelopment of suitable sites in the urban areas of Barry, Penarth and Rhoose;
 - (iii) the replacement of unfit and substandard housing;
 - (iv) the development of a range of sites in the south eastern part of the Vale of Glamorgan within and adjoining Barry, Penarth and Rhoose, to be identified in part ii;
 - (v) the development of minor sites identified in part ii;

- (vi) the maintenance rehabilitation and improvement of existing housing stock, the conversion of suitable existing dwellings and the change of use of suitable structures to provide additional modern household units; and
- (vii) affordable housing favoured at appropriate locations and in addition, the provision of affordable housing on appropriate small sites outside of the general housing allocation.

Policy 4 An additional 160 hectares of land will be made available for employment uses from 1996 - 2011. This land will:

- (i) match the existing and forecast demand from inward investors; and
- (ii) Assist the appropriate expansion of local businesses and facilitate new start-ups.

Policy 8 Developments 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.

Topic Specific Policies

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV2 – AGRICULTURAL LAND

ENV3 (III) – GREEN WEDGES

ENV4 (VI) – SPECIAL LANDSCAPE AREAS

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV11 – PROTECTION OF LANDSCAPE FEATURES

ENV15 – LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE

ENV16 – PROTECTED SPECIES

In addition the proposal includes the provision of new residential units (over 200 units) the proposal therefore needs to be assessed alongside various Housing Policies. In this regard, the UDP allocates land for residential development up to 2011. Beyond that, the allocation of housing land will be a matter addressed in the Local Development Plan. As a consequence, the following Housing Policies are relevant:

HOUS1 – Residential Allocations.

HOUS2 – Additional Residential Development.

HOUS3 – Dwellings in the Countryside.

HOUS12 – Affordable Housing.

With reference to the element of the proposal that caters for new employment uses, including the provisions of incubator units, the following employment policies are relevant:

EMP1 – Land for Employment uses.

EMP2 – New business and industrial development.

Finally as the application proposes new hotel development, Policy TOUR1 new Hotels in the Countryside, is relevant. This policy is specific that proposals for new hotels outside designated settlement boundaries specified by HOUS2 will not be permitted.

Issues

The proposal will entail development on green field land outside any recognised settlement boundary, and adjoining a Special Landscape Area and at an important green gateway into the Vale of Glamorgan. As such the development would be considered contrary to the aims and objectives of Strategic Policy 1 and policies ENV1 – Development in the Countryside, ENV2 – Agricultural land, ENV3 (iii) – Green Wedges, ENV4 (vi) – Special Landscape Areas, ENV10 – Conservation of the Countryside and ENV11 – Protection of Landscape Features, all within the UDP.

Policies ENV1 and ENV2 both seek to protect the countryside and agricultural land from unsuitable development. Policies ENV3 seeks to prevent coalescence between settlements, which in this case refers to the land north of Wenvoe and Policy ENV4 seeks to protect the landscape character of defined areas of countryside. The proposals given their land take, scale, significance and specific siting will be clearly contrary to the aims and objectives of these important policies and consequently are considered contrary to Policies ENV10 – Conservation of the Countryside and ENV11 – Protection of Landscape Features.

Furthermore Culverhouse Cross is not considered to be a sustainable location, given that the location can only be accessed by car (there is no rail link) and bus services suffer from the same problems as all other road users at this congested and over-trafficked gateway to the Vale of Glamorgan. In addition it is in a relatively remote location as related to settlements within both the Vale of Glamorgan and Cardiff and therefore is considered unsustainable in regard of the provision of the day to day essential services for both the residential and commercial properties proposed. The construction of 212 residential units and a new 3,250 sq m headquarters for ITV Wales along with 39,611sq m. of new office space and a further 8,840 sq m. for hotels, all in the open countryside, the vast majority of which is within an identified green wedge and which development also affects the setting of a Special Landscape Area, would therefore be contrary to Strategic Policies 2 and 8.

In respect of Strategic Policy 3, the latest Joint Housing Land Availability Study (May 2007) sets out the comparison between current land supply and past build rates, averaged for 15 years and 5 years respectively. The level of build has been above the required rate over the past 15 years and at an even higher rate over the past 5 years. Consequently, the land supply based on past build rates is low. The land supply based on the past 15 years build rates is 4.2 years whilst in terms of the past 5 years it is 3.6 years.

It is acknowledged that the adopted UDP provides an accurate assessment of the housing requirement, and the housing land supply situation. This shows a required build rate of 232 units per annum up to 2011 and the land supply of 1810 units provides a 7.8 year supply. Therefore there is no shortage of housing land during the remainder of the Plan period and no conflict with Planning Policy Wales. Given the above it is considered that the housing element of the development would be contrary to the aims and objectives of this strategic policy and policies HOUS1 – Residential Allocations, HOUS2 – Additional Residential Development, HOUS3 – Dwellings in the Countryside and HOUS12 – Affordable Housing.

In terms of the policy context for the employment uses proposed, Members will be aware that the Culverhouse Cross area is not an allocated employment site within the UDP. Furthermore given the on going work in regard of the preparation of the UDPs replacement (known as the Local Development Plan (LDP)) the Authority has recently commissioned its own review of employment land. This report prepared by the BE group has identified that there is no short-fall of allocated employment land within the UDP.

Work on the Local Development Plan is currently ongoing although in respect of the existing UDP, the proposed commercial development is sited within the countryside, and beyond of any previously developed land that currently is the location for the television studios. Moreover as part of this application, the current commercial site will be cleared, to make way for over 200 houses, on land that is viewed by the UDP as outside any recognised Policy HOUS2 settlement and is a relatively unsustainable location accessed primarily by car. It is also clear that any commercial development on this land is contrary to strategic Policy 4, Policies EMP1 – Land for Employment uses and EMP2 – New business and industrial development and as the application proposes new hotel development, Policy TOUR1 new Hotels in the Countryside.

Whilst the site will be assessed as part of the Local Development Plan process, the Council is not as yet in a position to carry out such an assessment. Given these facts, consideration of the proposal is premature, outside of this important emerging policy context.

Whilst the development is contrary to existing adopted local policies, in the context of work being undertaken on the Local Development Plan, the application is clearly premature. Your officers are in the process of reporting on the Draft preferred strategy for the Local Development Plan after which there will follow a period of consultation with work then progressing on the Local Development Plan to Draft Deposit stage.

It is also of relevance, that proposals of such scale and significance are best promoted and if appropriate allocated through the forward planning system. In this particular case, the applicant was advised, prior to submitting the planning application that the responsible and appropriate way forward in seeking the development of the site would be to seek its inclusion within the Local Development Plan (LDP). Whilst the site has been submitted as a 'candidate site' the applicant has nevertheless elected to also seek planning permission for the site, which application will be judged having regard to the current adopted plan (this being the Unitary Development Plan) and other relevant national policies and guidance as referred to within this report.

Other Material Issues

The Potential Impact on the Transport System

The Council has appointed consultants to assess the Traffic Impact Assessment prepared by Ove Arup on behalf of ITV for the HTV site. As a result of the consultant's involvement with the application, Welsh Assembly Government Transport have also appointed the same consultant to consider the impact of this scheme upon their trunk road and the adjoining gyratory at Culverhouse Cross. WAG require a TRANSYT model with the ITV information added for a design period of fifteen years together with amendments to a micro simulation package (Vissim) for the gyratory. This information has not been provided.

The Council as Highway Authority has therefore objected to these proposals as:

- (1) They do not demonstrate that the free flow of traffic would be maintained along the Port Road A4050 highway in spite of the suggested highway improvements.
- (2) The applicant has not provided full engineering details or undertaken a Stage 1 Road Safety Audit required to allow the Highway Authority to satisfy itself that it can enter into a S278 Agreement of the Highways Act 1980 with the developer for the proposed offsite highway improvements.
- (3) The proposals would adversely impact upon the Culverhouse Cross gyratory and the adjoining local highway network, which the TA does not reflect adequately as to the scale of the quantified traffic impact.

In addition the indicative residential and commercial layouts suggested within the Design Statements do not conform with highway policy and have not provided sufficient detail to show how these concerns could be overcome.

Further to the above strong objections have been received from Transport Wales (Welsh Assembly Government), who have stated that on the basis of the information supplied, the applicant has not demonstrated that there is sufficient capacity at Culverhouse Cross for the development to proceed and has not proposed mitigation requires to address the capacity problems. Accordingly, refusal has been advised.

Notwithstanding these responses, it is noted that the developer continues to argue that a development of 39,611 sq.m of B1 light industrial or commercial floor space, along with a new 3,250 sq.m ITV headquarters, a 9000 sq.m hotel and 212 residential units, will create no more traffic than the existing 16,250 sq.m of HTV studios and associated office. This is clearly not the case, with the Commercial floor space alone more than doubling in scale. Furthermore, the applicants have indicated on their application forms that the ITV site currently employs 200 people. It is clear that 200 residential properties alone on this site as proposed would potentially exceed the traffic generation currently created by the HTV Studios.

Ecology

The bat survey conducted in respect of this application found evidence of a common pipistrelle bat. Due to the potential disturbance to this bat roosting site it would be necessary for the developer to apply for a development licence from the National Assembly. Before a licence can be granted the "three tests" specified in the Habitats Directive (given below) have to be met, and where a European Protected Species is found to be present on site, the local authority should consult with the Countryside Council for Wales to seek their advice on whether test (ii) is met before the granting of a consent.

The "three tests" are outlined below:

- (i) there is "no satisfactory alternative" to the derogation;
- (ii) the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range";
- (iii) the derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

Local Planning Authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied. In this case it is clear that in the case of question (iii) the development is not in the interests of public health safety or for any other imperative reasons of overriding public interest as it has already been established that there is no need to release further housing or employment given the current adopted status of the UDP. The proposal therefore fails the tests of derogation as laid out in statute.

Accordingly the proposal would also be contrary to Policies ENV15 – Local Sites of Nature Conservation Interest', and ENV16 – Protected Species of the Unitary Development Plan.

The Visual impact of the Proposal and Design Matters

The proposal is located in a highly prominent countryside location. The proposal relates to 40 hectares in an attractive setting at the gateway to the Vale of Glamorgan. The development is clearly contrary to both national and local policies and it is considered that it will have a considerable damaging and urbanising effect on the character and appearance of the countryside and will lead to irreparable damage to the rural area to the south of the site. Furthermore, the development of the land south of the current studios will lead to encroachment into the area between the settlement of Wenvoe and Culverhouse Cross. In this regard, the current studios sit back from the adjoining highways, with the backdrop of the Duffryn Basin and Ridge Slopes Special Landscape Areas. To the immediate south of the site, the agricultural land slopes gently upwards from the A4050. The scheme will result in a substantial and significant 'spread' of development southwards from Culverhouse Cross, alongside the A4050, with a consequential / detrimental and urbanising impact on this important and prominent countryside location. The development would as a consequence be entirely inappropriate in design terms having no regard to the countryside setting of the site.

Economic Benefits

It is not considered that the proposal will lead to any major economic benefits above and beyond those that already exist or could exist on the current ITV site. Any economic benefits created by the range of new developments proposed would be substantially outweighed by the damage the proposal would cause in environmental and traffic terms, given the nature, large scale and specific location of the scheme. In this regard, a sustainable approach to support the wishes of the applicant in modernising and updating the studios would be to redevelop the existing site in a phased manner. Much of the current site is underused at present and there appears to be no justifiable reason as to why a new ITV premises cannot be developed on the site currently used as media studios. Such a proposal whilst needing careful assessment and scrutiny could nevertheless deliver the benefits of new studios on the existing site, thereby resulting in a far more sustainable use of land and a more appropriate development in policy terms. The proposal currently before the Council far exceeds the replacement of the existing facilities and requires determination having regard to the policy context and other material considerations. It is therefore considered that given the specific nature of the proposal, the policy context and the other significant impacts of the proposal, the economic benefits of such a proposal do not outweigh the harm that would result from the development.

The Local Development Plan/Prematurity

Finally, it should be noted that the developer has made submissions in respect of ongoing work on the Local Development Plan. It is clear therefore that strategic decisions in respect of the location of new development of the scale proposed in this application, are best made through the Development Plan process. Therefore it is considered that this proposal is premature given its substantial size, the fact that it is clearly in conflict with the existing UDP and that work on the strategy of the Local Development Plan is currently ongoing.

CONCLUSION

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

It is clear that the development conflicts with both National and Local planning policy. The proposal is also considered detrimental to highway safety by both the Highway Authority and the Welsh Assembly Government. Furthermore it has been established that the development is likely to have a detrimental effect on protected species, for which a derogation is not considered justified. Finally it has been established that the proposal is premature when having regard to the ongoing preparation of the replacement plan for the Unitary Development Plan, the Local Development Plan. Given all the above the development is considered to be unacceptable and therefore the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed development by reason of its siting within the countryside and within a Green Wedge and adjoining a Special Landscape Area, and at an important strategic gateway to the Vale of Glamorgan, would be contrary to Strategic Policies 1, 2, 3, 4 and 8 and Policies ENV1, ENV2, ENV3, ENV4, ENV10 and ENV11, HOUS1, HOUS2, HOUS3 and HOUS12, EMP1, EMP2 and TOUR 1 of the Vale of Glamorgan Unitary Development Plan 1996 - 2011. In addition, it would also be considered contrary to Planning Policy Wales (2002) para 2.6.14 and 2.6.15 and the provisions of TAN 12 and TAN18, by virtue of its detrimental effect on the character and appearance of the countryside and impact on the transport network.
2. The proposed development would be detrimental to the flow of traffic and highway safety by virtue of the proposal generating additional traffic which would adversely impact upon the Culverhouse Cross gyratory and the adjoining highway network. As a consequence the development would be contrary to Strategic Policy 8 and Policies ENV27 and EMP2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.
3. The proposed development is considered premature given the adopted status of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and the current preparation of the Local Development Plan. In this regard this significant proposal should be assessed through the Local Development Plan process, and any grant of permission for the development concerned would prejudice the outcome of the Local Development Plan process given that:

- (a) The joint Land Availability Study (2006) shows that the Local Planning Authority has a readily identifiable housing land supply of 7.8 years. There is therefore no need for additional residential development.
 - (b) It has been established that there is no additional need for employment land.
 - (c) The proposal if allowed would predetermine decisions about scale, location or phasing of new development which ought properly be taken in the Local Development Plan context, as stated in Planning Policy Wales (March 2002), because of the scale and impact of the proposal.
 - (d) The proposal would have an unacceptable and significant impact on Wenvoe as a settlement with identifiable character.
4. In the opinion of the Local Planning Authority the applicants have failed to demonstrate that no satisfactory alternative exists or that the proposal is in the interests of public health and public safety or for other reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, despite the site forming habitat suitable for European Protected Species. The proposal therefore fails to meet the requirements of the Conservation (Natural Habitats &c) Regulations 1994 and EC Directive 92/43/EEC (the Habitats Directive) and the objectives of Policies ENV15 (Local Sites of Nature Conservation Significance) and ENV16 (Protected Species) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

2007/00187/FUL Received on 8 February 2007

AG Developments 1979 LTD C/O Agent
Boyer Planning, 1b Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park,
Cardiff, CF23 8RS

Land adjacent to Chestnut Tree Cottage, Graig Penllyn

Construction of a detached part single, part two storey dwelling, garage and new access

SITE DESCRIPTION

The application site is located on the eastern edge of Graig Penllyn and is occupied by a detached garage. The land forms part of the garden curtilage originally associated with Chestnut Tree Cottage, but has now been severed in ownership terms.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing detached garage and the construction of a detached dwellinghouse with detached garage. The proposed part single, part two storey, three bedroom house will be a simple contemporary design comprising traditional finishes of slate roof and render with some timber cladding. The footprint of the proposed house will measure approximately 14.7m x 5.7m over the two storey element, and 7.5m x 6m on the single storey. The ridge height of the two storey will be approximately 6.4m. The proposed dwelling will be positioned immediately to the south of the existing Chestnut Tree Cottage and approximately 18m from the back edge of the highway at the entrance to the site. The proposed single storey, pitched roof double garage, measuring approximately 6m x 6.3m, will be sited to the east of the proposed house on the southern boundary between the house and the proposed new vehicular entrance.

The existing vehicular access located to the south of the existing cottage will be widened with associated works to provide visibility splays to the north west and the south east. A new, shared driveway will be provided within the site which will give access to a total of 7 No. car parking bays (including the garaging), three for the use of Chestnut Tree Cottage.

A comprehensive landscaping scheme is proposed for the site and includes a new hedgerow with specimen trees along the southern boundary plus a native species copse on the eastern boundary close to the road entrance. A field hedge will define the new curtilage for Chestnut Tree Cottage, whilst a new natural stone wall will be provided on the road frontage of the new dwelling.

The application is supported by a Planning Statement, a Design and Access Statement, a Transport Statement, a Statement of Sustainability and a Landscape and Visual Assessment.

PLANNING HISTORY

05/01639/FUL - Construct two new three bed detached dwellings and associated works. Refused 6 April 2006 for the following reason:

"In the opinion of the Local Planning Authority, the proposal represents a cramped and contrived over-development of the site that will significantly detract from the character of the surrounding rural landscape, including the Upper Thaw Valley Special Landscape Area and adversely affect the general residential amenities of neighbouring occupiers, including the future occupiers of the existing Chestnut Tree Cottage, all contrary to Policies HOUS2, HOUS9, HOUS12, ENV25 and ENVXXX (Special Landscape Areas) of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards; and National Guidance contained in Planning Policy Wales March 2002."

A subsequent appeal was dismissed on 1 September 2006. A copy of the Appeal Inspectors decision is attached at Appendix A.

06/00641/FUL - New vehicular access to site-Appeal against non-determination-Council recommendation of 9 August 2006 to refuse on the following grounds:

"In the opinion of the local Planning Authority the proposal represents insensitive and unjustified development of this sensitive edge of village site that would detract from its rural character, adversely affecting not only the setting of the village itself, but also the wider landscape, including the Upper Thaw Valley Special Landscape Area, contrary to Policies ENV4 - Special Landscape Areas and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; and national guidance contained in Planning Policy Wales March 2002."

The appeal was withdrawn on 11 September 2006.

CONSULTATIONS

Penllyn Community Council comments on initial submission:

"Members feel that the Development Application is not consistent with all of the criteria of Policy HOUS8 i.e. this application conflicts with important items of the criteria laid down within that document.

1. The visibility splays of the development are substandard considering national guidelines to highway authorities.
2. There has been insufficient community space left for Chestnut Tree Cottage. Indeed community space is not in keeping with the general development of Graig Penllyn. The development presents an unacceptable suburbanisation of this part of the village. The planning application as presented does not accommodate sufficient space for effective landscaping in this sensitive area. Indeed the application details provide a detrimental effect on the appearance of the landscape.
3. Overall Members are of the opinion that this application does not meet with the Policy 1 and Policies ENV4, ENV10, ENV11, HOUS8 and HOUS11 in the adopted Unitary Development Plan. Objection."

Comments on amended scheme:

"Although Members still have concerns over increased vehicular traffic, and feel that the proposed development would be cramped, they now offer no objection."

Environment Agency Wales has no objection and their generic information note for developers applies.

Dwr Cymru/Welsh Water have requested that their standard Conditions and Advisory Notes be attached to any consent.

Glamorgan Gwent Archaeological Trust has no objection.

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

"Further to the recent site inspection undertaken in relation to the above application, I would comment that three parking spaces (2 resident and 1 visitor) and a manoeuvring area are required to be provided to serve the existing dwelling. Additionally, four parking spaces (3 resident and 1 visitor) and a manoeuvring area are required to serve the proposed dwelling.

From the submitted plans (Drawing. No. AL0.01), only two parking spaces are shown serving the existing dwelling and the manoeuvring area within the site appears to be obstructed by landscaping features.

Therefore, an amended site layout plan, showing an additional parking space alongside the landscaped areas adjacent to the site access and behind the parking spaces in front of the proposed garage removed, is required to be submitted to the Highway Authority for consideration."

Comments on revised scheme:

"Further to receiving amended plans (Drawing No. AL.0.01 Rev P4) in relation to the above, I would comment that the parking and manoeuvring area is now considered acceptable.

However, it is noted that the visibility splay of 2.4m x 33.0m, the to the southeast, appears to cross land, which is not within the boundary of the application site, reducing the vision splay to 2.4m x 24.0m. Nevertheless, this still represents a significant improvement over the existing visibility at the site and remains in accordance with TAN18.

Therefore, provided that the following details are made conditional to the planning consent, the Highway Authority are unable to sustain an objection to the development proposals.

1. Visibility splays of 2.4m x 33.0m to the northwest and 2.4m x 24.0m to the southeast are required to be provided from the access of the development site along the adjoining highway and maintained and retained at all times.

At the channel edge of the adjacent public highway, no structures greater than 125mm will be permitted to be constructed and any embankment will be negatively graded to the rear of the visibility splay, where no structures/embankments shall be greater than 600mm in height will be permitted. Any planting shall only be provided at the rear of the visibility splays.

Before commencement of any works at the development site, full construction details of the proposed works within the visibility splays, showing all proposed levels, gradients and any retaining structures are required to be submitted to the Local Planning Authority to be agreed in writing.

2. The proposed parking provision and maneuvering area as shown on the amended site plan Drawing No. AL.0.01 Rev P4 serving the proposed dwelling shall be provided before beneficial occupation and thereafter maintained and retained at all times for the purpose associated with the development.
3. The proposed parking provision and maneuvering area as shown on the amended site plan Drawing No. AL.0.01 Rev P4 serving the existing dwelling, Chestnut Tree Cottage shall be provided before commencement of works at the development site and thereafter maintained and retained at all times for the purpose associated with the development."

Further comments:

The submitted details showing the proposed works within the visibility splays are considered acceptable to the Highway Authority.

Environment and Countryside (Landscape Section) comments on initial submission:

"Having visited the site and considered the key aspects of the proposals with regard its effect upon the village setting and the adjacent special landscape area my comments and recommendations are as follows:

The landscaping proposals are satisfactory in their general principle and provide an appropriate level of intervention, necessary to safeguard the existing setting. However it should be recommended that more precise details of species, mix ratios and importantly the sizes of planting stock proposed be submitted for approval.

Maintained as a hedge the native planting proposed along the southern boundary would be unlikely to have the screening effect indicated in the submitted Drawing No. 1199.06. I would recommend supplementary groups of emergent or specimen native trees are included along the length of the hedge bank. This with the proposed denser native copse plantings at either end would achieve a more satisfactory screening effect to the development and create a more appropriate village edge.

I am satisfied with the proposed alterations to the existing stone boundary wall and the creation of a planted two tiered wall, subject to a sample of the stone finish for the new section of wall being submitted for approval along with details of the soft landscaping to the lower tier, which should include naturalised heather (*Erica Carnea*) and bulb planting. "

Comments on revised scheme:

"Confirm that Drawing. No. 183/02 now includes for all the additional planting previously requested and now consider the proposals to be acceptable."

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 22 February and renotified on 13 April and 6 August 2007. In addition, a site notice was posted on 26 February 2007.

Letters of objection to both the original submission and the amended scheme have been submitted by the occupiers of "Little Acre", "Gwanwyn" and "White Cottage", Graig Penllyn, "Rosevine Cottage" and "Trefynwy", Penllyn. Whilst all of the representations are available on file for Committee Members' inspection, the letters from the occupiers of "Little Acre" and "Rosevine Cottage" are reproduced at Appendix B as being generally indicative of the points raised. In summary, these include:

- Detrimental impact on surrounding landscape and rural character of the area.
- Intensified use of access with design being contrary to Government advice and dangerous.
- Fails to provide sufficient amenity space for the existing Chestnut Tree Cottage.
- Disruption, noise and danger to local residents and road users during construction.
- Loss of privacy.

A letter and an e-mail in support of the application have been submitted by Cowbridge and Vale Cars and the occupier of Brynhyfryd, Penllyn, respectively. These refer to highway improvements and sensitive design. In addition letters in support of the application have been submitted by the applicants' agents Boyer Planning. These are reproduced at Appendix C. A further two letters and email objection have been received from the occupier of Rosevine Cottage and are reproduced at Appendix D. Finally an e-mail was received from Councillor C. Clay requesting that a site visit be undertaken, this is reproduced at Appendix E.

REPORT

This application was reported to the Planning Committee of 15 November 2007 at which time it was resolved to defer consideration to allow Members to visit the site.

The proposal entails the demolition of the existing garage and the construction of a new detached dwelling with works to widen the existing vehicular access and provide vision splays either side. This is a resubmission following a recent refusal, and dismissal on appeal, for the construction of two dwellings within the garden curtilage to Chestnut Tree Cottage. The ownership of the land has subsequently been severed from Chestnut Tree Cottage. Thus in addition to the following policy background, the planning history of the site will also be relevant to the consideration of the application.

Planning Policies

The site is located on the eastern edge of the village of Graig Penllyn and within the residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). Policy HOUS2 allows for housing infill, small scale development and redevelopment within the settlement boundary of Graig Penllyn, subject to the residential development criteria listed in Policy HOUS8. These are:

- (1) The scale, form and character of the proposed development is sympathetic to the environs of the site.
- (2) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (3) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3A), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
- (4) When appropriate and feasible the provisions of Policy REC3 are met.
- (5) The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
- (6) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy HOUS11 of the UDP refers to Residential Privacy and Space and states:

"Existing areas characterised by high standards of privacy and spaciousness will be protected against over-development and insensitive or inappropriate infilling."

Policy ENV27 relates to the Design of New Developments and states:

Proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) Complements or enhances the local character of buildings and open spaces.
- (ii) Meets the Council's approved standards of amenity and open space, access, car parking and servicing.
- (iii) Ensures adequacy or availability of utility services and adequate provision for waste management.
- (iv) Minimises any detrimental impact on adjacent areas.

- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features.
- (vi) Ensures clear distinction between public and private spaces.
- (vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.
- (viii) Has regard to energy efficiency in design, layout, materials and technology; and
- (ix) Has regard to measures to reduce the risk and fear of crime.

The site is also located just outside of the Upper Thaw Valley Special Landscape Area as defined in Policy ENV4 of the Unitary Development Plan. This states that new development within or closely related to the Special Landscape Areas will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area.

Policy TRAN10 of the UDP refers to Parking and requires the provision of parking facilities in accordance with the Council's guidelines related to the type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

In addition to the above policies, the Council also has adopted Supplementary Planning Guidance (SPG), including an SPG on Design in the Landscape and another on Amenity Standards. The SPG on Amenity Standards contains policies not only in relation to the level and quality of amenity space provision, but also covers other issues including privacy, overshadowing and visual amenity.

National guidance is contained within Planning Policy Wales March, 2002 (PPW), TAN12 - Design and TAN18 -Transport. Paragraph 9.3.4 of PPW states:

"In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity."

Issues

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

It will be noted from the planning history that a proposal for two houses within the garden of Chestnut Tree Cottage has recently been refused and dismissed on appeal. The grounds for refusal primarily related to the adverse impact the proposed development would have on the character and appearance of the area. This view was supported by the Inspector on appeal.

However, he did not support the Council's opinion that the development would harm neighbouring residential amenities. The current proposal entails the construction of one new detached house within the former garden of the existing Chestnut Tree Cottage. This revised scheme must be assessed in the light of the Council's earlier concerns and the Inspector's conclusions.

One of the previous objections related to the cramped overdevelopment of the site. The provision of only one house on the site serves to reduce the requirements for amenity space and car parking. In addition the spaciousness of the site has been improved with a reduced footprint for the new dwelling. The supporting information also shows how the scale and design of the proposed dwelling is much more sensitive to existing site conditions and the surrounding landscape. Thus it is considered that the revised scheme is more in keeping with the existing pattern of development.

This was one of the issues raised by the appeal Inspector who also referred to the proposed vehicular access and required vision splays which "apart from opening up the site to greater view, the development would unacceptably suburbanise a site in a village which still retains some of its rural character. A considerable percentage of the site taken up by the wide internal access road and 11 car parking spaces would accentuate the intensity of development. " Whilst the current scheme is a less intensive development, with reduced driveways and parking, nevertheless it still entails the opening up of the road frontage to provide the new access and vision splays. However the application proposes to mitigate the harm that would be caused by such works with a detailed scheme of landscaping. This includes the planting of a copse close to the road frontage, plus a new hedgerow and trees on the southern boundary. The proposed landscaping and accompanying Landscape and Visual Assessment has been examined by the Council's Landscape Architect who confirms that the details are appropriate and should safeguard the setting of the village and the adjacent Special Landscape Area.

The Inspector was also concerned at the shortfall of effective open space and limited garden curtilage to the existing Chestnut Tree Cottage. This has been improved with the provision of additional land to be included within the curtilage of Chestnut Tree Cottage and confirmation from the applicant's agent that the applicant is willing to enter into a S106 Legal Agreement to transfer the additional land. As regards other amenity issues, and the concerns of the neighbouring occupiers at "Little Acre" over privacy, it is noted that the Inspector did not dismiss the earlier appeal on the grounds of neighbourliness, and indeed the current proposal shows a siting further removed to the south of the site.

On the issue of highways, it is noted that a number of the objections refer to concerns over highway safety and the substandard vision splays proposed. However the Council's Highway Engineer has confirmed that he is unable to sustain a highway objection subject to the provision and maintenance of the required vision splays and the parking and manoeuvring areas within the site. On the issue of the vision splays it is noted that the Highway Engineer is prepared to accept a lower standard of 2.4m x 24m to the south east based on advice within TAN18 -Transport. The details provided by the applicant do show a greater splay of 2.4m x 29m although this does appear to include a small section of land outside of the site edged red. Notwithstanding this it is clear that the proposal will result in the improvement of an existing vehicular access albeit accompanied by an increase in usage, and the Council's Highway Engineer has not raised an objection.

Finally with regard to matters of infrastructure, it is noted that there are no objections to the development from either the Environment Agency or Welsh Water.

Thus it is considered that the revised scheme has paid greater regard to its sensitive edge of village location with a reduced scale of development and substantial landscaping proposals to mitigate the impact on the rural character of the area and the setting of the Special Landscape Area of the Upper Thaw Valley located on the opposite side of the highway and stretching south and east from the property.

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

CONCLUSION

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

Having regard to Policies HOUS2 and HOUS8 - Residential Development Criteria, HOUS11 - Residential Privacy and Space, ENV4 - Special Landscape Areas, ENV27 - Design of New Developments and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and Design in the Landscape; and national guidance including Planning Policy Wales, it is considered that the proposal represents a sensitive form of new residential development on the edge of the village that would not unacceptably harm the character and appearance of Graig Penllyn nor the adjacent Upper Thaw Valley Special Landscape Area.

RECOMMENDATION

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

- (a) Transfer the land, as hatched and referred to on Drawing No. AL.0.01P5, to the ownership and control of the occupier of Chestnut Tree Cottage to be included as part of the residential curtilage of that property.
- (b) Meet the Council's standard charge set at 20% of the planning application fee, (subject to a minimum fee of £150) for monitoring the implementation of the Agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

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

- Location Plan, Drawing No. AL.0.00.
- Existing survey plan, Davies's Chartered Land Surveyors.
- Site Plan and Site Sections, Drawing No. AL.0.01 P5, amended plan received 31 July 2007.
- Floor Plan and Elevations, Drawing No. AL.0.100 P2, amended plan received 31 July 2007.
- Elevations of Garage, Drawing No. AL.0.101 P1, amended plan received 31 July 2007.
- Planting Strategy Drawing No. 183/02, amended plan received 12 September 2007.
- Engineering details for Proposed Site Access, Drawing Nos. W62673/A/A01 to A06, received 19 September 2007.

Reason:

For the avoidance of doubt as to the approved details.

3. The proposed vehicular access and associated vision splays, along with the on site manoeuvring area and car parking shall be completed in accordance with the approved plans before the first beneficial occupation of the dwelling hereby permitted. The vehicular access, vision splays, manoeuvring area and parking shall thereafter be retained and maintained to serve both the new dwelling hereby permitted and the existing dwelling Chestnut Tree Cottage.

Reason:

To ensure the provision and maintenance of adequate access, on-site parking and manoeuvring to serve both existing and proposed dwellings in the interests of highway safety and in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

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

Reason:

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

5. Before their use on site, further details, with samples, of the external finishes of the development, including the new stone boundary walls, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character of the area in accordance with Policies ENV4 - Special Landscape Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the 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.

8. The garage hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage shall be available at all times for the parking of private motor vehicles associated with the dwelling hereby permitted.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

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

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

2007/00217/FUL Received on 10 September 2007

CPG (Wales) Plc., Llantrisant Road, Llantrisant., CF72 8PG
David Preece DipArch RIBA, 44, Seabank, Penarth, Vale of Glamorgan., CF64 3AR

Wesley Hall Site, Station Road, Dinas Powys

Provision of 14 no. 2-bed apartments and 1 no. 3 bedroom house with on site parking and provision of access road

SITE DESCRIPTION

The application site is located off Station Road, Dinas Powys, directly opposite the Methodist Church. The front part of the application site is laid out as a car park and the existing Wesley Hall building is set further back into the site. The site also includes sections of the rear gardens of Nos. 29, 31 and 33 Station Road. The building was last used as a Church Hall with associated rooms and is currently vacant. The level of the site slopes steeply down from front to rear, i.e. from west to east.

The site lies within the Dinas Powys Conservation Area and the settlement boundary of Dinas Powys. The site is approximately 2300 square metres.

DESCRIPTION OF DEVELOPMENT

The application proposes the redevelopment of the site to provide a three-bed detached dwelling house to the front of the site and two buildings comprising a total of 14 two-bed apartments to the rear of the site along with an access road and a total of 22 No. parking spaces.

The detached dwelling house will have maximum dimensions 6.2 metres wide by 9.5 metres deep. It will have a gabled roof with a ridge height of 8.7 metres and an eaves height of 5.2 metres. The dwelling will feature a gabled two storey side projection and a gabled dormer window in the north side elevation. It will be sited approximately 5.5 metres from the front boundary of the site and 1 metre from the south side boundary.

The main block comprising eleven apartments (Units 2 to 12) is an S-shaped building that broadly follows the boundary of the site with the rear gardens of Nos. 29, 31 and 33 Station Road. The three main elements will have widths of 25.5 metres, 33.3 metres and 20.6 metres respectively and an average depth in the region of 7 metres. The building will feature predominantly hipped roofs with a maximum height of 9.2 metres. Towards the front of the site, the building will be two storeys and to the rear of the site, the building will be three storeys.

The smaller three storey block comprising Units 13 to 15, has maximum dimensions 13.0 metres wide by 7.6 metres deep. The building will have a hipped roof with a maximum height of 9.2 metres.

The proposal has been amended several times during the course of the application with the above description relating to the proposal currently under consideration.

PLANNING HISTORY

2004/02039/FUL - Six flats with associated works. Approved. Extant.

2005/01559/CAC – Full demolition of building. Approved. Extant.

CONSULTATIONS

Dinas Powys Community Council were originally consulted on 2 March 2007) and commented as follows:

“Strongly object to the number of units now proposed for this site which could have serious road safety implications with access/egress onto Station Road. We also consider the proposed house is out of keeping with the existing neighbouring properties within the Dinas Powys Conservation Area.”

Dinas Powys Community Council were reconsulted on 20 September 2007. Further comments are as follows:

“We strongly object to this application and would reiterate our previous comments that the proposal would have serious road safety implications with access/egress onto Station Road, a known accident black spot.”

The Director of Legal and Regulatory Services (Environmental Health) were reconsulted on 20 September 2007 and comment as follows:

"We have no objection to the type or location of the development. However we note that floor plans as illustrated in Drawing Nos. 2 and 3 for Units 4 to 9 indicate that living rooms are immediately adjacent to the bedrooms of the next unit. Unless considerable attention is given to the prevention of noise and vibration transmission within the building structure there is a likelihood of loss of amenity to the occupants in the form of unwanted noise and vibration. A scheme to demonstrate sufficient mitigation measures would be required before beneficial use.

A better alternative would be to reconfigure the floor plans to ensure compatible rooms in adjacent flats (both to sides and above and below)."

The Head of Visible Services (Highway Development) were reconsulted on 16 November 2007 and comment as follows:

"No objection to the proposal subject to the imposition of conditions on any planning consent granted."

Glamorgan Gwent Archaeological Trust were consulted on 02 March 2007 and comment as follows:

"The Regional Sites and Monuments Record shows that there are no recorded features or finds within the area of the proposed development itself. However, the record notes that nearby Dinas Powys Common is the location of a Romano-British Farmstead and the common is a scheduled ancient monument; Roman, medieval and later pottery has been found nearby in addition to scatters of flint tools and debitage of pre-historic date. Archaeological work in the general area has shown that the sites appear to have been concentrated in the area of the Common and it is therefore unlikely that the proposed work will disturb any archaeological material.

The record is not definitive, however, and archaeological material may be disturbed during the course of the work. In this event, please contact this Division of this Trust. Nevertheless, as the archaeological advisers to your Members, we have no objection to the determination of this application."

Environment Agency Wales were consulted on 02 March 2007 and comment as follows:

"We have no objection to the proposal and our generic information note for developers applies."

Dwr Cymru/Welsh Water were consulted on 02 March 2007 and comment as follows:

"Conditions requested on any planning permission granted."

Vale of Glamorgan Conservation Advisory Group at their meeting on 11 April 2007 recommended refusal. The Group felt that the proposal would neither preserve nor enhance the character of the Conservation Area, being overdevelopment of the site and of inappropriate scale and design. The Group also noted that the proposal would result in a considerable loss of amenity space to properties abutting the site, thereby reducing the openness of the area. The Group also expressed concern at the unauthorised removal of trees from the site, in response to which the Planning Officer confirmed that the matter was being addressed.

REPRESENTATIONS

Neighbour notification letters were sent to nearby occupants on 2 March 2007 and 20 September 2007.

A total of eleven letters of objection have been received, from eight different addressees. The general issues raised are as follows, with the most detailed letter received attached as Appendix A.

- Poor traffic management of Station Road.
- Increased use of Station Road by vehicles; additional pressure on a dangerous stretch of road.
- Lack of parking on Station Road.
- Loss of parking area used by church goers.
- Overdevelopment of the site.
- Extensive earth-moving will be required.
- Unacceptable noise nuisance and traffic hazard during construction.
- Size and scale of the proposed development.
- Overlooking to neighbouring properties resulting in loss of peace and tranquillity.
- Current green space is aesthetically pleasing and a haven for wildlife.
- Noise nuisance.
- Detrimental impact on road safety.
- Lack of parking on site for visitors and refuse collection.
- Too many units are proposed.
- Loss of light to neighbouring property.
- Too close to neighbouring property.

- Development is unnecessary and offers no added value to the village and community.
- Loss of trees within the Conservation Area.
- Additional noise resulting from the development, for example from fan assisted boilers, extraction fans, lifts, drainage pumps and traffic.
- Light pollution from the flats and access road lighting.
- Loss of view from rear of properties of Elm Grove Lane.
- Foul and surface drainage methods and quantities are not indicated.
- Lack of information about sustainability of proposed development.

Seven letters of support have been received. The letters do not detail any reasons for support.

REPORT

Planning Policies

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV20 - DEVELOPMENT IN CONSERVATION AREAS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

TRAN10 – PARKING

AMENITY STANDARDS SPG

PUBLIC ART SPG

Issues

The application site is located within the settlement boundary of Dinas Powys. As such, the proposed redevelopment of the site for residential purposes is acceptable in principle and the detailed criteria of Policy HOUS8 are required to be met in addition to other relevant Development Plan policies. Criteria (vi) states that adequate community and utility facilities exist or can be provided. In this case a financial contribution is sought to enhance existing community facilities in the vicinity.

In addition, the site is located within the Dinas Powys Conservation Area and therefore the proposed development should preserve or enhance its character and appearance.

The proposed detached dwelling house relates well to the existing dwellings fronting Station Road in terms of plot size, building size and design. The traditional frontage will be the most apparent elevation of the proposal and it is considered that it suitably reflects the style of the Victorian properties in the immediate vicinity. The remainder of the development makes good use of the site with the S-shaped building broadly following the boundary of the site and the levels of the site being utilised with the built form closest to Station Road being two storey, partly dug into the site, and the built form furthest to the rear of the site being over three levels. This reflects the relationship of the existing building on the site with the ground levels. The design of the proposed apartment buildings is contemporary. However, these buildings do not front onto an existing highway and therefore views of these buildings will be fairly limited. As such, it is considered acceptable for the buildings to be of a contemporary design. Whilst the proposal does provide a substantial amount of built form across the site in comparison with the existing site, there are sufficient visual gaps provided throughout the development. As such, whilst the proposal does represent a substantial development on the site, it is considered that it is sympathetic to the general street scene and that the appearance of the Conservation Area will be preserved.

The amenity space for the proposed dwelling is equivalent in size to the gross floor area of the dwelling, which is in line with the requirements of the Council's SPG on Amenity Standards. Whilst the rear garden area does not make up 70% of the amenity space, the dwelling does have a reasonably sized rear patio area that provides for some private amenity space. As such no objections are raised with respect to the amenity provision for the dwelling. The 14 apartments can accommodate a total of 55 persons. In accordance with the SPG, 850 square metres of amenity space should be provided for the apartments. The scheme provides approximately 600 square metres of amenity space. Whilst this is below the Council's standards, Dinas Powys Common is within a very short walk of the site and a financial contribution will be payable through the Section 106 Legal Agreement to enhance nearby public open space. Therefore it is not considered that objections are sustainable in this respect. Furthermore, an appropriately sized area is designated for refuse and recycling purposes.

The development site is partly made up of the existing rear garden areas of Nos. 29, 31 and 33 Station Road. The smallest remaining garden will be for No. 33, which will still have an adequate rear garden area. As such, no objections are raised with respect to the remaining rear garden areas for Nos. 29, 31 and 33 Station Road.

The Highway Authority has no objection to the proposal subject to the imposition of conditions relating to engineering details and the provision and retention of the proposed parking area. Therefore no objections are raised in this respect.

In accordance with the Council's car parking guidelines, each flat should have one to two spaces and the dwelling house should have three spaces, plus visitor spaces for the development. This results in a range of 20 to 36 spaces. The development provides 22 No. parking spaces in addition to a cycle parking area. Furthermore, the site is a short distance from Dinas Powys railway station and a main bus route and a financial contribution will be payable through the Section 106 Legal Agreement to enhance sustainable transport facilities serving the site. Therefore it is considered that the provision of car parking spaces towards the lower end of the range of the Council's standards is acceptable in this sustainable location.

With respect the impact of the proposal on the amenities of the occupants of neighbouring properties, the proposed dwelling house is sited approximately one metre from the south side boundary with No. 37 Station Road. The proposed dwelling will not project substantially to the front or rear of this neighbouring property, which does not feature any flank windows. As such it is not considered that the proposed dwelling house will appear visually intrusive or overbearing to these neighbouring occupants. The windows in the south elevation of the dwelling are to be obscure glazed and the roof lights are high level. As such there will be no overlooking of this neighbouring property. The dwelling is located in excess of 3 metres from the rear (east) boundary. Whilst the dwelling will be clearly visible to the occupants of No. 1 Wesley Court when utilising their rear amenity space and habitable rooms, it is not considered that it will appear unduly overbearing or intrusive. The first and second floor windows in the rear elevation of the dwelling house will be obscure glazed to prevent overlooking whilst the ground floor French doors will be screened by the existing close boarded fence.

As a result of the levels of the site, the built form closest to the rear boundaries of the Nos. 29, 31, 33 and 35 will predominantly appear as single storey and will therefore not appear overbearing or visually intrusive to these neighbouring occupants when utilising their rear amenity space or habitable rooms. Furthermore, there are no windows serving habitable rooms proposed in this elevation (F-F). Elevation D-D will run adjacent to the boundary with the parking area serving the neighbouring apartments and therefore there will be no loss of amenity in this respect. The rear boundary of the site is predominantly an undeveloped wooded area of sufficient width to protect the amenities of the occupants of Elm Grove Lane properties. Any views from the front elevation of Units 13 to 15 will be relatively distant and oblique and will not result in a significant loss of privacy. The remaining properties bounding the site are Nos. 1 and 2 Wesley Court and No. 17 Cardiff Road. Only the very rear of the long garden of the latter property bounds the site and the area of garden in question features a number of sheds and outbuildings. Notwithstanding this, the part of the development adjacent to these properties is the parking and turning area rather than built form. Whilst there may be a degree of disturbance from the parking area, it is not considered that it will be to a level which is unusual in a residential area and therefore no objections are raised with respect to the impact of the proposal on the amenities of the occupants of these neighbouring properties.

CONCLUSION

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

Having regard to Policies HOUS2, HOUS8, ENV27, ENV20 AND TRAN 10 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the approved Supplementary Planning Guidance Amenity Standards, it is considered that the proposed development would amount to an appropriate form of development within the settlement boundary of Dinas Powys, would preserve the character and appearance of the Conservation Area and would not cause demonstrable harm to the established character or pattern of development in the locality, the amenities of neighbouring properties, highway safety and other interests of acknowledged importance.

RECOMMENDATION

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

- The developer shall pay the sum of five thousand pounds (£5,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The developer will provide public art on site to a value of a minimum of 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as eight thousand four hundred and seventy one pounds and twenty five pence (£8,471.25).
- The developer shall pay the sum of ten thousand pounds (£10,000) to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The developer shall pay the sum of twenty thousand pounds (£20,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.

The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£921.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

3. This consent shall only relate to the amended plans received by the Local Planning Authority on 7 November 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

4. The first and second floor windows in the east and south elevations of the dwelling hereby permitted shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the dwelling house and shall thereafter be so maintained at all times.

Reason:

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development falling within Classes A to E of Part 1 or Class A of Part 2 of Schedule 2 to the said Order shall be erected, constructed or placed within the curtilage of the dwelling house hereby permitted unless planning permission is first granted by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of the development and its impact on the character and appearance of the area.

6. Prior to commencement of development of the dwelling house, details of the roof lights which shall be of a conservation type, to be inserted in the north elevation of the dwelling house, at a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

To ensure the visual amenities of the Conservation Area are safeguarded.

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

Reason:

To ensure that the proposed access is constructed in accordance with the Highway Authority's standards for adoption in the interests of highway safety.

8. 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 plans and details and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision 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.

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

Reason:

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

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

Reason:

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

11. Prior to commencement of development, full details of the on-site provision for cycles including covered and secured storage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

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

12. Prior to commencement of development, full details of the refuse and recycling area shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory refuse and recycling storage is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

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

2007/00295/FUL Received on 28 February 2007

Mr. D. Jones, Crest Nicholson (SW) Ltd., Crest House, Lime Kiln Close, Stoke Gifford, Bristol., BS34 8ST

Mr. D. Jones, Crest Nicholson (SW) Ltd., Crest House, Lime Kiln Close, Stoke Gifford, Bristol., BS34 8ST

Penarth Heights, off Harbour View Road, Penarth

To demolish the existing flats and construct 377 residential units and associated highway infrastructure and open space

SITE DESCRIPTION

The site extends to approximately 7 hectares of land currently occupied by residential development in the form of flats arranged into three main areas of development. A total of 329 units currently exist on site although these are mostly vacant and unused. Two areas of development are located to the eastern end of the site and the remainder to the far western end.

The northern boundary of the site is landscaped. This is comprised of a part wooded area that forms the 'cliff' and embankment to the former Penarth Docks area, now re-developed into a marina, associated commercial and employment areas and residential development. Tesco retail store is located to the north east of and below the site.

The remainder of the site constitutes the access road, parking areas and landscaping. A community centre exists on the part of the site adjacent to allotments, which themselves lie outside the application site. A footpath connection exists from the site down to the location of Penarth Marina.

The site is located in a predominantly residential area.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the existing residential blocks and to erect 377 residential units. These will be comprised in a mix of terraced units, detached and semi-detached houses, apartments and bungalows. The development height will range from single storey to an 8 storey apartment block at the far western end of the site.

75 units have been identified for affordable housing and are made up of groups of ten units (including 2,3 and 4 bed units) typically pepper potted through the site, but with one complete apartment block of 12 units, and two bungalows. The mix will therefore include 8 No. 1 bed flats, 4 No. 2 bed flats, 2 No. 2 bed bungalows, 24 No. 2 bed houses, 30 No. 3 bed houses and 7 No. 4 bed houses.

Overall the housing breakdown will be 60 No. 1 bed flats, 78 No. 2 bed flats, 4 No. 3 bed flats, 54 No. 2 bed houses, 84 No. 3 bed houses, 77 No. 4 bed houses and 20 No. 5 bed houses.

Vehicular access to the site will require alterations to the current road layout but will provide two main entrance points in generally the same location as currently provided by Highview Road and Royal Close. 579 parking spaces are indicated as being provided.

The overall architectural philosophy has sought to draw from the historic character of development in Penarth but applied in a contemporary manner with render (coloured – including lemon, ochre, sky blue, ocean blue, apple green, sage green and white), red brickwork and horizontal timber cladding (including stained black). Whilst coloured render will be used the predominant colour will be white render with colour used to define key points e.g. at the corners of the squares to be created, to facilitate orientation and a sense of place within the site and provide identity to the street. The roofing materials will include interlocking roof tiles and standing seam roof.

Roof terraces, balconies and garden areas will be used to provide private amenity space for the units whilst other areas of incidental open space will be provided around the site as well as off the site. Adjoining areas of open space and space internal within the development will be landscaped or upgraded.

The density of the scheme (approx 7 hectares with 377 units) equates to 54 units per hectare (21 per acre).

Documents submitted in support of the application include:

- Transportation Assessment
- Design Statement

- Drainage Strategy
- Geotechnical Remediation Statement
- Asbestos material Survey
- Utility Services Report
- Planning Support Statement
- Demolition (Noise and Dust) Mitigation Statement
- Public Art Strategy
- Statement of Community Engagement
- Refuse Collection Strategy
- Bat Report
- Ecology Report
- Japanese Knotweed Report
- Tree Report
- Woodland Management Report
- Landscape Appraisal Report
- Highways Statement
- Archaeology
- Air Quality

PLANNING HISTORY

None directly relevant however a 'Planning and Design Guidelines' document was produced by consultants on behalf of and adopted by the Council, to assist developers in the preparing of schemes for consideration by the Local Planning Authority.

The guidelines identified that the site could accommodate in the region of 450 units on a site that currently accommodates 329 units. Any scheme should aim to provide a more sustainable pattern of development and include alternative modes of transport to the private car. Access to the site did not envisage any new roads with High View and Harbour Road remaining as the principal streets.

The western end of the site was considered appropriate for a landmark building and indicated that development between 5 and 7 storeys could be accommodated with proposals judged on their merits. Development generally would take the form of urban blocks and terraces rather than freestanding houses.

In relation to sustainable development the scheme was identified as being required to achieve a minimum of 'good' standard under the Building Research Council Echo Homes Standards.

The Council identified two primary areas of open space within the control of the authority, namely the Bowl and Plassey Square. Any scheme for the site should propose improvements to these two areas. Reference was also made to enhancement of the Arcot Street Triangle.

Management obligations would also be required for the long term management of the wooded areas around the site.

CONSULTATIONS

Penarth Town Council broadly supports the application but has raised concerns with regard to the townscape, affordable housing, transport assessment, public transport links, air quality assessment, trees and ecology, demolition timing, lack of play areas, and the contributions under Section 106 of the Act. The full response is included in detail at Appendix A.

Environment Agency Wales does not object but seeks the use of conditions. A further letter has been received clarifying what conditions would be required. See Appendices B and C.

