

14th June, 2006 Planning Committee Meeting

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GM2 House, Plymouth Road, Penarth

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

The application is for demolition within the Penarth Conservation Area.

The application was advertised on 12th November, 2004.

SITE DESCRIPTION

The site lies adjoining the Penarth Conservation Area boundary on Plymouth Road. The site lies between commercial development, including a public house and offices, and residential development. The railway line and Penarth Station are situated immediately to the west of the site.

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

DESCRIPTION OF DEVELOPMENT

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

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

PLANNING HISTORY

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

CONSULTATIONS

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

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

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

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

Dwr Cymru/Welsh Water – See Appendix C.

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

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

David Melding A.M. and Jonathan Morgan A.M. – See Appendix E (comments in respect of the scheme as originally submitted).

REPRESENTATIONS

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

The Railway Public House, Penarth

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

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

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

No. 33, Windsor Road

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

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

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

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

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

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

REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

SHOP12 – Relates to criteria for development outside retail centres.

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

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

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

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

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

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

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

Having considered the scale and arrangement of Cwrt Jubilee windows and the angle and position of the windows and balconies, it is considered that whilst there will be some overlooking towards Cwrt Jubilee, this would not be sufficient reason to refuse the planning application. The Council's adopted Supplementary Planning Guidance 'Amenity Standards' have been considered in this respect and the distance between principal windows is considered to be met. Overlooking toward the rear of the nearest Plymouth Road property is not considered to significantly alter the degree of over-looking currently experienced by that dwelling. In relation to amenity space, other than balconies for the majority of the flats, no external amenity space is provided. This form of development could, in the central, urban location, taking into account proximity to urban parkland (Alexandra Park), would not un-typically rely on balconies for private amenity space. A refusal on these grounds alone would not be considered to be sustainable even having taken into account Policy 3 of the Supplementary Planning Guidance.

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

Issues of management of traffic on Plymouth Road of daytime parking by non-residents, is a matter which the Highway Authority could address and which could be funded, if appropriate, by the developer. The Highway Development Officer indicates that he would consider a reduction in the parking standards, however, the development would not meet that lower standard. In consideration of other development in urban locations, the Local Planning Authority has had regard to proximity to public transport and facilities/community services. Mindful of advice in TAN17 Transport and the town location of the development immediately adjacent to a railway station and public bus services, the refusal on the grounds of parking deficit is not one which the Local Planning Authority would feel capable of sustaining as a refusal. Having said that, the parking makes no specific provision for disabled parking or secure bicycle parking and therefore the Local Planning Authority would require the parking layout to be amended. Plans are awaited to reconfigure the parking area, within the fabric of the building with the provision of a hydraulic decked parking system to increase the number of spaces from 20.

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

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

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

03738

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the amenities of nearby residential properties.

7. Insofar as the approved plans relate to the site edged red in Drawing Ref: P200A received by the Local Planning Authority on 26th May, 2006 shall apply.

Reason:

For the avoidance of doubt as to the approved site 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.**

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.

David Darby, ARICS, Henywen, Llandough, Nr. Cowbridge, Vale of Glam. , CF71 7CR , ,
Mr and Mrs J. Nurse, Forest Lyn, Llanblethian, Cowbridge. , CF71 7JU

Forest Lyn, Llanblethian, Cowbridge

Proposed building plot

SITE DESCRIPTION

The application site relates to the side garden of a detached dwelling known as Forest Lyn, Cowbridge. The existing dwelling comprises a large bungalow style dwelling located to the north of the curtilage and is accessed via a long private driveway from Stallcourt Avenue.

The application site as revised now includes the whole of the residential curtilage in order to include a second access into the site. The application site is some 0.37 hectares in area although the area of land indicated for development to the south of the house covers an area of 0.22 hectares.

The application site is bounded to the west and south by residential curtilages of the dwellings on Church View and Church Road and by St. Bleddian Church (Grade 2 Listed), to the east by the large residential curtilage of The White Lodge and to the north by a private drive leading to two detached dwellings.

The application site abuts the Cowbridge with Llanblethian Conservation Area which is located to the south of the application site and includes St. Bleddian Church and Picton House. There are protected trees on the south and western boundaries of the site.

DESCRIPTION OF DEVELOPMENT

This is an outline planning application for the construction of a dwelling on the site with all matters reserved except for access.

The proposed new access as revised is shown via Church View. The new access will serve the existing dwelling of Forest Lyn and the proposed new dwelling will be served by the existing access and driveway via Stallcourt Close.