The Head of Visible Services (Highway Development) confirms that in terms of layout the development is acceptable but there remains serious highway objections in respect of the lack of adequate off-street parking. See Appendix D.

In addition, and from a transport assessment perspective, Atkins were commissioned to provide an analysis of Cole Easdon Consultants' Transport Assessment Report (TA) in relation to Penarth Heights. The original TA Report provided by Atkins in 2003 effectively acted as a scoping document for Cole Easdon.

Atkins are satisfied with the Cole Easdon TA which was a comprehensive, robust document covering all the main points expected from a TA for such a size of development and no concerns were raised apart from some minor cosmetic changes required.

The development was subsequently reduced in unit numbers from 450 and it was confirmed to Cole Easdon that no amendment was required to the TA due to the initial robust analysis carried out initially.

Atkins then produced a final report April 2007 on the Prioritisation of Transport Infrastructure Improvements based on the accepted TA, which identified highway/transport schemes to be included in the Section 106 Agreement. The submitted by Cole Easdon has therefore been considered and accepted as a competent report.

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

Cardiff County Council has no objections to the scheme, and detailed comments make reference to the need to consider the impact of the proposals on the Cogan Spur, Ferry Road and P.D.R. links. It is also suggested that there should be a proposed contribution to the bridge that would link the area to the Sports Village.

The Head of Visible Services (Engineering Design and Procurement) has responded raising drainage issues related to the adoption of services by Dwr Cymru/Welsh Water. See Appendix E.

The Director of Legal and Regulatory Services (Environmental Health) has responded with required conditions to deal with possible contamination and noise issues.

Countryside Council for Wales have been consulted and no response has been received to date.

Glamorgan Gwent Archaeological Trust have responded stating that there is unlikely to be any significant archaeological features surviving at the site and therefore no objections are raised.

Dwr Cymru/ Welsh Water has no objections subject to relevant standard conditions.

The Head of Economic Development and Leisure (Ecology) has noted that protected species have been identified on site and therefore it will be necessary for the developer to apply for a licence from the Welsh Assembly Government to allow a derogation. It is also required that conditions are applied to deal with reptiles and slow worms on the site. See Appendix K.

South Wales Police Architectural Liaison Officer has responded raising issues regarding the design of the scheme (see Appendix F). The Traffic Management and Casualty Reduction Officer has responded raising concerns about the proposed road layout, any required Traffic Orders and parking provision (see Appendix G).

Cardiff Harbour Authority. No comments have been received to date.

Sewta Regional Travel Plan Co-ordinator has raised issues with regard to the need for a transport assessment and additional safe pedestrian and public transport links need to be identified. It also raises the need for a travel plan. See Appendix H.

Design Commission for Wales has responded with strong support for the scheme, but has requested that permeability through the site be improved. In summary the Design Commission for Wales considered that the scheme had the potential to be an exemplary project. The Commission was strongly supportive of the imaginative 'Home Zone' approach, the distribution of affordable housing and the public art strategy. The Commission also confirmed that various attractions could ensue that the project achieved Eco Homes excellent status. See Appendix I.

The Director of Learning and Development; Outdoor Parks Manager; Waste Management; Public Art Officer; Landscape Section; Housing and Community Safety; Community Services; Social Services and Learning and Development were all consulted and where received their comments have been incorporated into the Section 106 report attached as Appendix J.

REPRESENTATIONS

A significant number of properties were consulted and the application was advertised on site and in the press. Consultation included properties in Birch Lane, Plassey Square, Highview Road, Chichester Road, Robert Street, Plassey Street, Church Place South, Stanwell Road, Salop Street, Harbour View Road, Queens Street, High Street, Paget Road, Northcliffe Lane, Glebe Street, St. Augustine's Place and the Marina Area.

45 individual letters were received and 2 petitions. The petitions were signed by 266 and 40 signatories respectively. The petitions state:

"We the undersigned object to the Penarth Heights development on the grounds that the 2005 Transport Assessment for the project does little to alleviate the traffic impact in and out of Penarth. The best way to reduce the traffic impact would be to use money from the sale of our land and Section 106 money to make a significant financial contribution to the construction of an Ely River Bridge. We believe the bridge offers the residents of Penarth a safe and sustainable route to and from the International Sports Village, Cardiff Bay and the city centre i.e. a real alternative to the car. We urge the Council to commit funds to the project as a matter of urgency."

Comments received include the following areas of concern:

- Traffic impacts on the highway network in the area and in and out of Penarth.
- That no more flats be built and that the site be landscaped instead.
- Site should provide a GP surgery to cater for people moving into the area.
- Residents still living on the site have not agreed that their homes be demolished.
- Cycling and pedestrian links are currently poorly maintained and inadequate as is secure cycle parking.
- Parking is a problem in the area and the development will exacerbate this.
- More bungalows should be incorporated to provide greater housing choice.
- Disruption and pollution from construction to traffic and demolition works to residents, possible damage to property and site security issues.
- Services in the area e.g. Libraries, train, buses, medical, community services, do not have the capacity to cater for this development.
- Is there capacity in the schools to take new development?
- Can retail facilities in Penarth cope with the development?
- Is the development carbon neutral?

- Upgrading of Plassey Square should be a priority.
- Parts of the development are too high and are considered to overlook existing dwellings e.g. Paget Road and Queens Road.
- Inadequate provision of sports and recreation facilities and loss of existing green spaces and dog walking areas.
- The Design of the scheme was welcomed.
- Concern regarding the location of the affordable housing units across the site.
- Rodent control.

Copies of 6 letters received are attached as Appendix L including comments from Barry and Vale Friends of the Earth, McCann and Partners (offices on the Marina). All correspondence received is retained on file should Members wish to inspect it.

REPORT

This application lies within the designated settlement boundary for Penarth as defined by the Unitary Development Plan and as such must be assessed in accordance with the criteria set out in the policies of the Plan, which contains strategic policies as well as topic specific policies. In addition national policy and guidance is produced by the Welsh Assembly Government, which policy and guidance is also material to the consideration of this application.

Planning Policies

Particular attention must be paid to the advice given in the Welsh Assembly Government's Planning Policy Wales (2002) – And Technical Advice Notes TAN12 – Design And TAN18 – Transport.

National and Regional Policy Context

Planning Policy Wales (2002) contains policy on the location and principles associated with the siting of new developments in order to promote the re-use of previously developed land and the siting of development in areas with good accessibility to a range of modes of transport and communications.

TAN 12 states '3.1 At the heart of the design process is the requirement to contribute to the objectives of sustainable development and to achieve a more holistic design response. All those involved in the design process should assess how design choices can pursue the objectives of social progress which recognises the needs of everyone; effective protection of the environment; prudent use of resources and maintenance of high and stable levels of economic growth.' Further more at para 5.18 it is stated 'It is particularly important that proposals to amend or create new landscape are not considered as an afterthought and that the long-term impact of development on the landscape is fully understood.'

With regard to TAN18 it is stated at paragraph 3.3:

"It should be a key aim of development plans to identify residential sites that are accessible to jobs, shops and services by modes other than the car and where public transport services have the existing or planned capacity to absorb further development."

UDP Policies

Locally, the strategic and specific policies of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 are relevant, as follows:

Strategic Policies

- Policy 1** The Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife, the best and most versatile agricultural land and important features of the built heritage. Proposals which enhance these areas will be favoured.
- Policy 2** Proposals which encourage sustainable practices will be favoured including:
- (i) proposals which contribute to energy conservation or efficiency, waste reduction or recycling; pollution control; biodiversity and the conservation of natural resources;
 - (ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport;
 - (iii) the reclamation of derelict or degraded land for appropriate beneficial use; and
 - (iv) proposals which improve the quality of the environment through the utilisation of high standards of design.

Policy 3

Land will be made available for an additional 6079 dwellings between 1998 - 2011. This provision will be met by:

- (i) the provision of infrastructure and services for the development of sites with planning permission for housing;
- (ii) the redevelopment of suitable sites in the urban areas of Barry, Penarth and Rhose;
- (iii) the replacement of unfit and substandard housing;
- (iv) the development of a range of sites in the south eastern part of the Vale of Glamorgan within and adjoining Barry, Penarth and Rhose, to be identified in part ii;
- (v) the development of minor sites identified in part ii;
- (vi) the maintenance rehabilitation and improvement of existing housing stock, the conversion of suitable existing dwellings and the change of use of suitable structures to provide additional modern household units; and
- (viii) affordable housing favoured at appropriate locations and in addition, the provision of affordable housing on appropriate small sites outside of the general housing allocation.

Specific Unitary Development Plan Policies:

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV12 - WOODLAND MANAGEMENT

ENV16 - PROTECTED SPECIES

ENV24 - CONSERVATION AND ENHANCEMENT OF OPEN SPACE

ENV25 - REGENERATION OF URBAN AREAS

ENV26 - CONTAMINATED LAND AND UNSTABLE LAND

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV28 - ACCESS FOR DISABLED PEOPLE

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS11- RESIDENTIAL PRIVACY AND SPACE

HOUS12 - AFFORDABLE HOUSING

TRAN9 - CYCLING DEVELOPMENT

TRAN10 - PARKING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS

REC4 - PROVISION FOR THE DISABLED AND ELDERLY

REC6 - CHILDREN'S PLAYING FACILITIES

REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

COMM5 - RETENTION OF COMMUNITY FACILITIES

Issues

The site is currently occupied by an established residential scheme comprising blocks of flatted type development split into two main areas with a total of 329 properties currently occupying the site, although 4 of these remain occupied. The application proposes the complete demolition of the existing buildings, including the former community centre, and their replacement with a wholly residential scheme of mixed housing types.

The scheme has been designed by the applicants based on the original design concept submitted when the company was selected as the preferred developer by the Council.

In addition the Council drew up Planning and Design Guidelines to set the broad parameters against which any scheme should be assessed, having regard to all other material planning considerations.

Design

The scheme has sought in its design concept to draw on elements of the scale and form of the traditional Victorian and Edwardian character of Penarth whilst interpreting this in a more contemporary form. The scheme was presented to the Design Commission for Wales (DcFW). The Commission generally expressed positive support for the proposal and their full comments are attached as Appendix I.

The development is located in a very prominent location when viewed from the Penarth Marina and the wider Bay area and from the north. The inclusion of a landmark building at its western end will sit on the skyline and will comprise a crescent area of development rising from three storeys to the eight storey block at the western extreme and creates the tallest building on the site. The development in the 'home zone' area, other than the crescent, is generally laid out in a grid pattern. Currently St. Augustine's Church presents the landmark building to the skyline of Penarth Head to the east of the site, however it is considered that the addition of a further landmark to this skyline, will not detract from the setting of the church or Headland (given its distance from this listed building).

The development will remove the existing grey blocks of residential development and replace them with units which are broken up into smaller blocks and these are themselves broken up visually by the use of coloured renders. In the 'home zone' areas, the corner developments on the Ridgeway Road through the area, are defined by taller blocks of four storeys reducing to the three storey terraced development between them.

A further crescent of buildings is proposed at the eastern end of the site where generally the development is of housing rather than apartments, combined with small units over garages creating a mews type development between housing crescents.

It is considered that the scheme will provide a good standard of design subject to conditions regarding samples and detailing.

Sustainability

In preparing the brief for the site the Council required that a good Eco Homes standard be achieved. The scheme is noted by the developer to achieve a Very Good rating based on their Sustainability Statement. The scheme as presented was considered and in line with the discussions at the DcFW presentation the developers were requested to examine how they could achieve an excellent rating, including the use of alternative materials to the Upvc proposed in the fenestration. The DcFW felt that at that time the sustainability strategy lacked the necessary ambition and commitment to deliver genuine low carbon development. The full comments of the Design Commission for Wales are attached at Appendix I.

Subject to the development being carried out in accordance with the principles and details of the Sustainability Statement and the amended details received the scheme presents a sustainable form of development on this Brownfield site. With regard to the Design Commission for Wales' comments are made on the topic of sustainability and Eco Homes rating, discussions with the applicant indicates that there is a willingness to achieve Eco Homes excellent standards. In this regard the applicant has been requested to provide alternative to Upvc doors and fenestration, to provide timber frame construction and increase solar gain and efficiency. The applicant has previously indicated verbally that this is achievable and acceptable.

Transport Impacts

As will be seen from the report at Appendix J the issues of impacts from traffic generation and pedestrian and cycling requirements from the scheme have been assessed. It is considered that the development will generate a need for upgrading of existing services for buses, trains, access for pedestrians and cyclists and this has been addressed in the financial contributions identified in the Section 106 report, following consultations, if the scheme is approved. Similarly off-site highway works have been identified following consideration of the traffic generation identified in the Traffic Impact Assessment submitted. Issues of off-site highway impacts have been fully examined by the Traffic Section of the Council. and they advise that subject to the Section 106 requirements being met, the development will have no significant adverse impacts on the wider highway network.

Access and Parking

The comments of the highway development section, received after extensive discussion between that office, the Emergency Services and the developers, indicate a general satisfaction with the layout and the creation of Home Zones. There remains however 'serious highway objections' in relation to the level of provision of parking on site for both occupiers and visitors. In assessing the comments received on parking, advice is contained in Planning Policy Wales regarding the promotion of alternative forms of transport to the car.

Paragraph 8.4.2 advises that Local Planning Authority's should ensure that new developments provide lower levels of parking than have previously been required. Minimum parking standards, they advise, are no longer appropriate. In this regard it is notable that whilst maximum parking standards have now been adopted for non residential developments, minimum standards shall apply to residential developments.

Any strategy for parking should be integrated with overall transport and locational policies. Members should also note that in the less dense parts of the site where housing is proposed, the development would meet the adopted standards and it is only in respect of the home zones and the flatted development that less parking has been provided. In this regard 579 spaces are provided for a total of 377 units of accommodation. The Highway Development Officer comments that in this instance, due to the home zone approach, which is supported in urban design terms and by the Design Commission for Wales, a reduction of standards by the non provision of visitor spaces cannot be applied. There is also no reduction allowed for this being an urban location close to public transport (both bus and rail) links. In determining the application, it is clear that a balance needs to be struck between rigidly applying the car parking standards or the provision of a potentially exemplar urban design solution as acknowledged by the Design Commission for Wales. To increase the number of spaces (both off and on street) would understandably diminish the quality of the scheme in urban design terms and it is the view of your officers that it is far more appropriate to channel improvements off-site to public transport than to impose a reduction in the quality of the proposal. In addition, Members need to consider that by controlling the level of on-site car parking. This is a particularly valuable mechanism in reducing traffic generation from the site and therefore reducing the impact of the development on the adjoining highway network; a concern of local representatives.

In reaching their decision Committee are, therefore, requested to consider the urban location of the site and the improvements via contributions in any Section 106 Legal Agreement which would seek to enhance and encourage alternative transport modes for this site. Appendix D contains the highway development officer's comments and Appendix J, page 2 details the possible improvements to pedestrian, cycle, rail and bus services/facilities if the scheme is approved. Scope for on-street parking exists in the area including on roads where there is either single frontage development or no development.

It is considered therefore that the overall package of parking, enhanced public transport, encouragement, by improvement of provision, of pedestrian and cycling movements and the site's location in relation to services and the Town Centre that the development is acceptable in highway and transportation terms.

Open Space

The scheme has identified areas of open space to be enhanced e.g. Plassey Square, Arcot Triangle, Paget Road play area, Woodland Areas, and The Bowl. The enhancement does include some tree removal by way of example. The woodland areas, the Bowl, other areas within the site and the Arcot Triangle. A woodland management plan is also proposed. The level of tree clearance is considered to be un-necessary in certain areas and should be subject to control by condition. Alterations to the Arcot Triangle area have been the subject of public consultation and monies for the final scheme would be payable to the local authority for implementation, if the scheme is approved.

In terms of the provision of private amenity space the level of provision for each individual unit does not meet the full requirements of the Supplementary Planning Guidance 'Amenity Standards'. It should be noted however that there are significant areas of open amenity space and play areas in the immediate vicinity. These areas are intended to be enhanced, to result in a level of amenity for all occupiers of the development and occupiers of existing residential units thus enabling easy access to a satisfactory level of open and amenity space.

Ecology

The bat survey conducted in respect of this application found evidence of bats. Due to the potential disturbance to this bat roosting site it would be necessary for the developer to apply for a development licence from the National Assembly. Before a licence can be granted the "three tests" specified in the Habitats Directive (given below) have to be met, and where a European Protected Species is found to be present on site, the local authority should consult with the Countryside Council for Wales to seek their advice on whether test (ii) is met before the granting of a consent.

The "three tests" are outlined below:

- (iv) There is "no satisfactory alternative" to the derogation.
- (v) The derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".
- (vi) The derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

Local Planning Authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied. In this case, having regard to the sites existing lawful use for residential purposes (albeit that only 4 residents now remain on the site in total), it is clear that in respect of part (i) there is no satisfactory alternative to derogation. In the case of question (iii) the development is clearly in the interests of public health and safety and would be of overriding public interest as it has already been established that the re-development of this land is a key part of the regeneration of this part of Penarth.

With regard to part (ii) any development of the site, including site clearance, should be undertaken in accordance with the findings of the studies and this will ensure that there is no derogation and harm to the wildlife in the area. The enhancement of the woodland areas as required by the management plan for the woodlands will seek to enhance the ecological value of the area and this is welcomed. No badgers or reptiles have been found on the site. Other protected wildlife, such as nesting birds would be required to be protected and the developer is aware of the duty to accord with the Wildlife and Countryside Act. An informative will also be added to any consent granted.

Community Facilities

The scheme will see the demolition of the community centre which existed on the site. It is noted that an improved facility is proposed in that money be allocated through the Section 106 Agreement for the enhancement and use of St. Paul's as a 'community hub'; thus integrating the old, established community with the new by providing a facility which in terms of location is well placed for access for all.

Education

The needs of future school aged occupiers has been assessed. Appendix J, page 8 identifies the predicted demand from the scheme and an identified contribution to provide for this demand is detailed within that report.

Demolition, Site Clearance, Construction Issues

The development has been submitted with a noise and dust mitigation statement detailing the relevant legal requirements under other legislation e.g. Building Regulations, Hazardous Waste Regulations, Health and Safety Regulations, which they are required to meet. The comments of the Environmental Health Officer refer to other legal requirements regarding contamination. The hours of working for the construction and demolition works is a matter which should be subject to conditions. The mitigation reports and appropriate conditions should ensure that, whilst there will inevitably be some disruption during construction, that this is kept to a minimum and adverse impact are mitigated.

Other issues relating to drainage and archaeology have been fully considered. No archaeological restraint has been identified for the development. In terms of the drainage, subject to conditions where appropriate, there are no restrictions to the development in this respect.

Existing Occupiers of the Site

In terms of remaining occupiers at the site, 4 separate units remain occupied, consideration has to be given to the residents' human rights. In this regard the re-development of this virtually derelict site, which has caused problems of anti social behaviour and currently presents a visual eyesore is of great public benefit. The re-development will also enable the provision of high quality, fit for purpose affordable housing of a good standard. A total of 75 units of affordable housing will be provided which is of significant public interest. In addition, the other benefits are the improved visual impact of the site, tangible off site benefits and a range and choice of new residential units.

As land owner, clearly the Council has to have regard to the rights of occupiers of the remaining 4 units of accommodation, both through the determination of the planning application but also in its continued negotiations with the occupiers outside of the determination of this application in order for the Council to secure full vacant possession to enable the regeneration of the site.

Members should note that a report on seeking the approval of a Compulsory Purchase Order in respect of the 4 units of accommodation will be presented to Cabinet. This is being presented generally and relates to the Council's position as land owner. However the matters are somewhat linked, however as stated above, the balance lies firmly with the need to regenerate the site and secure a new range and choice of housing including affordable housing, particularly given that the Council has obligations to the remaining occupiers which obligations go beyond the scope of this planning determination.

CONCLUSION

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

Having regard to policies strategic Policies 1, 2 and 3; ENV11 - Protection of Landscape Features; ENV12 - Woodland Management; ENV16 - Protected Species; ENV24 - Conservation and Enhancement of Open Space; ENV25 - Regeneration of Urban Areas; ENV26 - Regeneration of Urban Areas; ENV27 - Design of New Developments; ENV28 - Access for Disabled People; ENV29 - Protection of Environmental Quality; HOUS2 - Additional Residential Development; HOUS8 - Residential Development Criteria; HOUS11 - Residential Privacy and Space; HOUS12 - Affordable Housing; TRAN9 - Cycling Development; TRAN10 - Parking; REC3 - Provision of Open Space Within New Residential Developments; REC4 - Provision for the Disabled and Elderly; REC6 - Children's Playing Facilities; REC12 - Public Rights of Way and Recreational Routes; COMM5 - Retention of Community Facilities and all other material planning considerations the scale, form and design of the development is considered to present an enhanced form of development which contributes to the visual amenities of the area. The development is considered to have an acceptable access and level of on-site parking to the extent that highway safety is not considered to be compromised and the development, subject to the conditions listed will not detract from the level of privacy and amenity currently experienced by occupiers of the area in general. The development is considered to provide enhanced public open space provision and sufficient private amenity space for the proposed occupiers.

RECOMMENDATION

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

(Members should note that the following figures may be subject to variation between topic headings):

- The developer shall pay the following financial contributions in respect of off-site transport improvements:
 - Cogan Hill & Terra Nova Way Junction Contribution £165,000
 - Windsor Road & Plassey Street Junction Contribution £95,000
 - Dingle Road Station Footbridge Contribution £700,000
 - Cogan Station Improvements Contribution £85,000
 - Bus Stop Contribution £40,000
 - Cycle Storage Contribution £20,000
 - Pedestrian / Cycle Link Contribution £435,700
 - Travel Plan £20,000

- 75 units of affordable housing shall be provided on site, being the equivalent of 20% of the total number of residential units.
- The sum of £700,000 shall be set aside for the provision of Public Art including the provision of facilities which enable the creation of art.
- The sum of £800,000 shall be payable to the Council as a contribution to provide or enhance community facilities in the vicinity of the site.
- A sum of £783,160 will be payable to the Council to provide and enhance education facilities required as a result of the development.
- A sum of £578,450 shall be payable to the Council to upgrade existing areas of public open space including the provision of play and recreational equipment.
- A sum of £546,700 shall be paid as a commuted sum to provide for the future maintenance of the public open space and play and recreational equipment referred to above.
- The sum of £738 shall be paid to the Council to be used to monitor the ambient air quality within the proximity of the site.
- Subject to the applicants also entering into a Legal Agreement under Section 278/38 with the Highways Authority for the relevant highway works.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£8,112.00 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans as detailed on the schedule below and the development shall be carried out strictly in accordance with these details.

Nicholas Pearson Associates Drawings:

NPA 10050 201; 202, 203 Rev C, 204, 205 Rev A, 206 Rev A, Figure M, Figure F, Figure A Rev A.

Gary Gabriel Associates Drawings:

18280 SK 101 Rev P11, SK102 Rev P11, SK103 Rev P11, SK 104 Rev P1, SK105 Rev P1, SK106 Rev P1.

Edward Cullinan Architects Ltd. Drawings:

P01 Rev B, P02 Rev A, P03, P04, P05, P06, P07, P08 Rev A, P09, P10, P11, P12.1 Rev A, P12.2 Rev A, P21, P22, P23, P24, P25, P26, P27, P31 Rev A, P32, P33, P34, P35, P36, P37, P40.1, P40.2, P41.1, P42.1, P42.2, P43.1, P44.1, P45.1, P45.2, P46.1 Rev A, P47.1, P47.2, P48.1, P48.2, P49.1, P49.2, P50.1, P50.2, P51.1, P51.2, P52.1, P52.2, P52.3, P53.1, P53.2, P54.1, P54.2, P55.1, P56.1, P57.1, P58.1, P58.2, P59.1, P60.1.

Reason:

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

3. Prior to the commencement of demolition on site details of the provision of parking for construction traffic and the routes for heavy construction vehicles, and means of defining and controlling such traffic routes, shall be submitted to and approved in writing by the Local Planning Authority and the demolition and development of the site shall be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policies TRAN10 and ENV27 of the Unitary Development Plan.

4. Prior to the construction of any roads or paths on the site full details, including sections, details of drainage and materials for the surface finish and samples of such, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure the provision of an acceptable and safe highway layout and to meet the requirements of Policies HOUS8 and ENV27 of the Unitary Development Plan.

5. Prior to their installation on site details of all means of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority and the approved means of lighting shall be fully implemented on site prior to the first beneficial occupation of that part of the development which it serves unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of safety, visual amenity and ecology in the area and to meet the requirements of Policies ENV16, ENV27 and HOUS8 of the Unitary Development Plan.

6. Notwithstanding the submitted plans and prior to their construction on site full details, including cross sections, of all retaining walls and samples of the materials for their external finish, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

7. Notwithstanding the submitted details this consent shall not relate to fencing on the boundaries of the development with the public open spaces and amended details shall be submitted and implemented in accordance with Condition No. 8 below.

Reason:

To ensure that an acceptable means of enclosure is provided in the interests of the visual amenities of the area and the privacy and amenities of occupiers and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

8. Notwithstanding the submitted details full details, including sections to a scale of 1:1, 1:10, 1:20 of all fences, walls (other than as required by condition 6 above), railings and balconies shall be submitted to and approved in writing by the Local Planning Authority prior to their erection, construction or placement on site and the approved means of enclosure shall be carried out prior to the first beneficial occupation of the development to which it relates unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the privacy of occupiers of the site and the visual amenities of the area in general to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. Notwithstanding the submitted details and prior to their use on site samples of the bricks, roofing materials, timber cladding and window and door materials and details, to a scale of 1:1, 1:10 and 1:20 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the visual amenities of the area are enhanced and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

10. The landscaping of the site shall generally be in accordance with the layout as detailed on drawing Nicholas Pearson NPA10050 203 REV. C and full details of plant species, density and size at planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure landscaping of the site in order to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

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

Reason:

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

12. Prior to any demolition works or development on the site details showing a scheme of tree and watercourse protection shall be submitted to and approved in writing by the Local Planning Authority and the scheme of protection shall be fully implemented for the phase of development to which it relates prior to the commencement of demolition or work on that phase.

Reason:

To ensure that trees are protected in the interests of the visual amenities of the area and the watercourses on the site are not adversely affected and to meet the requirements of Policies ENV12 and ENV29 of the Unitary Development Plan.

13. Notwithstanding the submitted details of tree felling no trees shall be felled on site until a schedule of all trees on the site and those to be retained and those to be felled have been submitted to and agreed in writing by the Local Planning Authority and only those trees as agreed shall be felled unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV12, ENV27 and HOUS8 of the Unitary Development Plan.

14. No phase 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 associated with that part of the development, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies HOUS8, TRAN10 and ENV27 of the Unitary Development Plan.

15. Full details of secure parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the phase of development, as identified in Condition No. 14 below, to which it relates.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policies ENV27, HOUS8 and TRAN9 of the Unitary Development Plan.

16. The demolition and development on site shall be carried out in accordance with the approved phasing scheme as shown on drawing Edward Cullinan Architects Ltd., Ref: P07 unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure a satisfactory form of development in the interests of the amenities of occupiers in the vicinity of the site and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

17. Prior to the commencement of demolition works, details of noise levels at the boundaries of the site with the nearest noise sensitive areas, with details of mitigation measures for the control of noise and dust during demolition and construction works and details of wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority and the demolition and construction works shall be undertaken in full accordance with the approved mitigation measures unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the amenities of occupiers in the vicinity of the site are safeguarded and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

18. The development shall be carried out in accordance with the findings of the ecology reports submitted with the application and all appropriate mitigation measures as detailed in the surveys shall be undertaken at the time of the development to safeguard and enhance the habitat and species of any protected species on the site.

Reason:

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

19. The demolition and development of the site shall be undertaken in accordance with the method statements for the removal of contamination and waste and a verification report, including post-remedial sampling and analysis shall be submitted to the Local Planning Authority at the completion of the development.

Reason:

To ensure a safe environment for existing and future occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

20. Operational hours of work for demolition and construction shall be Monday to Friday 08.00 - 18.00 hours, Saturday 08.00 - 13.00 hours and there shall be no working on Sundays and Bank Holidays unless the Local Planning Authority give prior written approval to any variation.

Reason:

To safeguard the amenities of nearby occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

21. Details of the method of gas protection for residential units on the site as identified in the Geotechnical Remediation Statement submitted with the application shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site and the residential units shall thereafter be constructed with the gas mitigation measures as approved.

Reason:

To safeguard the health and amenities of the occupiers of the units and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

22. Prior to the first beneficial use of any phase of the site as approved under Condition No.14 above, oil interceptors shall be installed on each phase of the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent contamination and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

23. The development shall be undertaken in accordance with the details, aims and principles of the Sustainability Statement submitted with the application and as amended by the details required to be agreed by this consent.

Reason:

To meet the aims of the Council's Sustainability Supplementary Planning Guidance and Strategic Policy 2 of the Unitary Development Plan.

NOTE:

1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
2. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.

3. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
4. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
5. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
6. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.
7. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
8. The applicants are advised that all necessary consents/ licences must be obtained from the Environment Agency prior to commencing any site works.
9. The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.

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

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

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

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

2007/00643/FUL Received on 25 October 2007

Mr. Andrew Bower, 39, Montgomery Road, Barry, Vale of Glamorgan., CF62 7DB
Mr. Andrew Bower, 39, Montgomery Road, Barry, Vale of Glamorgan., CF62 7DB

39, Montgomery Road, Barry

Proposed new porch to front elevation, proposed conservatory, utility room and bathroom to rear elevation

SITE DESCRIPTION

The application site relates to an extended semi detached dwelling located on the south side of Montgomery Road, Barry. The dwelling sits within a sloping site, which falls away to the rear, and the rear garden is a full storey below the ground floor level of the dwelling. The application dwelling is served by an elevated patio area which provides access to the lower rear garden by external stairs. The dwelling has been extended by way of a two storey side extension and lower ground level store.

DESCRIPTION OF DEVELOPMENT

The proposal relates to a lower ground and ground floor extension on the rear elevation and a porch on the front elevation.

The lower ground floor extension will be constructed to the side of the existing store and will measure 3.8 metres in depth by a width of 5.2 metres to accommodate a bathroom, internal stairs and access onto the steps. The ground floor extension will be built over the existing lower ground level store and the extension will accommodate a hipped roof conservatory 7 metres in width by a depth of 4.7 metres, with an eaves height of 4.5 metres and ridge height of 5.1 metres (measured from lower ground floor level). The conservatory is shown to have a low level dwarf wall constructed in facing bricks with a glass roof and obscure glazing on both side elevations, with white UPVC glazing bars. This scheme is as amended following discussions between the applicant and your officers.

The proposed porch to the front of the dwelling is 2.9 metres in width by a depth of 2 metres with an eaves height of 2.4 metres with a ridge height of 3.7 metres. The porch will have a hipped gazed roof and glass elevations.

PLANNING HISTORY

89/00913/FUL – Extension to provide 2 bedrooms and a disabled bedroom on ground floor and store. Approved 18 August 1989.

CONSULTATIONS

Barry Town Council were consulted on 21 May 2007 and comment that this application raises a number of concerns which it is hoped will be given very careful consideration during the determination process:

1. The design, forward projection and finish of the front porch.
2. The large scale and design of the rear conservatory: its impact on the privacy of neighbouring residential occupiers and local visual amenity.

On the amended scheme the following comments were made:

Objection. The amended plans continue to raise serious concern despite the reduction in the width of the rear conservatory particularly in respect of its large scale, projection and height above the rear garden and its impact on local visual amenity.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 21 May 2007 and has responded with no comments to make

REPRESENTATIONS

Adjacent occupiers were consulted on the original and amended plans.

To date the occupier of the adjacent dwelling of No. 41 Montgomery Road has raised an objection to both the original and amended plans. The main objection raised in respect of the amended plans relate to the fact that the extension is imposing and it would result in a loss of view, loss of light and would darken the steps leading down into the garden.

The occupier of No. 37 Montgomery Road has objected to the original scheme on the basis of the size of the conservatory, although no objection is raised to the principle of a conservatory.

REPORT

Planning Policies

The following Policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are applicable.

ENV27 – DESIGN OF NEW DEVELOPMENTS

TRAN10 – PARKING

Also relevant is the adopted Supplementary Planning Guidance on Amenity Standards.

Issues

The rear elevations of the application dwelling and the adjacent dwellings due to the lower garden levels appear as three storey dwellings when viewed from the rear. Therefore the proposed extension at ground floor level would be in an elevated position when viewed from the lower garden levels.

Furthermore due to the elevated nature of the rear elevations, the principal habitable windows at ground floor level can be overlooked from the elevated patio areas of adjacent dwellings, as the boundary walls and fences between dwellings are located at the lower ground floor level. In this regard any extensions require careful consideration particularly in respect of the impact on the visual amenity and privacy of neighbouring occupiers.

The original scheme proposed a full width conservatory, at ground floor level which would have been located directly adjacent to the boundary with No. 41. It should be noted that the adjacent dwelling has also been extended by way of a single storey extension to the side of the dwelling, with patio doors in the rear leading to an elevated patio area. Therefore the proposed conservatory would have projected some 3.7 metres directly adjacent to the boundary. Furthermore the adjacent dwelling (No. 41) is also located at a lower level (approximately 1 metre lower) and therefore the proximity of the extension to the habitable window of the side extension of No. 41 was considered to result in an overbearing form of development. In addition the elevation directly adjacent to the boundary was shown to be clear glazed above the dwarf wall, which would also have resulted in a significant loss of privacy to the adjacent occupiers patio and provide views into the living room.

The applicants were advised that whilst the principle of a conservatory may be considered acceptable, the overbearing impact and opportunities for overlooking would need to be addressed.

Following further discussion and negotiation, amended plans have been submitted for a revised conservatory which is of an amended design and size and is now shown to be set off the boundary with No. 41 by 0.4 metres and the depth of the conservatory which will be 'side on' to the boundary is now reduced to 2.9 metres (a reduction of 0.8 metres) with the remainder of the side elevation conservatory splayed at an angle. Furthermore the amended plans now detail obscure glazing to both side elevations, above the dwarf brick wall. It is considered that the reduced depth of the side extension and set back from the boundary, as a whole reduces the level of impact on the occupiers of No. 41 Montgomery Road, to a point where the level of harm is not considered to warrant refusal of this application. Moreover it should be noted that the existing situation (that is the elevated patio area of the application dwelling), affords considerable level of overlooking over the patio area and rear habitable windows of No. 41 Montgomery Road and therefore the proposal will actually improve the level of privacy to the adjacent occupier.

In relation to the impact of the adjoining occupier of No. 37 Montgomery Road, it was also considered that the original scheme would have an overbearing impact and loss of privacy to the occupiers of this dwelling. Accordingly the revised plans now show the conservatory to be set off the boundary by 1.7 metres, which with a reduction in the depth of the extension and obscure glazing is now considered acceptable in relation to the level of impact on the occupiers of No. 37 Montgomery Road.

In terms of the impact of the extension when viewed from the rear, the proposal will be visible from the rear gardens of the adjacent properties, however the reduced width of the extension, will reduce its prominence and impact on the application and adjacent dwellings. It should be noted that there are other examples of extensions on the rear elevations of the dwellings on this side of Montgomery Road including a conservatory and therefore the extension will not be out of character with the rear elevations.

In relation to the proposed porch on the front elevation this is of a limited size and scale and whilst it comprises of glazed elevations and roof, the front elevation of the dwelling is set back some 11 metres from the road frontage and is fairly well screened. As such the proposed porch is not considered to adversely impact on the character of the dwelling or the wider street scene.

The dwelling as extended will still be served by adequate provision of amenity space and provision for off street parking in line with the Council's standards.

CONCLUSION

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

Having regards to Policies ENV27 – Design of New Developments and TRAN10 – Parking, the proposed extension in terms of its scale, design and materials is considered acceptable in relation to its impact on the character of the existing and neighbouring dwelling, the wider street scene and would not impact on the amenities of adjacent 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 relate to the plans registered on 4th May 2007 other than where amended by plans reference 07/00643/FUL/ A, B, C, D received on 25 October 2007 and plan reference 07/00643/FUL/E received on 18 October 2007 and plans reference 07/00643/FUL/F, G received on 1 October 2007.

Reason:

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

3. The side elevation windows in the conservatory shall be fitted with obscure glazing (as detailed on the proposed plans) at the time of the construction of the development hereby approved and prior to the first beneficial use of conservatory and shall thereafter be so maintained at all times.

Reason:

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

NOTE:

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

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

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

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

2007/00711/FUL Received on 16 May 2007

Poil Developments (West) Ltd., C/O 26, John Batchelor Way, Penarth Marina,
Vale of Glamorgan., CF64 1SD
Hoole and Walmsley Architects, 63, Ffynnonau, Crickhowell, Powys., NP8 1DB

Site at Old Farm Mews, Station Road, Dinas Powys

New housing scheme providing two semi-detached dwellings and two detached dwellings

The application site is located within the Dinas Powys Conservation Area.

The application was advertised on 19 June 2007.

SITE DESCRIPTION

The site lies between a dwelling and the access road to the residential development known as Old Farm Mews. The site is located within the heart of the village conservation area. The area is characterised by mixed residential and commercial premises. The design and age of development in the area includes more recent developments of flats and commercial premises adjoining and close by the site. There is a listed building Old Court adjacent to the site.

The site is vacant and has been for some considerable time.

The front of the site comprises the access road to the residential development already existing to the rear of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the construction of four dwellings of contemporary design. The dwellings at the front of the site are set back from the pavement edge and therefore staggered in the street scene between Nos. 4 and 6 Station Road, Old Court.

The dwellings will have a footprint of approximately 5.5 x 7.5m and the two detached units to the rear of the site will have similar footprints with rear additions.

The materials of construction will be grey zinc, local stone and render and Green roofs. The development will have flat roofs including terrace areas.

PLANNING HISTORY

1997/00769/FUL – Amend existing planning approval for shop/office unit on ground floor to residential unit including two parking spaces, modification to adjacent ground floor unit. Refused 29 August 1997.

93/00723/FUL Construction of shop /office unit on ground floor and 5 No. residential units. Approved subject to conditions July 1994.

1984/00117/RES – Erection of shops and offices. Approved 26 June 1984.

1983/00247/OUT – Erection of shops, offices and residential. Approved 28 June 1983.

1982/01633/OUT – Erection of shops, offices and residential. Refused 21 December 1982.

CONSULTATIONS

Dinas Powys Community Council comment – “Whilst we would welcome a development on this derelict piece of land in the centre of the old village we do not consider the design of the properties to be suitable for an area which is in the Dinas Powys Conservation Area.” Comments in respect of the amended plans are that the Council reiterate their previous views .

Environment Agency Wales have not raised any objections to the proposal, but recommend conditions.

The Head of Visible Services (Highway Development) has no objection to the applicant agreeing to works under Section 38 of the Highways Act. The comments in respect of the amended scheme are attached as Appendix A.

Public Rights of Way Officer - No comments have been received to date.

Glamorgan Gwent Archaeological Trust have no objections subject to conditions requiring a watching brief during implementation of any permission.

Dwr Cymru/Welsh Water have no objections subject to conditions relating to drainage of the site.

Vale of Glamorgan Conservation Advisory Group at their meeting on 26 July 2007 recommended refusal. The Group considered the current proposal would neither preserve nor enhance the character and appearance of the Conservation Area especially with regard to scale and design of the building at the front of the site projecting onto Station Road and requested that officers be advised to consult with the applicant and bring further amendments to the Committee if appropriate. The application was reconsidered at the meeting on 1 November 2007. The Group recommended refusal as the scale and contemporary design of the proposal would neither preserve nor enhance the character and appearance of the Conservation Area.

REPRESENTATIONS

Nos. 2, 3, 4, 5, 1a, 1b Old Farm Mews; Nos. 1 The Mount; Nos. 4 & 6, The Star; Nos. 5a, 5b, 5c, 5d, 11, 13 Station Road; Nos. 5, 7, 3, Flat 14, Flat 11, Flat 12, 6, Flat 9, Flat 8, Flat 7, Flat 6 Britway Court, Eckley Cottage, No. 5 Old Farm Mews and No. 14 Almond Cottage, Station Road were consulted.

Eleven letters objecting to the scheme have been received in summary objecting to the density and design of the scheme, parking and traffic and loss of light. Four letters are reproduced as Appendix B being generally representative of the views expressed in relation to the scheme as originally submitted however all letters remain on file should Members wish to inspect them. Residents of Nos. 4 and 6 Station Road were re-notified of the amended plans.

One letter in support of the application is reproduced as Appendix C.

Additional comments from an agent acting on behalf of the occupiers of Nos. 4 and 4a Station Road and received before the Planning Committee meeting of 15 November 2007 are reproduced as Appendix D.

REPORT

Planning Policies

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV20 - DEVELOPMENT IN CONSERVATION AREAS.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

TRAN10 – PARKING.

HOUS2 - RESIDENTIAL DEVELOPMENT CRITERIA.

HOUS11 RESIDENTIAL PRIVACY AND SPACE

SUPPLEMENTARY PLANNING GUIDANCE 'AMENITY STANDARDS'.

SUPPLEMENTARY PLANNING GUIDANCE 'SUSTAINABLE DEVELOPMENT'.

PLANNING POLICY WALES AND TAN12 DESIGN.

Issues

The site was occupied by a garage many years ago but has been a vacant site for some significant number of years. It will be noted from the planning history that consent was granted for shops, offices and residential development in the 1980's and 1990's. Residential development has however only been provided to the rear of this current site with access alongside the site upon which planning consent is now sought.

The site is located within the defined residential settlement boundary for Dinas Powys. The site is vacant and currently detracts from the setting of the village centre conservation area. Given the planning history for the site, and the planning policy relating to infill development in a settlement it is considered that the principle of the development is acceptable.

The site is located close to the centre of the village, close to both commercial and residential development. The principle of a residential scheme is not therefore contrary to policy.

The main issues to be considered include design, impact on the conservation area and setting of the adjacent listed building (known as Old Court), parking and amenity space provision as well as the impact on the privacy and amenity of adjoining residents.

The design of the scheme is wholly contemporary in both detailing and use of materials. The use of good contemporary design is not discouraged and in this instance the scheme, as amended, is considered to address the context in which the development is sited. The development avoids a pastiche and in its use of stone and render, as well as more contemporary materials, draws on the character of properties in the area. In assessing the proposed development, regard has been paid to the adopted Supplementary Planning Guidance 'Amenity Standards'. The units are designed to minimise visual mass by being broken down into components over two and three floors. The units at the front of the site are set back approximately three metres into the site resulting in the frontage being staggered from the immediately adjoining property at No. 4 Station Road. This property was formerly a retail unit with residential above but is now wholly in residential use, as two units. The amendments to the properties at the front of the site relieve the scale of development in relation to its impact on No. 4 Station Road. Whilst there will be some overshadowing this has been kept to a minimum by 'pulling' the development off that boundary and reducing the scale of development at that point, in that accommodation previously proposed for the second floor has been deleted.

Similarly the alterations to the zinc clad pod to the side, south elevation have served to break-up the bulk of the development viewed along the street and as seen in the context of the listed building located the other side of the access road into the site. A Design Statement accompanies the application and a copy is held on file should Members wish to view it. Members will note that a large amount of correspondence was received just before the last Planning Committee from an agent acting on behalf of a neighbouring occupier. This correspondence raised concerns about possible loss of light to the ground floor flat of No. 4 Station Road and possible overlooking of this property's amenity space. The correspondence also questioned concern of amenity space provision and highway implications of the development. However, in considering this scheme, regard must be paid to a previously approved scheme 1997/00769/FUL which included a two storey development directly adjacent to Nos. 4 and 4a Station Road.

The development has been designed to minimise overlooking to neighbours from the windows to the dwellings and subject to obscure glazing for the north elevation windows, which are generally secondary or non habitable room windows, the development provides an acceptable degree of privacy. The inclusion of roof terrace/balcony areas can be controlled to ensure appropriate screening to safeguard adjoining occupiers' amenity and privacy. The details of the scheme show that the northern and western boundaries of these areas where appropriate will be screened and a condition to that effect is included. The flat, green roof areas will not be accessed other than for maintenance

The scheme has also provided a level of amenity space for each unit in the form of deck areas screened by a mesh screen (planted), where needed. Three units also have small patio areas to the rear of the properties. The level of provision does not meet the Local Planning Authority's adopted guidelines however given the derelict state of the site which has existed for some time and the quality of the design in this very prominent central location in the village, this shortfall is not considered to be sufficient reason to refuse consent. The level of amenity space would not be untypical of development in a tight knit village location, as can be seen in the earlier developments at Old Farm Mews and Britway Court adjoining the site which have relatively limited amenity space. These earlier schemes fit well into the context of the village centre. Balanced against the design of the development and the fact that the space provided is capable of providing a private amenity area it is considered that to refuse the development on these grounds would not be sustained at appeal.

The application has also been accompanied by a sustainability statement. It should be noted that the site is considered a brownfield site and the village centre location with easy access to facilities, local transport and services is considered a sustainable location. The development proposes the use of green roofs. Issues regarding sustainable energy and energy efficiency are also addressed in the statement.

The development will provide two parking spaces for each unit. Given the site's village centre location and access to good public transport it is considered that this will not generate an unacceptable level of off-site parking.

Access into the site will be via the existing access serving the residential development of six units located to the rear of the site. The scheme will utilise the same point of access on to the public highway as exists and will provide a shared surface with an approximately 1 metre wide strip alongside the road with building overhang at three points. The road is approximately 4.7m wide. The road will require designing to allow for narrowing at points near to the entrances into the parking areas. The Highway Development Section raised no objections subject to the applicant agreeing these works under Section 38 of the Highways Act (see Appendix B).

The site was formerly a petrol filling station and garage. The applicants advise that the fuel tanks were "removed" some years ago. The comments of the Environment Agency are noted and a condition is proposed.

Comments received from the applicants in respect of the highway issues are attached as Appendix E having been referred to the committee meeting of 15 November as late representation. The Head of Visible Services (Highway Development) has indicated that he has no objection to the amended scheme.

Consideration of the application was deferred from the Planning Committee of 15 November 2007 to enable Members to visit the site. It is anticipated that this site visit will take place on 13 December 2007.

CONCLUSION

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

Having regard to Policies ENV17 - Protection of Historic and Built Environment, ENV20 - Development in Conservation Areas, HOUS2 - Additional Residential Development, HOUS8 - Residential Development criteria, HOUS11 Residential Privacy and Space and TRAN10 - Parking, it is considered that the design and scale of the development and its relationship to development adjoining the site and in the immediate vicinity is such that the development will enhance the setting of the conservation area and nearby listed building, will not significantly detract from the amenities or privacy of adjoining occupiers and provides acceptable on site parking, access and amenity space such that the development is an acceptable form of development.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the drawings reference Job No. 1001 AL 03 Rev. A, AL10 Rev. B, AL11 Rev. B, AL12 Rev. B, AL20 Rev. B, AL30 Rev. B, AL31 Rev. A, AL32 Rev. A, AL33 Rev A, AL34, 1003/AL40B and the development shall be undertaken in accordance with the approved plans unless otherwise approved by the Local planning Authority..

Reason:

For the avoidance of doubt as to the approved plans.

3. Details of the proposed means of enclosure and mesh screening, including samples of materials as appropriate, shall be submitted to and approved in writing by the Local Planning Authority and the approved means of enclosure and screening shall be fully implemented on site prior to the first beneficial occupation of the unit to which the details relate and shall thereafter be so retained at all times.

Reason:

To safeguard the visual amenities of the Conservation Area and the privacy and amenities of the adjoining occupiers to meet the requirements of Policies ENV17, ENV20, ENV27, HOUS2 and HOUS8 of the Unitary Development Plan.

4. Details of the landscaping of the site shall be submitted to and approved in writing by the Local planning Authority prior to the first beneficial occupation of the dwellings hereby approved.

Reason:

To safeguard the visual amenities of the Conservation Area to meet the requirements of Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan

5. Notwithstanding the submitted plans details of the access road, vision splays, margin strip and surface finishes, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the access, margin strip and visibility splays shall be installed as approved prior to the first beneficial occupation of the dwellings hereby approved.

Reason:

In the interests of highway safety to meet the requirements of Policies ENV27, HOUS2 and HOUS8 of the Unitary Development Plan.

6. Samples of the cladding material and stonework and mortar details for the dwellings and details of the colour render shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the visual amenities of the Conservation Area to meet the requirements of Policies ENV17, ENV20, ENV27 and HOUS8 of the Unitary Development Plan.

7. Prior to the excavation of the foundations for the dwellings details showing the finished floor levels in relation to existing ground levels and in relation to finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the Conservation Area and amenities of nearby occupiers to meet the requirements of Policies ENV17, ENV20, ENV27 and HOUS8 of the Unitary Development Plan.

8. The parking areas as detailed on drawing reference Job Number 1001 AL 10 Rev. B shall be fully laid out on site prior to the first beneficial occupation of the dwelling to which the spaces relate and shall thereafter be so maintained at all times to serve the dwellings unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure the provision of on-site parking in the interests of highway safety and to meet the requirements of Policies TRAN10, ENV27 and HOUS8 of the Unitary Development Plan.

9. Prior to the commencement of development a scheme of investigation for the presence of contamination shall be undertaken on the site and details of the findings of the investigation and any necessary measures of mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the findings of the investigation and all identified mitigation measures shall be undertaken as detailed.

Reason:

To ensure that the development does not adversely affect the health and safety of existing occupiers in the area and future occupiers of the site and to meet the requirements of Policy ENV29 Protection of Environmental Quality.

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

Reason:

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

11. The windows in the northern elevation shall be fitted with obscure glazing at the time of construction and shall be installed as such and shall thereafter be so maintained at all times unless the Local Planning Authority gives written consent to any variation.

Reason:

To safeguard the privacy and amenities of adjoining occupiers and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

12. The development shall be carried out in accordance with the terms and conditions of the sustainability statement unless the Local Planning Authority gives written consent to any variation.

Reason:

To meet the requirements of Policy 2, which encourages sustainable practices.

13. The flat roof areas as edged green on the plan reference AL12 Rev. B attached to this consent shall be not be used as amenity space for sitting out or for any other purpose ancillary to the use of the dwelling than as a planting area or Green Roof unless the Local Planning Authority give prior written consent to any variation.

Reason : For the avoidance of doubt as to the extent of this consent and to meet the requirements of policies ENV27, HOUS8 and HOUS11.

NOTE:

1. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.

2. The applicant should be aware that he should contact the Petroleum Officer in order to comply with the Public Health Act 1961 and any other relevant legislation governing the use of former petrol filling stations.
3. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

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.

Miss Catherine Rosewell, The Old Post Office, Boverton, Llantwit Major, Vale of Glamorgan., CF61 1UF
Anderson and Associates, 39, High Street, Cowbridge, Vale of Glamorgan., CF71 7AE

Limes Gate Cottage, The Limes, Cowbridge

Provision of timber decking to rear of cottage, extending above river thaw

The property is situated within the Cowbridge with Llanblethian Conservation Area.

SITE DESCRIPTION

The application site comprises a fully detached residential cottage, located off the main road, in Cowbridge. This site is directly opposite to the river corridor as well as being located in the Cowbridge Conservation Area.

DESCRIPTION OF DEVELOPMENT

The submitted application seeks planning consent to erect a timber decking area to the rear elevation of the cottage, where it would extend over the river Thaw, by approximately 1.5 metres.

PLANNING HISTORY

06/00783/Ful – First floor extension. Approved 22 March 2007.

CONSULTATIONS

Cowbridge with Llanblethian Town Council was consulted on 7 August 2007 and comment as follows:

“Object to the proposal ‘...the decking is out of keeping with the surrounding area and is in the heart of the conservation area and visible from the High Street...it neither improves nor enhances the conservation area and will form a visible intrusion...it encroaches on the river and will impact on the ‘wildlife corridor’ formed by the River Thaw’....”

Environment Agency Wales was consulted on the 7 August 2007. ‘...the application site lies entirely within Zone C2 as defined by the development advice map (dam) referred to under TAN 15 – Development and Flood Risk (July 2004). Given the scale of the proposed development, we do not consider a Flood Consequence Assessment is required in this instance...application requires the prior formal Flood Defence Consent of the Environment Agency, as the River Thaw at this location is scheduled as a statutory main river, pursuant to the Water Resources Act 1991 and the Environment Agency’s Land Drainage Byelaws. Such Flood Defence has been issued by ourselves to the applicant’.

The Director of Legal, Public Protection and Housing Services, was consulted on the 7 August 2007. To date no comments have been received.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on the 7 August 2007 '...no comment to make regarding the above application...'. .

Dwr Cymru/ Welsh Water were consulted on the 7 August 2007. To date no representations have been received.

REPRESENTATIONS

Limes Court Mews, No. 2 High Street, and No. 8 Riverside Mews were consulted on the 7 August 2007. To date three letters of objection have been received.

One letter specifically relates to the current application, as well as the previous application, and the conditions attached to this, when it was approved in March 2007. The neighbours have concerns regarding the work currently being carried out, and whether this is in accordance with the plans. There are also concerns over the ownership of land, however the neighbours have been advised that this is a civil matter that needs to be resolved between the parties.

Other concerns relevant to this application, relate to the decking area being perceived as over development within this site, due to previous works that have already been approved and are currently being carried out, the intrusion of privacy that it will generate on the nearby properties due to it being raised above the existing ground floor level and how the proposal will not be in keeping and insensitive to the character of the conservation area and an 'eyesore' feature to the surrounding local views enjoyed by both residents and visitors. Concerns are also raised in respect of the maintenance of the river which may harm the nature and wildlife at the site.

An e-mail was received from Councillor C. Clay requesting that Committee undertake a site visit. A letter was also received from Councillor G. Cox including a photograph of the River Thaw, both of these can be found at Appendix A.

A further letter was also received from the applicant's agent, and the applicant, and these have been reproduced at Appendix B.

REPORT

Planning Policies

ENV17 – PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT.

ENV20 – DEVELOPMENT IN CONSERVATION AREAS.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

The proposed decking area has generated several concerns not only due to the nature of the works, but also due to the property's location in this part of the Cowbridge Conservation Area, and how the works may impact on the surrounding local views, in particular, to the River Thaw, as well as the possible impact on the private amenities of the neighbouring property. In summary, the submitted representations refer to the proposed timber decking area as not contributing to the enhancement or preservation of the character and quality of the conservation area.

Concerns regarding the raised timber decking area related to the fact that this proposal was to extend 1.5 metres across the river and 1.1 metres above the existing landing level to the rear of the property. Concerns regarding the impact upon the neighbouring property were considered, however the timber decking area is to be located approximately 4.5 metres from the neighbouring wall, which is understood to be the garage catering for the Limes Mews property.

The boundary with the neighbouring property is a rendered dividing boundary wall between 1 metre to 1.5 metres in height, as well as enclosing mature vegetation and trees, which almost totally encloses the property from any direct views. Furthermore, although there is an existing neighbouring window to the first floor side elevation of Limes Mews property, this can already be clearly viewed from the rear of the property as existing, and therefore, the proposed new deck area should not cause any more harm to the neighbouring amenity, than currently existing.

As a consequence of the assessment of the on-site situation the application is not regarded to cause significant harm to the private amenities of the neighbouring properties.

In terms of the visual amenity surrounding the site, the scheme has been considered in light of the fact that the proposal is located in the Cowbridge conservation area to overlook the River Thaw.

The proposal has generated concerns over whether or not it would enhance the character of the conservation area, and whilst it is felt that it may not contribute as a positive feature, it is considered to at least preserve the quality of the surrounding views in the local area, particularly as the rear of the property can already be viewed from the High Street.

Furthermore, the decking area itself will comprise of a timber structure, which is considered a sympathetic use of materials, as well as an aesthetically pleasing design within the conservation area. Additionally, the proposal is not considered to negatively impact upon the direct views of the River Thaw as the river itself, consists of a sharp bend where the property is located. Therefore visually, the proposal is not significantly harmful to warrant the refusal of the application, as the property itself is set back and not immediately adjacent to the main High Street.

There have been previous attempts however, to provide further amenity space over the river for properties, such as the relatively recent development of Town Houses at the Limes. This approach however, was not encouraged from pre-application stage, as this would generate a detrimental impact to the existing direct views over the river Thaw, currently achieved from the High Street. The application property is however set further back from High Street and it is important that this proposal is therefore judged on its own merits.

CONCLUSION

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

Having regard to Policies ENV17 – Protection of the Built and Historic Environment; ENV20 – Development in Conservation Areas; ENV27 – Design of New Developments, it is considered that the proposed timber decking area to the rear elevation of the existing cottage, would not generate an unacceptable impact in terms of the neighbouring and visual amenities surrounding the site, or impact on the quality of the Conservation Area in its entirety. The proposal therefore complies with the relevant planning policies and supplementary planning guidance.

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 plans reference D3 received on 3 August 2007 and the additional plans reference D4 and D5 received on 2 October 2007, and shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development.

NOTE:

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

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

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

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

2007/01121/FUL Received on 7 August 2007

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

Former nursery land adjacent to Cemetery Road, Barry

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

PURPOSE OF THE REPORT.

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

The original report is attached as Appendix A.

DESCRIPTION OF DEVELOPMENT

Original Scheme

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

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

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

Amended Scheme

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

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

RE-CONSULTATIONS AND REPRESENTATIONS

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

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

- The proposal is an overdevelopment of the site.

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

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

- The development would result in the loss of an attractive green space.
- The development will cause noise and disturbance.
- There would be an increase in traffic and pollution.
- The development would have a detrimental impact on the value of surrounding properties.
- There would be no parking space for funerals and the development would result in the loss of a sensitive setting and approach to the cemetery.
- There are insufficient play areas within the development.
- Cemetery Road is a popular route with dog walkers and learner drivers.
- Cemetery Road is used by parents waiting to pick up children from St. Helen's RC Junior School on Tynewydd Road.
- The scheme is an overdevelopment of the site.
- There is insufficient parking to serve the development.
- The submitted ecology survey does not take account of all wildlife that may be living in the area.
- The development will overlook rear gardens of existing properties.
- Part of the development will overshadow the garden and house of No. 15 St. Teilo Avenue.

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

REPORT

Planning Policies

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

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES
POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION IMPORTANCE
POLICY ENV16 – PROTECTED SPECIES
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS2 SETTLEMENTS.
POLICY REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.
POLICY REC6 - CHILDREN'S PLAYING FACILITIES.
POLICY TRAN10 – PARKING

The following Supplementary Planning Guidance is also of relevance:

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

Issues

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

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

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

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

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

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

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

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

CONCLUSION

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

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

RECOMMENDATION

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

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

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

NOTE:

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

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

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

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

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

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

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

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

2007/01141/FUL Received on 18 September 2007

**Mr. & Mrs. Rasbuary, Garden Flat, 42 Arsley Road, Clifton, Bristol., BS8 2ST
C. T. Design Services, The Anchorage, Garth Hill, Gwaelod Y Garth, Cardiff,
CF15 9HS**

47, Redlands Road, Penarth

Retention of dormer window to rear & alterations to main roof

SITE DESCRIPTION

The application site is located at No. 47, Redlands Road, Penarth. The property is a two-storey, end of terrace and is accessible from a rear vehicle lane adjoining earl road.

DESCRIPTION OF DEVELOPMENT

The application is for the erection of a dormer to the rear of the property and alterations to the main roof to convert it from a hip shaped roof to a gable. The proposed dormer will have a flat roof and the dimensions are approximately 2.6m depth, by 4.6m and 1.6metres high. The proposal is for a bedroom with an en-suite toilet.

PLANNING HISTORY

05/01106/FUL - Installation of electric roller door to rear boundary wall. Approved 5th September 2005.

93/01181/FUL - Vehicular crossover to parking bays. Refused 7 January 199.

CONSULTATIONS

Penarth Town Council were consulted on 15 August 2007. That the application should be refused as the rear dormer, as built, is at variance with the submitted plans and represents an overly dominant feature prominent within the local street scene when viewed from Earl Road and Baron Road. Furthermore, it is noted that there are discrepancies in the submitted plans, notably that the height of the dormer proposed to be built differs on the rear and side elevations.

REPRESENTATIONS

Nos. 45, 49, 58, 60 Redlands Road and Nos. 3, Earl Road, were notified on 15 August 2007 and 20 September 2007. Two letters of objection were received by Nos. 49 Redlands Road and 3, Earl Road. The main issues raised within the letter included; impact of privacy, sunlight, as well as the prominence, scale and character of the dormer development. A copy of that letter is included at Appendix A.

REPORT

There is no specific planning history, however, this application was generated through an enforcement complaint ref: ENF07/0322/PC for the unauthorised works to the roof including the large rear dormer. After a site visit it was concluded that the dormer was larger on site than submitted on plan with this application. Following reduction in the size of the dormer and amendments to the plans now reflect the dormer development on site.

Planning Policies

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

ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy ENV27 states that developments must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) Complements or enhances the local character of buildings and open spaces;
- (ii) Meets the Council's approved standards of Amenity and open space, access, car parking and servicing;
- (iii) Ensures adequacy or availability of utility services;
- (iv) Minimises any detrimental impact on adjacent areas;
- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features;
- (vi) Ensures clear distinction between public, private and semi private spaces and other measures to reduce the risk and fear of crime;
- (vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people impaired mobility;
- (viii) Has regard to energy efficiency in design, layout, materials and technology.

Furthermore, it is necessary to take account of the objectives and advice found within the Council's Supplementary Planning Guidance Amenity Standards.

Issues

The amended application has significantly reduced the depth of the proposed dormer and its overall scale. Furthermore, the dormer was amended to include smaller and more sensitively designed windows that match the existing dwelling. The dormer is visible from Earl Road, however, with the reduced scale and materials to match the existing dwelling it is considered that the impact upon the street scene is not significant enough to warrant a refusal.

It is considered that the dormer caused no severe impact upon the privacy of any of the adjoining neighbours. The dormer exceeds 21m from the side elevation of the property No. 3, Earl Road giving sufficient distance allowed between two habitable rooms as advised by the council's Adopted 'Amenity Standards' Supplementary Planning Guidance.

Furthermore, the dormer window is within close proximity of a side elevation of two storey rear extension at No. 49, Redlands Road. However, the side elevation of No. 49, Redlands Road has two small windows at an acute angle, one being an obscured bathroom window which reduces any serious overlooking issues. As such, it is not considered necessary to obscure the glazing of the dormer.

The alterations made to the main roof are considered to be appropriate under planning considerations. The change from a hip to a gable will not negatively impact upon the dwelling or the wider visual amenities of the street scene at Redlands Road. There are several examples of gable ended properties within close proximity and due to the unbalanced features of the three property terrace the change to the roof will not cause harm to the character of the terrace or the general street scene.

Taking into consideration visual amenity, design and scale, the dormer as now constructed is considered to be acceptable and therefore the recommendation is for approval.

CONCLUSION

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

Having regard to Policy ENV27 the dormer development and roof alteration is considered to have an acceptable scale and design with no detrimental impact upon the private amenities of the adjoining neighbours or the wider visual amenity of the rear terrace street scene. Therefore, the proposal complies with Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and the advice and guidance contained within the Council's Adopted 'Amenity Standards' Supplementary Planning Guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent shall relate to the plans registered on 10 August 2007 other than where amended by plans reference 07/01141/FUL Rev B received on 7 November 2007, which coincide with the development as carried out on site.

Reason:

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

NOTE:

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

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

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

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

2007/01185/OUT Received on 21 August 2007

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

63 - 73, Main Street, Barry

Outline planning application for the demolition of units 63-73 Main Street, Barry and the erection of 12 affordable dwellings (4 Townhouses, 6 no. 2 bed apartments and 2no 1 bed apartments) new access and parking.

SITE DESCRIPTION

The application site relates to six terraced properties (Nos. 63 – 73 odds) located on the southern side of Main Street a Victorian Terrace comprising of three storey properties backing onto a rear service lane. The properties originally accommodated retail units at ground floor with residential flats above.

The existing terrace comprises of a mix of coursed stone elevations and rendered/part rendered elevations. Due to the number of alterations at ground floor level in respect of alteration to windows and removal of shopfronts, this part of Main Street now lacks the continuity of the original terrace. The only remaining retail unit within the application site are Nos. 71 and 73 which is a double unit, formerly used for the sale of electrical appliances and is now vacant

The application site as a whole covers an area of 1,290 square metres with a frontage width of 36.5 metres onto Main Street.

It should be noted that the adjacent unit of No. 61, is currently being demolished as it has been identified as a dangerous/unsafe structure.

DESCRIPTION OF DEVELOPMENT

This is an outline application submitted by Newydd Housing Association (1974) Ltd., for the demolition of the six terraced properties and the reconstruction of the terraced façade to create two and a half/three storey terrace onto Main Street. Whilst the application is submitted in outline, siting, design, means of access and external appearance are matters submitted for approval, with only landscaping reserved for later consideration. In this regard the level of detail submitted is sufficient to fully consider the impact of the application.

The accommodation will provide a total of 12 affordable dwellings comprising of the following :

- 4 No. Town houses (3 bedrooms).
- 6 No. 2 bedroom apartments.
- 2 No 1 bedroom apartments.

The town houses will be located at either ends of the block with the flatted accommodation in the centre and over the arched access. The size and overall height of the building will form a continuation of the adjacent terrace and the existing stepped ridge line of the properties will be maintained. The proposed new units will be constructed along the same building line as the former properties.

Each townhouse will have a 4.8 metres wide frontage with a depth of 11 metres, and accommodation over three floors, with access from Main Street. The flatted accommodation will be accessed via a single side entrance, with an overall footprint 7.4 metres in width by a maximum depth of 16.5 metres.

The submitted plans detail cream painted render walls at ground floor level on the front elevation with buff coloured brickwork to upper floors, with reconstituted stone cills and window heads. The roof will be finished in dark grey/black tiles. Windows and joinery are to be in white with black rainwater goods.

Vehicular access is provided via a new arched opening on the Main Street façade 7.5 metres wide with pedestrian footways either side providing access to a parking area in the rear courtyard. The amended plans now detail parking for 14 cars, mainly along the back edge of the site (adjacent to the rear lane). The courtyard is also shown to accommodate a bin store, cycle parking area and landscaped seating area. Dedicated amenity space is also shown to serve the each of the four townhouses comprising of an area of some 33 square metres.

The application has been supported by the following documents:

- Bat roost suitability survey.
- Sustainability Statement.
- Design and Access Statement.
- Planning Statement.

PLANNING HISTORY

None relevant.

CONSULTATIONS

Barry Town Council has no objection.

Environment Agency Wales responded with a "standard advice" guidance note for developers.

The Head of Visible Services (Highways Development) comment that following the receipt of amended plans in relation to the scheme, it is noted that the parking provision within the boundary of the development site has been reduced to 14 spaces, leaving the development proposals deficient in parking by two vehicle spaces. Therefore, in order that adequate parking facilities are provided and allocated to individual dwellings, 16 parking spaces are required to be provided within the boundary of the development site.

The Director of Legal and Regulatory Services (Environmental Health) responded with no comments to make.

Dwr Cymru/ Welsh Water were consulted and have requested that conditions and an advisory note should be attached to any consent. They also stated that the site is crossed by a public sewer and that no part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Ecology

The Council's Ecologist has advised that due to the schedule of demolition, a full bat survey of the buildings shall be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts (this survey has been undertaken). The buildings / vegetation on this application site may potentially be used by nesting birds. A condition shall be included in any consent that states that any vegetation clearance / works affecting the buildings should be done outside the nesting season.

REPRESENTATIONS

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

REPORT

Planning Policies

The following policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are considered relevant.

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Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 supports the principle of housing infill, small-scale development and redevelopment within the settlement boundary of Barry, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) The scale, form and character of the proposed development is sympathetic to the environs of the site;
- (ii) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (iii) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (iv) When appropriate and feasible the provisions of Policy REC3 are met;
- (v) The provision of car parking and amenity space is in accordance with the Council's approved guidelines; and
- (vi) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

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

Policy SHOP 9 (Protection of Retail Uses) states that the retention of Class A1 uses, as defined by the Town and Country Planning Use Classes Order 1987 (as amended), in local and neighbourhood centre will be favoured.

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

TRAN 10 (Parking)

The following Supplementary Planning Guidance is also of relevance:

- Sustainable Development.
- Amenity Standards.
- Public Art.
- Barry Development Guidelines.

Also considered relevant is national planning policy guidance contained in Planning Policy Wales (March 2002). Paragraph 9.3.3 states that "Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."

Paragraph 9.3.4 "In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity...."

Issues

Loss of Retail Use and Demolition

The application site forms part of the Main Street Local Shopping Centre which includes its junction with Barry Road. Whilst the upper part of Main Street still retains its retail character at street level, the lower part of the road has with the passage of time lost its retail use where the remaining retail units are isolated, mainly vacant and within what is now predominantly a residential part of the street. As such given that the application site only comprises of two shop fronts (formerly used as a single retail unit) which has now been vacant for some time, there is no policy objection to the loss of this retail unit, which is not considered to impact on the viability or vitality of Main Street as a Local Centre. Furthermore the supporting planning statement states in a letter of support from a local estate agent that there is little demand for retail units within Main Street.

The proposed scheme seeks to demolish the existing properties and rebuild the terrace to provide a near identical form of development, in terms of its siting, scale and overall massing. Whilst such a proposal for demolition and rebuild may not be considered sustainable, the supporting statement advises that the existing properties require substantial improvements and investment and following a detailed structural survey of the buildings and assessment of estimated costs of refurbishing/renovating, it has been concluded that the units are in such a state of disrepair that it would be more financially viable to demolish the units and rebuild. On this basis and given that neither the application site or Main Street as a whole falls within any area of special protection such as Conservation Area or contains any Listed Buildings, there is no objection to the principle for redevelopment of the site through demolition and rebuilding. This is particularly the case given the condition and appearance of the premises.

Site Layout, Scale, Design and Materials

The proposed scheme seeks to replicate the building line, form and scale of the former part of the terrace, which is considered to be the most appropriate form of redevelopment of the site. The introduction of a large arched opening to access the rear courtyard will interrupt the continuity of the terrace, however the introduction of the archway is not considered to adversely impact on the character of the terrace and wider street scene.

The scale and form of the replacement block seeks to replicate the existing terrace with a stepped ridge line, vertical emphasis and gable detail. The replicated facade will have similar detailing, overall proportions and window placement which will reflect that of the adjacent terrace. In terms of materials and finishes, the use of cream painted render with buff brick will unify this part of the terrace. The use of buff brick as opposed to stone in the existing part of the terrace is considered acceptable and will clearly be read as a new part of the terrace.

Highways and Parking Considerations

The Highways Engineer has raised no objections to the original scheme, although required the access to be widened to 4.5m, from the adopted highway, into the site and the width of the proposed footways along the eastern and western side of the site to be amended. Amended plans have now been submitted in line with the comments made.

The original plans proposed off street parking for some 16 cars and the highway engineer considered that this level was acceptable. However the scheme provided little opportunity for a usable level of amenity space to serve the proposed flats. Regard should also be given to Planning Policy Wales (2002), which states in paragraph 8.4.2 that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past. Furthermore, the site is in a sustainable location with access to local shopping facilities, and is well served by public transport facilities including Cadoxton Railway station. Therefore it is considered appropriate to provide an appropriate balance between parking provision and amenity space and therefore the scheme was further amended by omitting 2 spaces contributing towards an improved provision of amenity space. Whilst the highway engineer has objected to the deficiency of 2 off street spaces, it is considered for the reason set out above that the overall provision is nevertheless acceptable.

Privacy and Amenity

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metre of amenity space per 1 square metre of gross floor area for dwellings, where 70% of the amenity space should be accommodated in the rear gardens, which shall also be private and of a usable shape. For flatted development the size of any communal garden should relate to the number of people who have access to the space and are likely to use it. In flatted developments, developers should aim to provide a minimum of 20 metres square amenity space per person. The amount of space required will be calculated on the basis of the maximum amount of people which can be accommodated.

The scheme includes enclosed areas of private amenity space serving the town houses in the rear courtyard with an average of some 33 square metres per dwelling. The floor space of the town houses is some 126 square metres. Whilst there is a significant shortfall in the level of amenity space, the rear courtyard includes a bin store and cycle parking. Furthermore there is also a communal landscaped seating area to serve the development.

With regard to the flatted development, the 2 bedroom accommodation can accommodate a maximum of 3 persons and the one bedroom apartments 2 persons. According the total number of occupants would be 22, which would require 440 square metres of amenity space. The level of amenity space is now some 65 square metres, which comprises of a linear landscaped seated area in the rear courtyard. Whilst the provision of amenity space is deficient to serve the number of flats proposed, as stated above, the courtyard also includes a bin store and cycle parking, which is associated with amenity space use.

Due to the shortfall in amenity to serve both the flats and townhouses, the Council has sought, through Section 106 contributions, a sum of twenty thousand pounds (£20,000) to provide or enhance public open space or recreation facilities likely to be used by the future occupants of the site. In light of this, it is considered that the provision of and enhancement to the existing provision of amenity space, would off set the deficiency on site and thus provide as acceptable level of amenity to serve the development as a whole.

In terms of issues of privacy and overlooking, the townhouse and flats will be no nearer to the dwellings on the opposite side of Main Street than the existing part of this terrace building. Furthermore the first and second floors windows within this part of the terrace are already in residential use. Therefore there will be no greater opportunities for overlooking.

Ecology

The bat survey submitted in respect of this application highlighted the buildings as having moderate to high bat roost suitability with potential access points that give opportunity for bats to utilise the building. No evidence of bats was found following an examination of the interior and exterior of the building and an emergence survey. However the presence of foraging bats was noted within the locality. Therefore the ecology team have confirmed that consultation with Countryside Council for Wales is not required and no development licence need be sought.

CONCLUSION

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

Having regard to Policies ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria – Policy HOUS2 Settlements, HOUS11 – Residential Privacy and Space, TRAN10 – Parking and SHOP 9 – Protection of Retail Uses, the proposed scheme is considered acceptable in respect of the principle of residential development, density, layout, siting, design, material and finishes, and is considered acceptable having regard to highway considerations and impact on the amenity of existing and future occupiers.

RECOMMENDATION

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

- The developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as six thousand three hundred and seventy eight pounds and seventy-five pence (£6,378.75).
- The developer shall pay the sum of twenty thousand pounds (£20,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (minimum £150.00 admin fee in this case).

APPROVE subject to the following condition(s):

1. Approval of the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

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

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

Reason:

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

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

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

Reason:

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

4. This consent shall relate to the plans registered on 21 August 2007, other than where amended by plans reference 022 Rev. B received on 18 September 200 and plans reference 021 Rev. D and 027 Rev. C received on 24 October 2007.

Reason:

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

5. Prior to the commencement of development, a Method Statement for the demolition and clearance of the site including details of mitigation measures to deal with noise and dust and the hours of works etc, shall be submitted to and approved in writing by the Local Planning Authority. All measures as may be agreed shall be fully carried out during the redevelopment of the site.

Reason:

To ensure a safe and satisfactory form of development.

6. Prior to their use in the construction of the development hereby approved, samples of ridge tiles, roof tiles, brick and render shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

7. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing Ref. 027 Rev. C 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.

8. No development shall take place until details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual and neighbouring amenity in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

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

Reason:

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

10. 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.

NOTE:

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

2. The developer should be made aware that British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost. In the unlikely event of bats being found to be present on site, work should stop immediately and advice sought from the Countryside Council for Wales,
7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
3. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

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

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

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

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

Mr H.W. Field, Pen y Bryn, Crossways, Cowbridge, Vale of Glamorgan., CF71
7LJ
Anderson and Associates, 39, High Street, Cowbridge, Vale of Glamorgan., CF71
7AE

Land to the rear of Pen Y Bryn, Crossways, Cowbridge

Conversion and extension of barn, including new build double garage to provide a dwellinghouse offering bed and breakfast accommodation

SITE DESCRIPTION

The application site comprises an existing single storey, pitched roof stone built barn and associated agricultural land, last used to graze horses. The site is located to the rear of an existing dwelling Pen y Bryn, which lies within the open countryside to the west of Cowbridge.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission to convert and extend the existing agricultural building to provide for a detached, two storey, four bedroom dwellinghouse offering bed and breakfast accommodation. The proposed works will entail the following:

- The existing building will be converted to accommodate a ground floor lounge with a new mezzanine floor providing a study. A new window opening is provided on the north elevation and two new double door openings on the south elevation.
- A new single storey pitched roof extension on the east side elevation of the barn, measuring approximately 3.9m x 4.4m, to a ridge height of 4.2m, and accommodating an entrance hall.
- A new two storey pitched roof extension constructed at right angles to the barn and hallway, measuring approximately 5.8m x 16.4m, to a ridge height of 6.2m, and accommodating a ground floor kitchen/dining room, utility room, bedroom and bathroom, with first floor three bedrooms, a bathroom and an en-suite.
- A new detached, single storey, pitched roof double garage, measuring approximately 5.9m x 6.1m, to a ridge height of 4.3m.
- A new driveway and vehicular access will be created onto the public highway to the north of the site. The new access will measure approximately 3m in width with vision splays of 2m x 38m to the west and 2m x 60m to the east. On-site turning and parking will be provided to the front of the garage.
- In addition to the proposed garden to the north of the dwelling a courtyard garden will be provided to the south and beyond that an orchard.

The new works will be finished externally in stone and slate to match the existing barn.

The application is accompanied by a structural report, a sustainability checklist, an access statement and supporting statement.

PLANNING HISTORY

05/01262/FUL - Conversion and extension of existing barn for residential.
Withdrawn 16 November 2005.

CONSULTATIONS

Cowbridge with Llanblethian Town Council – Initial comments – Objection.
Concerned about the concealed entrance accessing what is a very narrow road especially the increased vehicles as a result of the “bed and breakfast” business. In addition the road leads to the junction at the Cross Inn which has been the location of a number of accidents. Members also consider that the application should be looked upon as a new dwelling rather than a barn conversion as this is what it is comprised of in the main. The application is outside the settlement boundary as shown in the adopted Unitary Development Plan.

Comments on additional information are awaited.

Environment Agency Wales – The area is classified as a minor aquifer of high vulnerability which potentially provides baseflow to surface water features in the area and/or is a resource for supply in the area. Foul drainage must be directed to the main foul water sewerage system unless it can be demonstrated that it is unreasonably impracticable/costly. If it is not possible to connect to the mains, the applicant must ensure that once installed the septic tank is kept in good repair. A number of conditions are requested including no development until a scheme of drainage is agreed and details of any septic tank. Advisory comments are also attached in relation to best practice.

Dwr Cymru/Welsh Water – As the applicant intends utilising private drainage no comment to make.

Glamorgan Gwent Archaeological Trust has no objection.

The Director of Legal, Public Protection and Housing Services (Environmental Health (Commercial Team)) has no comment.

The Head of Visible Services (Highway Development) comments on the additional information:

“Further to receiving amended plans in relation to the above, I would comment that the Highway Authority has no objection to the development proposals provided that the following details are made conditional to the planning consent and subsequently provided prior to beneficial occupation of the development.

1. The proposed parking provision as shown on the submitted site layout plan, Drawing No. 05 shall be provided and laid out in accordance with the Highway Authorities Parking Guidelines before the development is brought into beneficial use and thereafter maintained and retained at all times for the purpose associated with the development.
2. Visibility splays are required to be provided at 2.0m x 45.0m in both directions along the adjacent highway from the access to the development site. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelope and shall not be greater than 600 mm in height.
3. Access to the development is required to be constructed from a bound material for a distance of 6.0m into the development site.
4. No surface water from the site shall discharge onto the adopted highway.
5. Gates (if any) at the access to the development shall be set back from the highway by a minimum of 6.0m.

Environment and Countryside (Ecology) have recommended that a bat survey be undertaken prior to the granting of any planning permission. Have also noted that if any trees or hedgerow are to be affected then hedgerows designated as important are protected by the Hedgerow Regulations 1997. The hedgerows are ideal habitats for dormice and it is recommended that a dormouse and hedgerow survey should be undertaken. Additional advisory comments relating to nesting birds and best practice for great crested newts as there are several ponds within 500m of the application site.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 11 September 2007 and renotified of the additional information on 7 November 2007. In addition a site notice was posted on 9 November 2007.

To date letters of objection have been submitted by the occupiers of East Lodge, The Gardens, Coach House, Brynawel, and 1 Pinklands Cottages, Crossways, and No. 20 Church Hill Close, Llanblethian. Whilst all of the representations are available on file for Members inspection a copy of the letter from the occupiers of The Gardens, Crossways is reproduced at Appendix A as being generally indicative of the points raised. In summary these relate to intrusion into the countryside; highway safety; unacceptable loss of hedgerow; loss of wildlife habitat; no agricultural justification; essentially same proposal as previous; and would set unacceptable precedent.

The applicant's agent Anderson & Associates has submitted letters in support of the proposal which are reproduced at Appendix B.

REPORT

The proposal entails the conversion and extension of a traditional stone built barn to provide a four bed dwellinghouse, offering bed and breakfast accommodation. The site is located in the open countryside to the west of Cowbridge, outside of any residential settlement boundary defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). As such the proposal will be assessed against the following policy background.

Planning Policies

Policy ENV1 of the UDP relates to Development in the Countryside and is a restrictive policy that allows for appropriate and justified development, such as that necessary for agriculture or approved under other policies, including the re-use or adaptation of existing buildings.

Policy ENV8 relates to Small Scale Rural Conversions and states:

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

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

- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND. APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP;
- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT;
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA;
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

Policy ENV11 refers to the Protection of Landscape Features and permits development 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 relates 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 refers to the Design of New Developments and is a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and restricts the erection of new dwellings in the countryside to those that can be justified in the interests of agriculture and forestry.

Strategic policies include Policy 2 -The Environment, Policy 6 -Tourism and Policy 8 -Transportation. These highlight the importance of sustainable development, particularly in relation to its location and non-reliance on private transport.

The Council also has Supplementary Planning Guidance (SPG) including The Conversion of Rural Buildings SPG and Sustainable Development SPG.

National guidance is contained in Planning Policy Wales (March 2002) and TAN 13 Tourism. TAN13 recognises that the re-use of existing rural buildings can play an important role in the needs of rural areas for tourism, but not without consideration of their suitability for the specific re-use. Paragraph 9.3.6 of Planning Policy Wales states:

"New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example, where they are essential to enable farm or forestry workers to live at or close to their place of work in the absence of nearby accommodation."

Issues

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

The current application is virtually identical to the detail of the dwelling proposed under the previous application 05/01262/FUL. That application was scheduled to go forward to Planning Committee on 16 November 2005 with a recommendation for refusal but was subsequently withdrawn by the applicant. The difference with the current application is that it is now justified by the applicant and agent on the basis of a sustainable re-use of the building for tourism purposes.

Whilst Policy ENV8 allows for the conversion of rural buildings this is subject to a list of specific criteria and is supported by the SPG on Rural Conversions. Criterion (i) requires the retention of architectural or historic features present in the building, criterion (iii) requires that the conversion be achieved without extension to the building and criterion (iv) requires that the conversion be undertaken without unacceptably altering the appearance and rural character of the building. In addition paragraph 4.1.1 h) of the SPG states that:

"....it is important that conversion work can be undertaken without unduly altering the appearance and rural character of each building. The external treatment of the building and the curtilage are particularly important in the case of residential conversions. Where proposals are considered to have an obtrusive effect, the Council will be unlikely to look favourably on such applications."

It is considered that the proposal represents a substantial extension to a small agricultural building, which like the previous scheme will dominate and effectively eclipse the original stone building. Again the resubmission involves the blocking up of original openings and the insertion of new windows and French doors in the fabric of the original building contrary to policy and paragraph 4.4.1 Exterior Fabric ii) of the SPG which states:

"New door and window openings and the blocking up of original openings can totally disrupt the original character of the building and as such are not acceptable."

Thus as with the previous application the proposal is entirely contrary to Policy ENV8 and advice contained within the supporting SPG.

As regards the tourism justification it is noted that the agent refers to Policies TOUR 1 and TOUR2 of the UDP. TOUR 1 refers to New Hotels in the Countryside, whilst TOUR 2 relates to New Hotels in Urban Areas. It is considered that neither policy is relevant to the current proposal, as TOUR 2 relates to urban areas, and TOUR 1 specifically refers to hotels and does not permit new hotels outside of the designated settlement boundaries. Even where the hotel proposal involves conversion or extension of existing buildings this is again subject to certain criteria which the current proposal cannot satisfy. It is noted that the proposed layout and accommodation of the dwelling is identical to the previous application and it is considered that even if this was a genuine attempt to support the tourist economy of the Vale it could not be justified bearing in mind the significant harm it will cause to the rural character of the surrounding countryside and its flora and fauna.

Thus the proposal falls to be assessed as a new dwelling in the countryside beyond any identified residential settlement boundary. There is no justification for a new private dwelling in this location and therefore, the proposal is contrary to Council policy and national guidance contained in Planning Policy Wales.

The creation of the proposed new dwelling entails an entirely new vehicular access to the north of the site. It is noted that the Council's Highway Engineer has no objections subject to a number of conditions. One of these requires the provision of 2m x 45m vision splays in both directions either side of the new access. This is more than the splay to the west indicated on the submitted plans. Even without the full details of the new access, which were requested, i.e. sections, levels and elevational information, it is clear that the provision of the new access will result in the loss of a large part of an important hedgerow. This, along with the proposed courtyard and detached garage at the entrance, will serve to urbanise the site adversely affecting the rural character of the undeveloped, unspoilt countryside.

As regards the issue of ecology the applicant has been requested to undertake an ecological survey of the site. This has not been done. The Council's Ecologist has indicated that bats may be present in the building itself and that the hedgerow is an important one for flora and fauna, including possibly dormice. The substantial felling of the hedgerow and trees to achieve the required vision splays, along with the works to the existing barn, may therefore be likely to damage interests of ecology. The proposal is therefore considered to be contrary to Policy ENV16-Protected Species.

Finally as regards infrastructure it is noted that the Environment Agency has raised some concern over the proposal for foul drainage of the site to be to a septic tank as the site is classified as a minor aquifer of high vulnerability. Whilst they have not objected, it is nevertheless considered that this serves to highlight the fact that the site is an unsustainable one in respect of the creation of a new dwelling.

CONCLUSION

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

In conclusion it is considered that the proposal is essentially the same development as that put forward under application 05/01262/FUL, and that is a new dwelling in the countryside unjustified for either agriculture or tourism. The proposal involves significant new build works that will serve to urbanise the site to the detriment of the rural character and appearance of the surrounding countryside. The application is also lacking in information in relation to the ecology of the site such that the Council is unable to fully assess the impact on flora and fauna, including protected species.

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 represents an unjustified and unsustainable new dwelling in the countryside, that will have a significant detrimental impact on the rural appearance and character of the surrounding landscape contrary to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions, ENV11 - Protection of Landscape Features, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, and Strategic Policies 2 - The Environment, 6 - Tourism and 8 - Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings and Sustainable Development; and national guidance contained in Planning Policy Wales March 2002 and TAN13 - Tourism.
2. Insufficient information has been submitted to allow the Council to fully assess the likely impact of the proposal on the ecology of the site, both flora and fauna, and which may include protected species, contrary to Policy ENV16-Protected Species of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Mr and Mrs Norfolk, 1, Little West Bungalows, Southerndown, Vale of Glamorgan,
CF32 0PY
Anthony A Clark, Beechwood, Wick Road, Ewenny, Vale of Glamorgan, CF35
5BL

Little West Bungalows, Southerndown

New Bungalow

SITE DESCRIPTION

The site comprises land falling within the undivided curtilage of two dwellings known as 1 and 2 Little West Bungalows, one of which is currently used as holiday accommodation. The site is situated to the rear of the recently converted Little West Nursing Home, now in use as 8 flats.

The site is located in a highly prominent location adjacent to the coastal road between Southerndown and Ogmore by Sea, and within the Glamorgan Heritage Coast.

DESCRIPTION OF DEVELOPMENT

The application has been submitted in outline, with all matters other than siting reserved for subsequent approval. The scheme proposes the construction of a new bungalow matching the footprint of the adjoining bungalow, No. 2. The applicant advises that it will be used for holiday accommodation/ bed and breakfast.

PLANNING HISTORY

The site has a detailed planning history, predominantly determined by the former Ogwr Borough Council, of which application ref. 85/00329 for change of use to bed and breakfast and holiday let accommodation for bungalow No. 2 is of most relevance, having been granted consent in June 1995.

In addition, it is relevant that the adjoining Little West Nursing Home and garage outbuilding has recently been the subject of approvals for conversion to eight and two No. flats respectively.

CONSULTATIONS

St. Brides Major Community Council were consulted on 25 September 2007. To date no representations have been received.

Environment Agency Wales offers no objections.

The Head of Visible Services (Highway Development) has objections to the development, on grounds of highway safety and specifically the number of houses which are already accessed off the shared drive.

Dwr Cymru/ Welsh Water has no comments to make on the application as the applicant intends utilising private drainage facilities.

The Ecology section were consulted on 9 October 2007. They advise that great crested newts are in the area and may be affected, while requesting vegetation clearance to be carried out outside the nesting season.

REPRESENTATIONS

JCW Construction (the owners/ developers of the adjacent Little West development) were consulted on 1 October 2007, while a site notice was displayed on 11 October 2007. To date no representations have been received.

REPORT

This application was reported to the Planning Committee of 15 November 2007 at which time it was resolved to defer consideration to allow Members to visit the site.

Planning Policies

The housing section of Planning Policy Wales advises at para. 9.3.3 that "insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity.

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

- HOUS3 - DWELLINGS IN THE COUNTRYSIDE.
- ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.
- ENV5 - THE GLAMORGAN HERITAGE COAST.
- ENV27 - DESIGN OF NEW DEVELOPMENTS.

Issues

The principle issue concerns whether the proposals amount to an acceptable form of new development in the countryside, particularly with regard to the visual impact of the proposals on the remote, undeveloped character of the Glamorgan Heritage Coast.

Principle of Development

As a matter of fact, the proposal relates to the construction of a new residential use on a site located well outside of any designated settlement, and which cannot be considered to represent either small-scale development or redevelopment within a settlement, nor the 'rounding off' of the edge of a settlement boundary. Accordingly, the proposal fails to accord with the objectives of Policies ENV1, HOUS2 and HOUS3 of the adopted Unitary Development Plan.

Accordingly, the applicant needs to demonstrate that there are other material considerations of sufficient weight to override the usual policy presumption against such new development in the countryside.

Tourism

The applicant advises that bungalow No. 2 is already used for holiday lets/ B&B, and that additional bookings are being sought, hence the application for such accommodation. Their business case states that:

"As there are no longer any hotels along the coast, and only a limited amount of B&B accommodation in the immediate area, we feel that we would like to expand – sympathetically and in keeping with this beautiful area - to provide a service and accommodation for the demand which we have currently been experiencing. This will obviously benefit the area economically with much needed support given to local trades."

While the case for additional tourist accommodation in the area is acknowledged, nevertheless neither national or local planning policy incorporate any encouragement for such new build development in sensitive locations where only residential development justified for agricultural or forestry related uses are deemed acceptable. In this case, no such justification has been submitted, while the proposal relates ostensibly to a new residential development in the countryside, irrespective of its suggested tourist accommodation use. Accordingly, there are considered to be no material considerations of sufficient weight to override the usual policy presumption against such new development in the countryside.

Visual Impact

In addition to the policy objections raised above, the site is located within the Glamorgan Heritage Coast, wherein Policy ENV5 of the Unitary Development Plan seeks to ensure that its special environmental qualities are conserved and enhanced, with the area treated as a remote zone with priority given to agriculture, landscape and nature conservation.

Amounting to a small pocket of development within an otherwise largely undeveloped, remote countryside zone, the site is highly prominent both in local views from the highway and public footpath networks, and from a distance from the coastal path/ beach road to the south.

Within this context, it is considered that the construction of a new bungalow on the site would increase the physical impact of development within a highly sensitive area of countryside. Although the agent considers that the recent development at Little West would effectively 'screen off' the proposed bungalow from the coastline, this argument is neither accepted, nor would it be considered in any event sufficient to outweigh the harm caused to the Heritage Coast and countryside by reason of the inappropriateness of such new, unjustified development. Indeed, the agent acknowledges that development in this area is of a sensitive nature, with much concern over any visual impact on the heritage coastline.

To support these conclusions, it is noted that, in considering a recent appeal for the conversion of the garage building at Little West, the Inspector stated that "The Heritage Coast designation particularly emphasises its undeveloped character and a significant increase in built development on this site as shown would be contrary to the objective of protecting this character". For similar reasons, therefore, the same conclusions are reached on this proposal for an unjustified new building within the countryside.

CONCLUSION

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

Having regard to Policies ENV1, ENV5, HOUS3 and ENV27 of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 the proposal would amount to an unjustified and insensitive form of development, which would substantially increase the impact of built development on the site and detract from the undeveloped and unspoilt nature of the Glamorgan Heritage Coast.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed new bungalow would amount to an unjustified and insensitive form of development, which would substantially increase the impact of built development on the site and detract from the undeveloped, unspoilt nature of the Glamorgan Heritage Coast, contrary to the objectives of Policies ENV1, ENV5, HOUS3 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Native Woodland Ltd., Mr. James Leedam, The Market Tavern, 26 Agincourt Square, Monmouth., NP25 3BT
Native Woodland Ltd., Mr. James Leedam, The Market Tavern, 26 Agincourt Square, Monmouth., NP25 3BT

Coedarhydyglyn, St. Nicholas

Use of parkland for natural burials in addition to the continued agricultural use

SITE DESCRIPTION

The application site comprises approximately 4.74ha of open grazed grassland with a number of trees on the eastern side and fringes. It lies within the south western corner of the historic park of Coedarhydyglyn, which is included as Grade II* on the Register of Historic Parks and Gardens in Wales. The site is located within the countryside between the village of St. Nicholas and the outskirts of Cardiff.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the creation of a natural burial site which will operate in conjunction with the continued agricultural use of the land. The proposal will include the following works:

- Formation of a new, unpaved footpath leading from the northern edge of an existing yard area, which will be utilised for parking, through the trees and across the existing driveway to the proposed burial ground.
- An information board at the end of the unmade footpath.
- A new, unsurfaced vehicular track, made up of free-draining Type 1 aggregate in accordance with Forestry Commission specifications, will be constructed for a length of approximately 105m along the southern edge of the proposed burial ground parallel to the existing hedge line. This will provide the proposed cortege route.
- New tree planting within the north west corner of the site in an area designated for commemorative trees and new structural planting to screen the existing Guide Hut to the south west.
- Construction of a new vehicle passing bay on the St. Georges road approximately 45m from the junction with the A48.
- New standard highways signage. The proposed vehicular access will be via the existing entrance to Coedarhydyglyn with the existing hedgerows trimmed to maintain visibility.

- All burial plots will be referenced through triangulation measurement to Permanent Ground Markers, which have a circular steel head and are set flush within the ground. No headstones are permitted and no embalmed or preserved bodies are accepted. Similarly all caskets, shrouds or "pods" must be constructed of natural, untreated, biodegradable materials.

The application is supported by a comprehensive report which has made an assessment of the potential environmental impacts, examining such issues as traffic and road safety, impact on the historic park, ecology, archaeology, ground conditions, geology and hydrology. A Tree Report, Sustainability and Access Statement have also been provided.

PLANNING HISTORY

None within the application site itself, however, within the vicinity:

02/01671/RES - Caeglas campsite. Girl guide campsite and activity centre. Approved 3 April 2003 subject to conditions including restriction on use for girl guides only and upon cessation of that use the building to be removed and the land restored to grassland.

05/01663/FUL - Land to the south of current application site. Crematorium, cemetery, chapel, car park and gardens. Refused 5 May 2006 on the grounds of:

- (1) Adverse affect on rural character and landscape quality of Special Landscape Area.
- (2) Damage the historic and visual character of the essential setting of the historic park.
- (3) Irreversible loss of 3 hectares of Grade 3A agricultural land; and
- (4) Insufficient evidence of rigorous and structured search methodology to demonstrate that the site is the best and only site for such a facility to overcome the fundamental policy objections of visual impact, historic impact and loss of agricultural land.

CONSULTATIONS

St. Georges and St. Brides Super Ely Community Council were notified on 25 September 2007. No representations have been received to date.

Bonvilston and St. Nicholas Community Council were notified on 25 September 2007. No representations have been received to date.

Cardiff County Council were notified on 9 October 2007. No representations have been received to date.

Environment Agency Wales – Based on the information provided we would have no objections to the use of the site as a burial ground. The submission is considered to be in line with the Environment Agency's R&D Technical Report P223, "Pollution Potential of Cemeteries" (1999). For future reference we would like to clarify that:

- We do not agree with all the detail presented in the hydrogeological conceptual model, but are overall satisfied that it is a reasonable representation.
- In particular, it is considered possible that the water table is higher than recorded in the bedrock. It is quite possible that the drilling technique employed and installation (or lack of) has prevented ordinary ingress of groundwater. However, when a higher water table is taken into account it makes little material difference to the overall vulnerability in this instance.
- Nothing other than uncontaminated excavated natural materials shall be tipped on the site without the benefit of a waste exemption.
- An acceptable method of foul drainage disposal would be connection to the foul sewer for any public facilities on site. If another means of foul drainage is proposed, we would wish to be reconsulted.
- Additional guidance notes for the developer.

Dwr Cymru/Welsh Water were notified on 25 September 2007. No representations have been received to date.

Cadw – It is Cadw's opinion that the proposed natural burial ground would not harm the historic or visual character of the park. Apart from one new stock-proof fence there would be no visual intrusion into the open parkland. The whole area would remain as open, grazed grassland and the graves would be unmarked. Two stock fences crossing the area would be removed. Cadw considers that the only intrusion linked to the use of the site for burial would be the cortege route, which would diverge from the existing track and run parallel to it for a short distance before rejoining it. However, this would only have a minor impact on the visual character of the area. New planting would be kept to the western fringe of the area so as not to obstruct the views out from the site or alter its open character. In Cadw's opinion visitor car parking would be well screened in an existing yard to the south of the burial area.

National Assembly for Wales Agriculture Department – The Technical Services Division does not wish to make any comment.

Glamorgan Gwent Archaeological Trust - Though the application area could contain the remains of prehistoric activity it is likely that the creation and landscaping of the historic park will have removed any prehistoric remains. It is therefore unlikely that archaeological features would be located inside the development area. No objection to the determination of the application. Note their opinion that the impact of the proposed development on the historic park and garden is potentially significant and recommend that the Garden History Society and Welsh Historic Gardens Trust be consulted.

Garden History Society were notified on 26 September 2007. No representations have been received to date.

Countryside Council for Wales were notified on 25 September 2007. No representations have been received to date.

Environment and Countryside (Ecology) - The vegetation on the site may potentially be used for nesting birds and it is recommended that a condition be included to state that any vegetation clearance required should be done outside the nesting season unless it can be demonstrated that nesting birds are absent. Several ponds are located within 500m of the site and may support breeding populations of great crested newts and therefore it is recommended that the developer be made aware of statutory duties and good practice guidance be included as an informative.

Environment and Countryside (Public Rights of Way Officer) was consulted on 25 September 2007. No representations received to date.

The Head of Visible Services (Highway Development):

"Further to the site visit undertaken in relation to the above, I would comment that based on the supporting information submitted with the planning application and the nature of the development proposals, it is considered that the likely parking demand and traffic generated by the natural burial ground would have little or no impact on the surrounding highway network.

Therefore, provided that the following details are made conditional to the planning consent, the Highway Authority are unable to sustain an objection to the development proposals.

1. Full construction details of the proposed passing place located adjacent to the adopted highway, as indicated on the submitted plans shall be submitted to the Local Planning Authority and be agreed in writing before commencement of any works at the development site. Thereafter, the proposed passing place shall be constructed in accordance with the Vale of Glamorgan Council's standard details for adoption and shall be incorporated into the adopted highway.

The proposed passing bay shall also be made available for public use at all times before beneficial occupation of the development site. Reason : In the interest of highway safety.

2. The proposed parking provision within the development site shall be provided in accordance with the Vale of Glamorgan Council's Parking Guidelines before beneficial occupation and thereafter maintained and retained at all times for the purpose associated with the development proposals. Reason : To ensure adequate parking facilities are provided to serve the development proposals.

3. The proposed improvements to existing visibility as indicated on the submitted plans, to the south of the access to the development site and to the east of the junction with the lane to St. Georges and the A48 (T), providing visibility envelopes of 2.4m x 33.0m and 4.5m x 215m respectively, shall be completed before beneficial occupation of the development site and thereafter maintained and retained at all times. Reason : In the interests of highway safety.

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution Section)) has no comment. The Environment Agency should be consulted with regard to protection of controlled waters.

The Head of Visible Services (Engineering and Procurement (Land Drainage)) has no comments to make as are not aware of any watercourses or land drains crossing the site or of any land drainage problems in the area. I note that there is to be a car parking area, new footpath and cortege route and the construction and method of drainage for these areas should be queried.

The Director of Community Services was consulted on 25 September 2007. No representations have been received to date.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 25 September 2007. In addition the application was advertised on site and in the press as a major application on 3 October 2007 and as a departure application on 9 November 2007. Letters of objection have been submitted by the occupiers of Caia Farm, Caia House, and Nos. 11 and 12 Ger y Llan, St. Nicholas. All of the letters are available on file for Committee Members to examine in full, however, the letters from the occupiers of Caia House and No. 12 Ger y Llan are reproduced at Appendix A as being generally indicative of the points raised. In summary these include, contrary to Unitary Development Plan; development of a Greenfield site; out of character with the area; there is no need for the development; a previous application for a crematorium and cemetery has been rejected and this is an attempt to achieve part of the original scheme; will lead to pressure for further development including memorials; set a precedent for other commercial and residential uses; increase in traffic and problems with road safety and congestion from funeral corteges; and concerns over the future maintenance of the site.

A copy of the Executive and Technical Summaries from the applicant's supporting report is reproduced at Appendix B for Committee Members inspection. The full report and supporting documentation is available on file.

REPORT

The proposal entails the use of existing grazing land as a natural burial ground without discontinuing the agricultural operations. The land forms part of the Coedarhydyglyn historic park, Grade II* on the Register of Historic parks and Gardens in Wales, and is located in the countryside to the west of Cardiff. The site is within the Ely Valley and Ridge Slopes Special Landscape Area as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). As such the following policy background is relevant.

Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV2 relates to Agricultural Land and states:

THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3A) WILL BE PROTECTED FROM IRREVERSIBLE DEVELOPMENT, SAVE WHERE OVERRIDING NEED CAN BE DEMONSTRATED. NON AGRICULTURAL LAND OR LAND OF A LOWER QUALITY SHOULD BE USED WHEN DEVELOPMENT IS PROPOSED, UNLESS SUCH LAND HAS A STATUTORY LANDSCAPE, NATURE CONSERVATION, HISTORIC OR ARCHAEOLOGICAL DESIGNATION WHICH OUTWEIGHS AGRICULTURAL CONSIDERATIONS.

Policy ENV4 relates to Special Landscape Areas (SLA) and the site is located within the Ely Valley and Ridge Slopes SLA where new development will be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the special landscape area.

Policy ENV10 refers to the Conservation of the Countryside, whilst ENV11 seeks the Protection of Landscape Features. In addition Policy ENV12 refers to Woodland Management and favours the improvement, management and extension of woodland, tree cover and hedgerows.

Policy ENV16 of the UDP relates to Protected Species and states that:

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 ENV17 refers to the Protection of Built and Historic Environment and does not permit development that has a detrimental effect on the special character appearance or setting of:

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;

- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND / OR HISTORIC INTEREST;
- (iii) DESIGNED LANDSCAPES, PARKS OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE.

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

Policy EMP2 refers to New Business and Industrial Development and states:

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

- (i) THE PROPOSAL DOES NOT LIE WITHIN THE COUNTRYSIDE EXCEPT FOR THOSE PROPOSALS ACCEPTABLE UNDER THE TERMS OF ENV8 (RURAL BUILDINGS) OR COMM 2 (REDUNDANT HOSPITALS);
- (ii) THE PROPOSAL MINIMISES THE LOSS OF GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A) AND DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ATTRACTIVE LANDSCAPE AND HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iii) THE SIZE AND RELATIONSHIP OF ANY NEW BUILDING AND / OR ALTERATION OR EXTENSION IS NOT DISPROPORTIONATE TO ITS SIZE AND SETTING;
- (iv) ACCESS AND PARKING ARRANGEMENTS ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS;
- (v) ADEQUATE LANDSCAPING IS PROVIDED;
- (vi) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITY BY VIRTUE OF TRAFFIC CONGESTION, NOISE, SMELL, SAFETY, HEALTH IMPACTS AND EMISSIONS;
- (vii) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST OR ARE REASONABLY ACCESSIBLE OR CAPABLE OF BEING READILY AND ECONOMICALLY PROVIDED;
- (viii) DOES NOT PRESENT ADDITIONAL RISK TO THE HEALTH OR SAFETY OF USERS OF THE SITE AND DOES NOT UNACCEPTABLY POLLUTE AIR, WATER, OR LAND; AND
- (ix) DOES NOT UNACCEPTABLY AFFECT THE USE OF THE ADJOINING LAND BY VIRTUE OF THE RISK AND IMPACT OF POTENTIAL POLLUTION.

Policy TRAN10 of the UDP refers to Parking and requires that parking facilities are in accordance with the approved parking guidelines and related to the type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

Policy COMM9 refers to Additional Burial Land and states:

PROPOSALS FOR ADDITIONAL BURIAL LAND IN THE FOLLOWING IDENTIFIED AREAS OF NEED: BARRY, PENARTH, LLANTWIT MAJOR, WILL BE PERMITTED IF:

- (i) PARKING AND SERVICING ARE PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (ii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITIES BY VIRTUE OF GIVING RISE TO NEW OR EXACERBATE EXISTING LOCAL PROBLEMS RESULTING FROM TRAFFIC GENERATION, HIGHWAY SAFETY, NOISE, SMELL OR OTHER AMENITY CONSIDERATIONS; AND
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.

Strategic policies of relevance include Policy 1 which aims to protect and enhance the Vale's distinctive rural, urban and coastal character, and Policy 2 which favours proposals that encourage sustainable practices. In addition Policy 14 refers to community and utility services and states:

"Developments associated with community and utility services will be permitted if there is no unacceptable impact on the interests of agriculture, conservation, listed buildings, archaeological features, areas of ecological, wildlife and landscape importance and residential amenity."

In addition the Council also has Supplementary Planning Guidance (SPG), including a SPG on Sustainable Development and one on Design in the Landscape.

National guidance is contained in Planning Policy Wales March 2002. Paragraph 5.1.1 recognises the importance of protecting the natural heritage of Wales both for its own sake and for the health and the social and economic well being of individuals and communities. Paragraph 7.6.2 advises that in determining applications for industrial and commercial uses local planning authorities should have regard to various factors, including the impact of the development on the environment and local amenity, in terms of, for example, its scale and design, impact on landscape and wildlife, and its contribution to the generation of traffic and waste.

Issues

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

A number of the objections refer to the previous scheme for the crematorium, and raise concerns that if the current application is approved it will set a precedent for further development. Members will be aware that the Council can only consider the proposals before them and cannot "second guess", or reject a scheme on the grounds of possible future developments. The current proposal bears no resemblance to the earlier application for the crematorium which entailed a number of buildings and was sited to the south of the present application site. The current application proposes a much smaller scale development of a natural burial ground which does not involve any new buildings. Neither does it entail the loss of agricultural land as the existing farming operations will continue in conjunction with the burial use.

In terms of the visual impact, the proposal is a very low key development. Minimal new works are involved and include the creation of a new footpath, the cortege route, an information board and the passing bay on the connecting highway. The submitted details indicate that these works will be sensitive to the rural, and special landscape quality of the site. Having regard to any impact on the historic park or the nearby listed walled garden it is noted that there are no objections from Cadw.

In respect of highway issues it is noted that the Council's Highway Engineer has no objections as the likely parking demand and traffic generated by the development would have little or no impact on the surrounding highway network. A number of conditions have been requested including the provision of the passing bay, car parking and maintenance of vision splays. It is noted that the site is crossed by a public right of way. It is unlikely that the development would serve to obstruct this right of way any more than the existing agricultural activities. As already stated there are no buildings involved, no memorials or headstones, and the works for the new cortege route will not affect the right of way.

On the issue of residential amenity, it is noted that there are a number of nearby residential properties. It is considered that the nature and scale of the operation is such that it is unlikely to have any adverse impact. As regards the existing Girl Guide hut it is noted that the developers intend to provide a screen of trees along the boundary of the site.

In terms of any environmental impact it is noted that the applicants support their proposal as a sustainable means of burial with biodegradable material being used in the interments. As regards any potential ground water pollution it is noted that the Environment Agency have no objections to the development. Indeed the supporting information suggests that the proposal will serve to enhance the environment with the potential for increased biodiversity. The Council's ecologist has no objections to the proposal but has suggested that any vegetation clearance be done outside of the nesting season.

A number of the objectors refer to the fact that there is no need for the development. Policy COMM9 of the UDP identifies areas of need at Barry, Penarth and Llantwit Major, and current work on the new Local Development Plan will serve to more precisely identify appropriate areas for new cemeteries, crematoriums and alternative green burials. Clearly such research will not assist in assessing any need in relation to the current application. However, it is recognised that the current proposal is a commercial one and on that basis it will meet a demand. It is considered that, unlike the previous application, there is no requirement for the current application to prove a need for the development. The previous rejected scheme was refused because it could not show a need that would override the clear objections to the scheme in terms of its adverse impact on the visual and historic character of the area and the loss of agricultural land. It has already been noted that the current proposal will not have the same harmful effects.

Thus whilst the proposal cannot be shown to meet the essential test for development in the countryside of Policy ENV1, nevertheless, it will meet certain of the principles within the strategic policies, including sustainability and community services of Policy 14.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, ENV11 - Protection of Landscape Features, ENV12 - Woodland Management, ENV16 - Protected Species, ENV17 - Protection of Built and Historic Environment, ENV27 - Design of New Developments, EMP2 - New Business and Industrial Development, TRAN10 - Parking, and Strategic Policies 1 & 2 - The Environment and 14 - Community and Utility Services of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; and national guidance contained in Planning Policy Wales March 2002, it is considered that the proposal will not result in the loss of agricultural land and will have no adverse impact on the visual and historic character of the area, nor the highway network, such that there are no justifiable grounds to reject the application.

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. Full engineering details of the proposed passing bay to be incorporated into the adopted highway, including details of a replacement hedgerow, shall be submitted to and agreed in writing with the Local Planning Authority, and the development shall be implemented in accordance with the approved details before the first beneficial use of the natural burial ground hereby permitted.

Reason:

In the interests of highway safety and visual amenity in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

3. The proposed car park and vision splays, as indicated on Drawing Nos. 01/01 and 01/02, received on 17 September 2007, shall be provided before the first beneficial use of the natural burial ground hereby permitted and shall thereafter be maintained at all times in connection with the use of the burial ground.

Reason:

In the interests of highway safety in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

4. Before its introduction on site, full details of the proposed Information Board, as indicated on Drawing No. 01/02, received on 17 September 2007, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of the visual and historic character of the area in accordance with Policies ENV17 - Protection of Built and Historic Environment and ENV27 - Design of New Developments of the Unitary Development Plan.

5. Any vegetation clearance required in connection with the proposed new works, including the footpath, cortege route and passing bay, should be done outside of the bird nesting season from March to August inclusive, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the interests of wildlife are protected in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan.

6. The planting comprised in the approved details of the new hedgerow associated with the passing bay shall be carried out in the first planting and seeding seasons following the formation of the passing bay; 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:

In the interests of visual amenity to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

NOTE:

1. The attention of the applicant is brought to the fact that a public right of way may be affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
2. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within or near the site, such as great crested newts, and thus account must be taken of protecting their habitats in any proposed works. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
4. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
5. The developers should ensure that all works and the continued operation of the burial site pays full regard to the need to preserve the visual and historic character of the Coedarhydyglyn Historic Park, grade II* on the Register of Historic Parks and Gardens in Wales.

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

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

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

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

2007/01322/FUL Received on 1 November 2007

Maxim John, The Byre, Penmark Farm, Vale of Glamorgan, CF62 3BP
A.N. Renwick R.I.B.A., Ty Cattwg, Llancarfan, Vale of Glamorgan, CF62 3BP

Cliff Barn, Llancarfan

Conversion of existing redundant barn to a dwelling house

SITE DESCRIPTION

The application site is Cliff Barn, Llancarfan, which is located approximately 500m west of Penmark and 1km south of the village of Llancarfan. The building is a one and a half storey barn over split levels, which lies directly adjacent to the highway. The barn is single storey at the road level, and two storey in height on the inside elevation. The building contains a single storey lean-to structure on the inside elevation, which is presently used as a garage by the occupants of Cliff House.

The barn measures 16.5m long x 5.5m in depth x 4.2m in height at the road side elevation and 6.5m in height at the lower inside ground level. There is a single doorway opening on the road fronting elevation and a single doorway on the side elevation. The inside elevation contains three small windows at first floor and a number of doorways at ground floor. There are two areas directly adjacent to the barn, enclosed by low level ruinous walls (referred to on the plans as 'yard').

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion of the barn to a single dwelling, whose accommodation is comprised of a kitchen, living room and study at ground floor and four bedrooms and a bathroom at first floor.

On the road facing side, the dwelling would contain a single doorway entrance within the existing opening and two roof lights are proposed within the roof plane. A further doorway would be contained on the main side elevation within the existing opening. The existing window openings at first floor level on the rear elevation are to be retained and re-used, similarly the larger double door entrance to the study at ground floor. The garage door opening is to be blocked up with stonework, with a single doorway centrally in this side elevation. The only new opening proposed is a window within the rear elevation of the lean-to annexe, to serve the kitchen.

In terms of curtilage, the dwelling would be served by an area of land 4m deep x 25m in width, in addition to the existing hard surfaced parking area adjacent to the barn. The proposed curtilage, to be demarked by a post and rail fence, extends to the depth of the existing low level ruinous walls surrounding one of the 'yard' areas. This curtilage has been substantially reduced in size from the original proposal- see planning history below.

It is proposed to finish the dwelling with a new slate roof, timber doors and glazing and stonework to match the existing, where necessary.

PLANNING HISTORY

There have been no previous applications submitted in respect of the barn. However, a number of amendments have been made to the application in arriving at the current proposal.

The application originally proposed extensions to the barn over the footprint of the two yard areas. The first extension continued the form of the existing lean-to and the second in the form of a conservatory at the very rear of the building.

These extensions have now been omitted from the scheme, as has a subsequent proposal for a WC addition to the side of the lean-to. The application originally sought to raise the height of the ruinous walls around the yard areas, however this aspect has now been deleted and the walls are to remain at their current heights.

The curtilage was originally 33m wide x a maximum of 11m deep, and appeared as an arbitrarily drawn line within the surrounding field. Concerns were expressed in relation to the incursion of the proposed curtilage and it has subsequently been reduced in line with the walled yard area.

CONSULTATIONS

Llancarfan Community Council - No representations have been received to date.

Environment Agency Wales - No representations have been received to date.

Civil Aviation Authority has no objection.

The Head of Visible Services (Highway Development) - No representations have been received to date.

The Director of Legal and Regulatory Services (Environmental Health) - No representations have been received to date.

Dwr Cymru/ Welsh Water - No representations have been received to date.

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

The Council's Ecology Officer has raised no objection and has drawn the attention of the applicant to the relevant legislation for protected species.

REPRESENTATIONS

The neighbouring properties of Cliff House and Cliff Farm were consulted and a site notice was erected. No representations have been received.

REPORT

Planning Policies

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

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

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV8 – SMALL SCALE RURAL CONVERSIONS

ENV16 – PROTECTED SPECIES

ENV27 – DESIGN OF NEW DEVELOPMENTS

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

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

Policy ENV16 states that permission will only be given for development that will affect a protected species if it can be demonstrated that there are exceptional circumstances that justify it, there is no satisfactory alternative and effective mitigation measures can be provided by the developer.

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

Issues

Impact on the Character of the Barn

The proposed conversion has been the subject of numerous amendments following discussions with the agent regarding the impact of the scheme on the appearance and character of the barn. The extensions at the rear of the barn have now been deleted and the curtilage has been reduced in area.

There are no new openings proposed within the most prominent road fronting elevation of the barn, and only two small openings within the roof plane. It is considered that the barn will therefore retain its simple rural character and form from views along the adjacent highway.

Within the rear and side elevations of the original barn, the proposal would retain and re-use the existing original openings, namely the three windows at first floor, the large study opening and the first floor door on the side elevation. In this respect it is considered that the conversion works would preserve the appearance and form of the original barn, and would serve to retain its agricultural character. The two new roof lights in the rear roof plane would not be highly visible from any public viewpoint and are unlikely to materially alter the character of the building.

It appears that the single storey lean-to annexe on the rear elevation was not part of the original structure but has been added at some point in the past, however, it does not have the appearance of a recent addition. Whilst elements of the building have been supplemented in breeze blocks, it is primarily constructed in random stone rubble and subject to the control of the materials that would be used to infill the garage door opening, it is considered that it would not unacceptably affect the character of the building. Furthermore whilst the use of this later element would to some extent have a partially domestic character, it would nevertheless secure the removal of the existing incongruous garage.

The rear elevation would not be visible from the highway and given the distance to the public footpath at the rear, some 100m+, it is considered that the re-use the lean to would have minimal impact on the character of the building.

The structural report has indicated that the barn is in a sound condition and requires limited stitching and re-pointing. It is therefore considered that any other physical alterations required to the fabric of the building should be limited, in accordance with the requirements of Policy ENV8 of the Unitary Development Plan.

Curtilage

The curtilage has been reduced substantially in its extent from the original submission, and is now limited to the depth of the barn and the associated low level boundary walls. Whilst the red line site outline contains a larger area, the plans indicate the delineation of the reduced curtilage with a post and rail fence.

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

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

It is considered that the originally proposed curtilage appeared as an arbitrarily drawn line on a plan, which also represented a substantial incursion into the countryside. However, it is considered that the reduced area, which is in line with the stone walls at the rear of the barn, is an appropriately limited curtilage which would not visually intrude into the countryside. Given the drop in levels between the front and rear of the site, this curtilage would not be visible from the highway and it would have negligible visual impact from the public footpath.

A condition relating to a plan defining the agreed demarcation would ensure that there is no doubt over the extent of the approved curtilage.

Sustainability and the Location of the Barn in Relation to Established Settlements

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

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

However, whilst the site does not lie within a defined settlement boundary, it lies in relatively close proximity to both Penmark and Llancarfan, both of which would potentially provide services to occupants of the proposed dwelling. In addition, it lies less than 1km away from the B4265, which is a primary and regular bus route through the Vale.

Accordingly, it is considered that the application site bears a sufficiently proximate relationship to existing established settlements, such that its occupants would not be solely dependent on the private motor car for transport to and from local services. It is therefore considered that the application site is not isolated, and represents a sustainable location for a conversion.

Ecology

Whilst the submitted ecology survey indicated that there are no bats or other protected species present within the barn, given that protected species may emerge during the course of development, it is considered that an informative drawing the attention of the applicant to the relevant legislation is sufficient.

Highways

It is proposed to access the dwelling via the existing access to serve Cliff House (which is also under the ownership of the barn owner). Whilst this would provide sufficient parking to serve the new dwelling, it would leave Cliff House without a parking area.

However, the highway which adjoins the site is not classified and therefore a new vehicular access to serve Cliff House can be made without the need for planning permission. Therefore, given that the application site and Cliff House are both under the same ownership, it is considered that a condition requiring a new vehicular access and parking area to be agreed and provided to serve Cliff House, prior to the occupation of the new dwelling, would appropriately ensure that an adequate level of parking exists to serve both dwellings.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions, ENV16 - Protected Species and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the proposal is considered acceptable in that the conversion can be achieved without substantial reconstruction of the external walls, extension to the building or insertion of new openings, and would not unacceptably alter the appearance and rural character of the building or the wider character of the countryside. In addition, the dwelling would be served by an appropriately sited curtilage and level of off street parking.

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 SV 01A, PA 01d and the 1:1250 scale site location plan received on the 1 November 2007, and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking 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 Policies ENV8 and ENV27 of the Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the 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 Policies ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

To safeguard the appearance and character of the barn, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details, further details of windows, rooflights (which shall be of a flush fitting conservation type), doors, eaves and rainwater goods, including sections to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority, prior to their use in the development. The development shall be constructed in full accordance with the details as agreed and thereafter so maintained at all times.

Reason:

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

7. Samples of the slates, ridge tiles and rainwater goods to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development. The development shall thereafter be carried out in accordance with the agreed samples and so maintained at all times thereafter.

Reason:

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

8. Samples of the stonework to be used in the re-building of the lean-to garage extension and the new boundary wall adjacent to Cliff House shall be submitted to and agreed in writing by the Local Planning Authority, prior to their use in the development. The development shall thereafter be carried out in accordance with the agreed samples and so maintained at all times thereafter.

Reason:

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

9. A method statement detailing the cleaning, repair, repointing and where necessary the re-instatement of the stone elevations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall be constructed in full accordance with the agreed method statement and so thereafter so maintained at all times.

Reason:

In order to protect the character of the barn and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

10. Prior to the commencement of development, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be put into beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason:

To ensure the satisfactory drainage of the site.

11. The extent of the approved curtilage of the dwelling hereby approved shall follow the line indicated in green on the plan attached to this decision notice. This curtilage shall be delineated on the ground by a post and rail fence, in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority, prior to the first beneficial occupation of the dwelling.

Reason:

For the avoidance of doubt as to the extent of the approved curtilage and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

12. No new means of enclosure shall be erected within the site, other than that approved under Condition No. 11 of this consent, without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

13. Prior to the first beneficial occupation of the dwelling hereby approved, a new vehicular access and parking area shall be provided within the curtilage of Cliff House, solely to serve Cliff House, in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In order to ensure a satisfactory level of parking to serve both Cliff House and the converted barn and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

NOTE:

1. Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.
2. Notwithstanding the submitted ecology survey which indicated no presence of protected species within the barn, the applicant and any future developer should be advised that barns provide potential roosting for bats, nesting for barn owls, and should therefore be made aware of the following legislation.

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

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

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

Old agricultural buildings are often used by barn owls, which have found breeding in all months of the year. In addition to the standard protection afforded to nesting birds, barn owls have extra protection under Schedule 1 of The Wildlife and Countryside Act 1981.

Notwithstanding the results of the survey, if barn owls are subsequently found to be present, work must stop and advice be sought from the Countryside Council for Wales.

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.

Lafarge Cement UK The Manor Court, Chilton, Oxfordshire, OX11 0RN
John Hernon, National Planning Manager, Lafarge Cement UK, Blue Circle
House, The Shore, Northfleet, Kent., DA11 9AN

Aberthaw Cement Works, East Aberthaw, Barry

Replacement raw meal kiln feed elevator and associated plant.

SITE DESCRIPTION

The application relates to a site within Aberthaw Cement Works.

DESCRIPTION OF DEVELOPMENT

This is a full application for a mechanical chain bucket elevator system to transport raw materials from storage silos to the kiln. The system will replace an existing compressed air pumping system.

The proposed plant will consist of a 57 metre high enclosed vertical conveyor with associated structural supports and duct work, to be located adjoining the existing pre-heater tower, which is a large structure over 50 metres in height. The vertical conveyor itself will be only 2 x 1 metre in area.

PLANNING HISTORY

There is an extensive planning history on the cement works, none of which is directly relevant to this application.

CONSULTATIONS

There is no Community Council for this area.

Councillor James has been notified as local Member but has made no comment.

Environment Agency Wales were consulted on 1 October 2007. The application is supported.

The Director of Legal, Public Protection and Housing Services (Pollution Control) comments that this installation is subject to a PPC permit issued by the Environment Agency and that noise and dust issues will be covered by that permit.

Civil Aviation Authority has no airport safeguarding objection.

Ministry of Defence (Aircraft Safeguarding) were consulted on 6 November 2007. No comments have been received to date.

REPRESENTATIONS

There are no dwellings within 350 metres of the site. The application has been advertised on site and by press notice. One emailed comment has been received from a resident of West Aberthaw, some 650 metres from the site, expressing concern over potential noise and visual impact and that emissions and noise are constantly increasing as the power station and cement works expand. His comments are attached as Appendix A.

REPORT

Planning Policies

The cement works is identified as an existing employment site in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 but no specific policies relate directly to the works. Policy ENV27 (Design of New Developments) seeks to ensure that (amongst other things) new development minimises any detrimental impact on adjacent areas and has regard to energy efficiency in design, layout, materials and technology.

Issues

Issues of noise and potential emissions from the plant will be covered by the PPC permit to be issued by the Environment Agency, but these together with the issue of the visual impact of the new plant are the key issues to be considered when processing this application.

Although this will be a very high item of plant it will be seen from the limited public viewpoints to the west against the equally high and more significant existing buildings that form the cement works. In this context it is considered that any changes to the overall appearance of the works will be minor and that the objective of Policy ENV27 in respect of impact on adjacent areas will be met.

In support of the application, the applicants state that the change from a compressed air to a mechanical system will reduce electricity consumption, which again will meet the objectives of Policy ENV27 in respect of energy efficiency.

The comments of the resident of West Aberthaw have been considered carefully. As the elevator is to be entirely enclosed and due to its distance from any dwellings it is unlikely that any disturbance will be caused to the nearest residential occupiers.

CONCLUSION

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

Having regard to Policy ENV27 - Design of New Developments of the Unitary Development Plan, it is concluded that the proposal will meet the objectives of that Policy in respect of minimisation of impact on the surrounding area and energy efficiency.

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.

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.

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

Aberthaw Power Station, The Leys, Aberthaw

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

SITE DESCRIPTION

The application relates to a site at Aberthaw Power Station where a building for the treatment of pulverised fuel ash (pfa) is currently being constructed. The site lies on the east bank of the River Thaw, approximately 200 metres from the river mouth and at the south-western corner of the ash mound.

DESCRIPTION OF DEVELOPMENT

A full application for the construction of a 30 metre high vent stack and associated scrubbing plant to remove ammonia from the pfa drier output. The stack and plant are to be constructed on the northern end of the building. The scrubbing plant, having the appearance of a large item of machinery, is to be approx 6 x 5 metres in area and 13.5 metres in height and will be linked to the main building by various pipes and ducts. The vent stack, to be linked to the plant by further pipe work, is to be 1.4 metres in diameter and 30 metres high.

PLANNING HISTORY

There is an extensive planning history on the power station site, but of most relevance to this proposal is:

05/01498/FUL - Establishment of new plant to treat pfa from Aberthaw Power Station. Approved 12 January 2006 and currently under construction.

CONSULTATIONS

There is no Community Council for this area. Councillor James has been notified as local Member but has made no comment except to seek confirmation that the Environment Agency will be responsible for any emissions or odours.

Environment Agency Wales confirm that the requirement for the stack and scrubber have been agreed with them during the determination of the PPC permit for the station. They have no adverse comment on the planning application. Their letter is attached as Appendix A.

Ministry of Defence has no safeguarding objections to the proposal.

The Director of Legal, Public Protection and Housing (Pollution Control) has no comment to make following receipt of information on ammonia emission levels.

Countryside Council for Wales were consulted on 5 October 2007. No comments have been received.

Dwr Cymru/ Welsh Water were consulted on 5 October 2007. No comments have been received.

REPRESENTATIONS

There are no dwellings within 700 metres of the site. The proposal was advertised by four site notices on 9 October 2007, two of which were replaced on 23 October following advice from a resident of Rhoose that they had been removed.

The occupier of No. 1 Bryn y Môr, West Aberthaw, some 1100 metres from the site, has expressed concern over possible noise and loss of amenity, and comments that emissions and noise from both the power station and cement works are increasing as station and works expand. His emailed comments are attached as Appendix B.

There has been an exchange of e-mail correspondence between Mr. Max Wallis and Barry/Vale Friends of the Earth and your officers. It is attached at Appendix C, and consists of a letter and attachment dated 22 November from Mr. Wallis, the case officer's response by e-mail of the 26 November; a further e-mail of 27 November from Mr. Wallis and the further acknowledgement from the Council (dated 27 November 2007).

REPORT

The building to which the new plant is to be attached will, when operational, treat up to 50% (200,000 tonnes) of the annual ash arisings from the power station, with 30% of the total being recycled as fuel for the station and the remainder being sold, mainly to the cement industry as a replacement for primary aggregates. The proposal has been assessed against Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 and it has been confirmed that an Environmental Impact Assessment is not required.

In support of the application, the applicants advise that as originally envisaged vapour, including ammonia, arising from the process would be piped to the main part of the power station and discharged from the main power station stack, a distance of over 1 km. Further work has shown that due to the distance involved this is not feasible due to potential condensation and pooling of vapour in the pipeline, and a separate seawater ammonia scrubbing plant and a local stack are therefore proposed to overcome this problem.

Additional information submitted by the applicants indicates that the scrubbing system will remove 99.6% of ammonia arisings. Modelling predicts ground level ammonia concentrations at 0.17% of the Environment Agency's Air Quality Benchmark, with the maximum predicted concentration being less than 2% of the odour detection threshold. The only other gases to be vented through the stack are water vapour, carbon dioxide and air.

Planning Policies

None of the policies of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011 refer directly to Aberthaw Power Station. However, Strategic Policy 2 encourages proposals for sustainable practices which contribute to (amongst other things) energy conservation or efficiency, waste reduction and recycling.

Issues

From the information submitted in support of the application, it is clear that the works proposed are essential for the efficient operation of the plant currently under construction. In policy terms, the plant will recycle material that would otherwise normally be sent for landfill, for use as fuel in the station and as an alternative aggregate, with a resulting substantial reduction in the use of primary materials and in the amount of material requiring disposal. It therefore meets the objectives of Strategic Policy 2 in respect of sustainability, energy efficiency, waste reduction and recycling.

As stated, the application site is over 700 metres from the closest dwelling (Mon Repos, East Aberthaw) and will be screened from that property by the intervening ash mound. The proposed plant and stack will be partly visible from the coastal footpath on the sea wall on the east side of the River Thaw, but even from this viewpoint it will be screened by the main part of the treatment plant, will be seen against the mass of the ash mound and will generally form part of the heavy industrial landscape of the power station. There are unlikely to be any views from East or West Aberthaw and it is concluded that the new plant and stack will not be visually intrusive features.

From the information available it is apparent that emissions from the plant will be a fraction of 1% of the Environment Agency's Air Quality Benchmark. Control over emissions will be by the PPC permit to be issued by the Agency, and the Agency confirm that they have no adverse comment to make on the planning application. In view of the distance from dwellings and the screening effect of the ash mound to the north east and the main power station buildings to the north west, noise nuisance and emissions should not be an issue at any residential properties.

It is concluded that this addition to the approved ash processing plant will not be a visually intrusive feature and that it will have no adverse impact on the amenity of any local residents.

CONCLUSION

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

Having regard to Strategic Policy 2 of the Unitary Development Plan it is concluded that the development will meet the objectives of that Policy in respect of sustainability, energy efficiency, waste reduction and recycling, and will have no adverse effect on visual or residential amenity.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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.

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

Land south of the runway, Batslays, MOD St. Athan

Erection of new small hangar, construction of new ground slab, external alterations to existing offices, provision of car parking spaces

SITE DESCRIPTION

The application site is 'land south of the runway, Batslays, MOD, St. Athan'. The site is located southerly within the MOD site, in the area known as Batslays, approximately 350m north of the B4265. The site lies approximately 200m north of Batslays Farm.

The site has a total area of approximately 0.255 ha, and is 'L' shaped in form. The site contains an existing two-storey office building, and the ground slab that formerly accommodated a 'dog handler's compound'. This building has now been demolished.

DESCRIPTION OF DEVELOPMENT

The application is to accommodate the relocated MOD St. Athan Bond Helicopters, a private company that is contracted to provide aerial surveillance services for South Wales Police. The service is currently provided from Cardiff, but proposes relocating to this site in Spring 2008. The proposed operational development is comprised of the following elements:

- A new hangar.
- A new ground slab.
- External alterations to the existing offices.
- A hardstanding to accommodate additional parking spaces.

The hangar measures 16m in length x 14.5m in width x 4.8m in height to the eaves and 6.1m in height to the ridge. The hangar is proposed to the rear of the existing office building and would sit within the existing concrete slab, which is 20m x 18m in size.

The new ground slab is to be used as a take off and landing pad for the helicopters. It is proposed adjoining the north edge of the existing slab and measures 16m wide x 20m in length (maximum).

The external alterations to the existing office building are limited to a new external fire escape, located tightly against the right hand side elevation. The fire escape has a maximum height of 3.2m (to the top of the hand rail) and measures 1m in width.

The new hard standing measures 11.1m in width x 5.4m in depth and is to accommodate 4 No. car parking spaces. It is proposed directly in front of the existing office building.

The internally refurbished offices will provide accommodation in the form of various offices, a training room and various ancillary amenities such as showers and a kitchen area.

PLANNING HISTORY

None relating specifically to this area of land.

CONSULTATIONS

Llantwit Major Town Council - No representations have been received to date.

Environment Agency Wales - No representations have been received to date.

Health and Safety Executive has no objection.

Civil Aviation Authority - No representations have been received to date.

The Head of Visible Services (Highway Development) - No representations have been received to date.

The Head of Economic Development and Leisure (Economic Development) has no objection.

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

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

Dwr Cymru/Welsh Water - No representations have been received to date.

The Council's Ecology Officer has advised that the application site lies within 500m of two great crested newt breeding ponds. It is recommended that should, during the course of works, a greater crested newt be found to be present, a method statement be submitted to the Local Planning Authority which sets out mitigation measures for their protection or relocation.

Councillor Gwyn John has contacted the Planning and Transportation Division with a request for information as to what the proposal entails, following concerns being expressed to him from an adjacent land owner.

REPRESENTATIONS

Batslays Farm was consulted and a site notice erected at the entrance to the site. No representations have been received to date.

REPORT

Planning Policies

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

ENV16 - PROTECTED SPECIES

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

EMP10 - RAF St. Athan.

Policy ENV16 states that permission will only be given for development that will affect a protected species if it can be demonstrated that there are exceptional circumstances that justify it, there is no satisfactory alternative and effective mitigation measures can be provided by the developer.

Policy ENV27 requires new forms of development to have full regard to the context of the local built environment and complement the character of existing buildings. The policy also requires proposals to minimise their detrimental impact on adjacent areas.

Policy ENV29 states that development will not be permitted if it would be liable to have an unacceptable effect on either people's health and safety or the environment by releasing pollutants or from smoke, fumes, gases, dust, smell, noise, vibration or light.

Policy EMP10 states that further appropriate developments in respect of RAF activity within the RAF St. Athan base will be favoured provided there is no unacceptable impact on local amenity.

The St. Athan Development Brief was adopted in July 2006 and provides an outline of the proposals behind the Defence Training Review bid for new military training facilities, confirms the relationship of the Training Academy and Aerospace Wales proposals on the St. Athan site; and provides a basis for the consideration of any future planning application(s) for the St. Athan site.

Within the supporting land-use plan, the application site lies within an area allocated for WDA aerospace development incorporating non DTR MOD airside requirements.

Issues

It is considered that the primary issues in the assessment of the application area the principle of the use, the visual impact of the new buildings, the level of impact on nearby residential properties by virtue of potential noise, and ecology issues related to the nearby presence of greater crested newts.

Principle of the Use

The application is to accommodate the relocated MoD St. Athan Bond Helicopters, a private company that is contracted to provide aerial surveillance services for South Wales Police, currently based in Cardiff.

The applicant has stated that the Welsh Assembly Government is assisting the business development and relocation of an existing company, which provides employment within the aerospace sector and performs a valuable community service.

Whilst not falling within the type of use permitted by Policy EMP10 of the Unitary Development Plan, (RAF related), it is considered that the proposed use is wholly compatible in nature with the wider site and constitutes a logical and appropriate use for the location. The business itself requires a site context such as this, and given the current vacancy of this part of the site, the proposal is considered to be a mutually beneficial use of the land.

At present, the offices are vacant and make no contribution to the St. Athan site. The former building adjacent to the offices has recently been demolished and this part of the site now lies as a vacant concrete slab. It is therefore considered that the proposal would result in the existing buildings and slab being put to a desirable beneficial use, which would assist the local economy- as stated within the supporting text to Policy EMP10.

Visual Impact

The application site is located approximately 350m north of the B4265 and 700m away from the nearest public viewpoint to the east. The new hangar is of a relatively modest scale, only 6.1m in height and accordingly it is considered that the structure would have no material impact on the wider landscape. The extremely limited views of it from the B4265 (to the south) would be set against the wider built form of the St. Athan site. The hangar would be sited 150m from the edge of the farm complex at Batslays Farm and would subsequently have no impact by virtue of its siting and scale.

The external alterations to the existing office building comprise only of the external fire escape which is proposed tightly against the east elevation. It is, therefore, considered that this will have negligible impact on the external appearance of the building. Similarly, it is considered that the new car parking hardstanding will have no noticeable impact on the wider landscape.

Noise Issues

The new hangar would be located approximately 200m from the farm house at Batslays Farm, which is the closest dwelling to the application site. There are also two existing, larger aircraft hangars located in closer proximity to the farm, approximately 40m and 140m away respectively, as well as the primary runway just north of the application site.

Whilst an application for a use such as this in a stand alone location may require the submission of a noise impact assessment, given the location of this proposal within the wider St. Athan site, it is not considered that the nature or intensity of the use necessitates the submission of a noise survey. Notwithstanding the activities associated with the proposed development, at present, levels of aircraft movements in general are uncontrolled, and it is considered that the operation would not necessarily exceed the intensity or impact of existing operations within this part of the wider site.

Therefore, given the distance of the site to the nearest dwelling and the wider site context that the proposal sits within, it is not considered that the degree of noise or nuisance generated by the proposal would be of a level that would unacceptably impact upon the residential amenities of the nearest properties. In addition the Council's Environmental Health officer has, having considered the nature of use and proximity of residential properties, raised no objection to the application.

Ecology Issues

The application site lies within the fringe of the potential foraging zone of great crested newts from the freshwater pond which was approved at the the south of the site (ref: 06/00829/FUL). However, given that nature of existing and former development at the site and the distance from the potential source of newts, it is considered unlikely that evidence would be discovered during the course of development.

Notwithstanding the above, it is considered that it would be prudent to advise potential developers of the relevant legislation that protects this species and the potential terrestrial habitats within which they may be found. Furthermore, a condition requiring the submission of a method statement for their relocation should they be discovered during the course of works, would ensure that mitigation measures are in place to meet the requirements of a National Assembly development licence.

Subject to the above, it is considered that the development would not cause harm to or threaten the continued viability of this protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

Access

Access to the site would be via the existing on-site access routes. Accordingly, no new access route or alterations to the public highway are proposed. Therefore, whilst the Highways Engineer has not commented on the application to date, it is not considered that the development would have any impact on the public highway network.

CONCLUSION

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

Having regard to Policies ENV16 - Protected Species; ENV27 - Design of New Developments; ENV29 - Protection of Environmental Quality; and EMP10 - RAF St. Athan, it is considered that the proposed hangar and associated development constitute an acceptable form of development within the St. Athan site, and are of a scale and siting which would have no detrimental impact on the wider landscape, would not unacceptably impact upon the amenities of nearby residential properties and would be appropriately regulated by legal provisions under the Wildlife and Countryside Act (1981) to ensure that no protected species are harmed.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

3. The use of the hangar and ground slab hereby approved shall be limited to that of helicopter landing place and terminal, and for no other purpose. The adjacent office buildings shall only be used for purposes ancillary to the helicopter terminal operations.

Reason:

In order to control the nature of the use being carried out from the site, and to ensure compliance with Policies EMP10 and ENV27 of the Unitary Development Plan.

4. Should, during the course of development, evidence be discovered of the presence of a great crested newt or any other protected species, work shall cease and the developer shall submit a method statement and mitigation strategy for the re-location or protection of the protected species. Work shall only continue in accordance with the strategy, once agreed in writing with the Local Planning Authority.

Reason:

In order to ensure the protection of any protected species that may be discovered during the course of development, and in order to ensure compliance with Policy ENV16 of the Unitary Development Plan.

NOTE:

1. The applicant and any future developer should be advised of the following legislation.

Great crested newts and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding site or resting place, to obstruct access to a place used for shelter and protection or to intentionally or recklessly disturb great crested newt within a place used for shelter or protection.

*N.B. A developer will require a development licence from the National Assembly Wales government for any development that would contravene the protection afforded to European protected species (which include bats and great crested newt) under the Habitats Directive. Before such a licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied.

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.

2006/01541/RG3 Received on 31 October 2006

Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT
Chris Fray, Head of Econ. Dev. & Leisure, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Land adjacent to Cogan Hall Farm, Penarth

Layout and landscaping of public open space

SITE DESCRIPTION

Council owned agricultural land to the west of the David Wilson Homes and Wimpey Homes residential developments at Cogan Hall and to the east of Old Cogan Hall Farm. The site is approximately 7.5 Ha. Part of the site is designated as a Scheduled Ancient Monument relating to farming and settlement activity in the medieval period.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to landscape and layout the site to form part of the Public Open Space provision for the housing development at Cogan Hall. The land was secured as part of the original Section 106 Legal Agreement that included commuted sums to layout and maintain the land to provide strategic footpath links to Cosmeston Lakes Country Park as well as to provide accessible open space for the new residential development adjacent to the site.

The proposed works include improved links between the residential estate and the open space through the use of kissing gates, timber stiles and footbridges etc., the re-directing of a public footpath to take it further away from existing residential properties. The proposal also includes the construction of tar spray and chip footpaths, additional "buffer" planting to screen and separate the public areas and the private residential areas to the west of the site, new fencing, an informal kick-about area with timber "goalposts" and strategically positioned benches and an interpretation/information board.

The majority of the site is to be left as grassland (to be mown once every fortnight) with wildflower areas on the periphery of the site and native planting (Hawthorne, Blackthorn, Holly, Ash, Field Maple and Hazel) in the "buffer" planting areas.

PLANNING HISTORY

02/00062/FUL – Land to the west and south of the site – use of land for the extension to Cosmeston Lakes Country Park was approved but a legal undertaking was provided not to undertake the scheme due to alleged factual inaccuracies in the report.

02/00061/FUL – Use of land as Public Open Space – as above.

00/00665/OUT – Application for the renewal of the previous outline consent (Ref. 93/01129/OUT) was granted on 23 February 2001, subject to a Section 106 Legal Agreement.

93/01129/OUT – First outline planning consent granted for the entire Cogan Hall Farm development, and this was approved on 14 November 1997 subject to conditions and subject to a Section 106 Legal Agreement.

CONSULTATIONS

Penarth Town Council were consulted on 15 November 2006 and re-consulted on the amended site location plan on 2 March 2007. No comments have been received to date. In respect of the amended plans the Town Council advised on 2 July 2007 that the application should be approved on the basis of the amended plans.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 15 November 2006. "This department has no comment to make regarding the application."

The Head of Visible Services (Highways and Engineering Design) was consulted on 15 November 2006. "Further to the site inspection undertaken in relation to the above application, I would comment that the Highway Authority have no objection to the above proposals.

However, it should be noted that if car parking charging is introduced at Cosmeston Park, it is likely that displaced parking will take place within the residential area adjacent to the above site."

Environment Agency Wales was consulted 15 and 21 November 2006 and has responded with no objections subject to conditions concerning watercourses and protected species.

Cadw (Welsh Historic Monuments) was consulted on 15 November 2006 and has responded with support for the scheme subject to the use of agreed materials for pathways and the siting of play areas.

Glamorgan Gwent Archaeological Trust was consulted on 27 November 2006. They confirm that they support the application but they have requested a condition be attached to any consent requiring the applicant to submit a detailed programme of investigation for the archaeological resource of the deserted Medieval village.

The Council's Biodiversity Officer/Ecologist – Having reviewed the Ecological Surveyors report regarding presence of otter and water vole, the Council's Biodiversity Officer/Ecologist had no further comments to make, but recommended the option of management recommendations detailed in the report.

The Head of Visible Services (Operational Manager Engineering Design) "The submitted details indicate proposals to construct a footbridge over a stream that passes through the development. As this may require the prior consent of the Environment Agency it is recommended that you seek their comments."

The Council's Public Rights of Way Officer was consulted on 15 November 2006.

"The property is crossed by two Public Rights of Way shown on the Definitive Map; namely Restricted Byway No.14 Penarth (Mile Lane) to the south and Public Footpath No.12 Penarth to the north.

The proposals have no significant impact on RB 14, other than to create junctions with new footpaths in a couple of locations. Public Footpath No.12 however is significantly affected by the proposal, effectively diverting its route approximately 80 metres to the north by reconstructing the footbridge in a different location. If consent is granted for this application, a formal Diversion Order under the Town and Country Planning Act will be required to enable it to proceed. Orders made under the Town and Country Planning Act are non-executive functions and can be resolved at this Committee. Consequently, if Committee resolves to grant consent for this Planning Application, it can at the same time authorise the making of the Footpath Diversion Order that is required.

The path linking RB 14 with FP 12 to the immediate east of the farm buildings is not a formally registered Public Right of Way, that part of Cart Road No.14 Penarth having been legally stopped up by an Order made in 1980 under S.108 of the Highways Act 1959. Consequently the present proposal to close it again does not legally require a further Order. However it should be noted that the 1980 closure was never physically implemented and the public continued to use the path up to the present day. This could easily give rise to the potential for a new path to be claimed in this location under S.53 of the Wildlife and Countryside 1981, should any member of the public wish to do so. I am satisfied that an acceptable alternative route is included in the proposal, which should satisfy any aggrieved user, but the potential for such action should nevertheless be brought to the attention of the applicant."

Councillors Janice Birch and Mark Wilson were consulted on 5 December 2006 and re-consulted on the amended site location plan on 2 March 2007.

REPRESENTATIONS

Neighbouring occupiers were notified on 15 and 27 November, 2006 and re-notified on 2 March 2007. The application was advertised on site and in the press on 28 November, 2006. The occupiers of Old Cogan Hall Farm, Old Cogan Hall Nos. 2 and 3 Cogan Hall Cottages and the Sub Warden of St. Peters Church have objected to the proposal on the following grounds:

- The loss of agricultural/grazing land.
- The increase in the number of visitors and vehicles to the site leading to the blocking up of the access lane to Cogan Hall Cottages and the access to the Farm.
- The public open space will surround the existing residential properties.
- The financial cost of creating the public open space.
- The scheme will be detrimental to the local farming and residential community.
- The scheme should be the subject of a change of use application from agricultural land.
- The lack of any provision for parking.
- The use of the access lane by maintenance vehicles and the subsequent damage to the un-metalled lane.
- The lack of a suitable access for emergency vehicles.
- The loss of a slurry pit for the farm.
- The possibility of the landscaping damaging archaeological remains, and,
- The loss of privacy.

An estate agent acting on behalf of the occupier of Cogan Hall Farm has stated that the site includes a parcel of ground and the slurry pit that are presently tenanted to him under the Agricultural Holdings Act 1986 and that he has not been formally notified of the application as having a legal interest in the land. The Director of Legal and Regulatory Services has confirmed that the Grazing Licence was terminated on 18 March, 2006 and that the slurry pit was surrendered to the Land Authority of Wales (the Council's predecessor in title) in 1992.

In addition, and subsequent to the the production of the report to the October Committee a letter was received from Burgess Salmon solicitors acting on behalf of Mr. T. J. Bailey of Old Cogan Hall Farm.

Copies of four letters of objection are included as Appendix A to this report.

A letter from Burges Salmon and Loxley Legal Services relating to tenancy issues is included at Appendix B, and a memo from the Economic Development and Leisure Section confirming that none of the land included in the planning application is subject to a tenancy agreement with Mr. Baileys is included at Appendix C.

REPORT

The application was reported to Planning Committee in October, and 15 November and was deferred at the last meeting to allow a site visit to be undertaken by Members.

Planning Policies

The application can be assessed against Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV24 – Conservation and Enhancement of Open Space and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales, the approved Supplementary Planning Guidance Note on 'Design in the Landscape' (2006) and the Cogan Hall Development Brief and the Landscapes Working for the Vale of Glamorgan document and the Cogan Hall Farm Master Development Brief.

Issues

The Council were allocated the application site as part of the Section 106 Legal Agreement relating to the Cogan Hall Farm housing development. The site was formerly used as grazing land and the land is not considered to be the best and most versatile agricultural land and therefore, the proposal accords with Policy ENV2 of the Unitary Development Plan (UDP). The application also accords with Policies ENV1, ENV10, ENV11, ENV15 and ENV16 as it is compatible to the rural nature of the site, there are no buildings proposed for the site and the otter and water vole survey has confirmed that there is no evidence of either species on the site.

Paragraph 7 of the Schedule to the Section 106 Legal Agreement attached to the outline consent for a residential development at Cogan Hall Farm stated:

"The Developers hereby covenant with the Council: To pay to the Council upon the commencement of development the sum of £243,057.22, the sum of £117,094.22 of which shall be used for the laying out and landscaping of that area of land marked green on the plan and £125,963 of which sum shall be put to the maintenance of the land subsequent to the laying out and landscaping thereof."

Paragraph 2.4.1 of the Cogan Hall Farm Master Development Brief states:

"The open space requirements of the development will be met in part through an agreed extension to Cosmeston Lakes Country Park. This extends along the western boundary of the southern development area, retaining an area as open landscape and providing a rural backdrop to Cogan Hall Farm."

The Council has carried out a consultation programme with various consultees including an application for Scheduled Monument Consent to CADW, discussions with the Environment Agency relating to Sully Brook and on-site sewers and the Council's Ecologist relating to wildlife in and around the site. The contract to layout the land will incorporate a three year maintenance period before being handed over to the Parks and Ground Maintenance Department.

Local residents have been consulted on the proposals and the scheme has been revised to take into account their comments. The footpath to the northern end of the site will be diverted to take it further away from the private residential properties (this will require a formal diversion order under the Town and Country Planning Act 1990). The access and maintenance gates have been relocated away from the cottages and extra "buffer" planting is proposed on the boundary with the residential properties along the western boundary of the site. The site of the former slurry pit to the east of the Old Cogan Hall Farm buildings no longer forms part of the application following amendments received on 22 May 2007. The plan ref. no. 20084/31 has been amended to clearly show the site boundary as well as features such as the slurry pit boundary which lies outside the application site. In addition to this a leaflet will be produced for circulation locally explaining the nature of the open space works and the aims of the management practice. This will highlight the conservation value of the site and will encourage interest in local flora and fauna. An interpretation board will be located to explain the archaeological significance of the site as well as its wildlife and a number of benches and an informal kick about area are proposed for locals and visitors.

Whilst there is no evidence of either water voles or otters on the site, the Licensed Ecological Surveyor has made recommendations in his report relating to the management of the streamside vegetation and hedgerows and these will be incorporated into the project.

With regard to the land ownership issues in and around the site, the Director of Legal and Regulatory Services has confirmed that the Grazing Licence for part of the site was terminated on 18 March, 2006 and that the slurry pit area of land was surrendered to the Land Authority of Wales (the Council's predecessor in title) in 1992. Notwithstanding this fact, the slurry pit is in any event not part of the application site. Therefore, the application site is wholly controlled by the Council and it has not been necessary to serve notice on the occupier of Cogan Hall Farm. This fact has been rechecked and further clarification has been obtained that none of the land within the application site is currently tenanted or licensed for agricultural purposes.

It is considered that this area of open space is a natural extension of the Cosmeston Lakes Country Park and will provide a useful informal area of land for existing and future residents in the surrounding area. Links are to be provided between the adjoining residential estate and the open space in order to improve accessibility to this area. As there are no formal activities or buildings proposed for the site and there is no charge to park at Cosmeston Park, it is considered that the site will only be used by residents within walking distance of the site and should not attract significantly more visitors and vehicles to the area. In addition to this, the Highway Officer notes that any vehicle blocking the highway adjacent to Cogan Hall Cottages would in fact be causing an obstruction which would be an issue of traffic enforcement to be dealt with by the police.

The site location plan and the red line boundary has been revised during the life of the application, with the most recent revision being made 22 May 2007. In addition and following discussions within the tenant of Old Cogan Hall Farm, Condition No. 6 is proposed to reflect the desirability of obtaining enhanced planting at the western boundary of the site to screen Old Cogan Hall Farm.

CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV24 – Conservation and Enhancement of Open Space and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales, the approved Supplementary Planning Guidance Note on 'Design in the Landscape' (2006), the Cogan Hall Development Brief, Landscapes Working for the Vale of Glamorgan document and the Cogan Hall Farm Master Development Brief, the proposal is considered acceptable in respect of its impact on the privacy and amenity of existing dwellings, the ecology of the site, the visual amenities of the area in general and ancient scheduled monument areas and the wider character of the rural area.

RECOMMENDATION

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

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

Reason:

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

2. This consent shall relate to the plans registered on 31 October, 2006 other than where amended by plans reference 20084/31H, 34,35 (Red and Blue line plan), received 22 May 2007 .

Reason:

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

3. The works shall be carried out in accordance with the licensed ecologists survey and recommendations.

Reason:

To safeguard issues of ecological importance, in accordance with Policy ENV16 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

4. No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

To ensure that archaeological interest is protected and recorded and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

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

Reason:

To comply with the Wildlife and Countryside Act 1981.

6. Notwithstanding the submitted details additional planting shall be provided on the western boundary with Cogan Hall Farm and details of the planting shall be submitted to and approved in writing by the Local Planning Authority prior to the planting being undertaken in accordance with Condition No. 7 below.

Reason:

In the interests of the amenities of adjoining occupiers.

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

Reason:

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

8. That the Director of Legal and Regulatory Services be authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 diverting Public Footpaths No. 12 Penarth as shown on the attached map.

Reason:

To enable the development to proceed in accordance with consent granted.

- (2) That the Director of Legal and Regulatory Services be authorised to: confirm the Order on completion of the works provided no objections are received, or submit the Order to the Welsh Assembly Government should any valid objections be received.

NOTE:

1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

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

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

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

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