An additional drawing has been submitted detailing the proposed new access which will entail the removal of the existing 2 metre high brown brick wall and provision of a 3 metre wide inward opening and a new cross over. The new access will serve a new tarmac driveway which will link to the existing hardstanding parking area to the front of the house.

PLANNING HISTORY

The site has not been subject to any previous planning applications.

CONSULTATIONS

Cowbridge with Llanblethian Town Council - Were consulted, and have stated that the application contains insufficient information for a decision to be made on the following grounds:

- (1) The plan supplied with the planning application fails to show two houses, which have been built and are already in existence.
- (2) Committee queries the accuracy of the position of the Church shown on the site plan in relation to the boundary wall.
- (3) Although the site is an elevated one, the site plan does not provide details of the contours of the land in relation to any impact that any building on the site for which permission is sought, might have on the Church, neighbouring properties or surrounding countryside.
- (4) Although the application states that no alteration to vehicular access is sought, the plan appears to conflict with this without showing what actual changes are proposed. The proposed site is in the former grounds of Forest Lyn and the Committee query the means of access onto the site, especially as the indications given in the application appear to be contradictory.
- (5) This committee is concerned over access to the site and its impact and especially how it may be possible to have an adverse affect on Picton House.

Environment Agency Wales - Were consulted and have responded with a "standard advice" guidance note for developers.

Dwr Cymru/Welsh Water - Were consulted and have requested that conditions and an advisory note shall be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site.

The Director of Legal and Regulatory Services (Environmental Health Officer (Pollution Control)) – Was consulted and whilst he has no objection to the application, has advised on the following conditions.

"Any soils or similar material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason : To ensure that the safety of future occupiers is not prejudiced."

The Head of Visible Services (Highways) - Has stated that the existing access currently serves five dwellings, which is the maximum that the Highway Authority will allow from a private drive/access. As it stands, I would object to the development, as the maximum number of units from a private drive/access would be exceeded. However, if the applicant were to amend the application to provide access from Church View it is less likely to raise an objection.

Cadw – Were consulted and have stated that the proposed development is close to the southern boundary of the ancient monument known as 'Caer Dynnafg'. However given the development plot is south of the existing property of Forest Lyn and adjacent Church View, in Cadw's view any impact on the setting of the monument would be very limited.

Glamorgan Gwent Archeological Trust – Were consulted and stated that the application area is likely to be within the area of a medieval settlement and therefore have required an archaeological watching brief condition to be imposed on the grant of any planning permission.

REPRESENTATIONS

Neighbours were notified on 18th July, 2005 and to date letters of representation have been received from the occupiers of The White Lodge and Picton House. The comments raised are summarised below:

- (1) The deeds restrict the building to one bungalow on each plot.
- (2) The application does not specify the type of building, only a bungalow should be permitted.
- (3) Progressive infilling adjacent to the Conservation Area.
- (4) Impact of the setting of the adjacent Conservation Area and the adjacent Church.

REPORT

In assessing this application, consideration must be given to both national and local planning policies and the following are considered relevant in assessing this application.

Policy HOUS2 of The Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 (UDP) supports housing infill, small-scale development and redevelopment within the settlement boundary of Cowbridge, where the criteria listed in Policy HOUS9 are 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:

- (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 (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 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.

Given the proximity of the site to the Conservation Area, the proposal could impact on the character of the area and therefore consideration should also be given to Policies ENV17 (Protection of Built and Historic Environment), and ENV20 (Development in Conservation Areas). Consideration should also be given to national planning guidance as set out in Planning Policy Wales March 2000, TAN 12 on Design, and the policies and guidance set out in the adopted Amenity Standards Supplementary Planning Guidance.

Paragraph 9.3.3 of Policy Wales (March 2002) 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....”

The site itself, being located between two dwellings with a road frontage, within the defined settlement of Cowbridge is considered in principle, as an infill plot. The above plan defines an infill plot as “a site enclosed or surrounded by existing development in the sense of the filling of a small gap within an otherwise built up frontage.” Whilst the proposed new dwelling would not have its own road frontage, the proposed access, will be that which is currently used by Forest Lyn. In terms of the appropriateness of the residential development at the site, the proposed plot is large and depending on specific siting, size and design, any future dwelling could maintain the spaciousness and privacy of the existing dwelling. It is therefore considered that the site could be appropriate for infill development.

Whilst the application is in outline, consideration can still be given to issue of privacy, overlooking and overbearing impact. The main impact in terms of overlooking would be on Forest Lyn and The White Lodge located to the north and at a higher level than the application dwelling. The dwelling of Picton House to the south is at a much lower level and given the existing mature trees on the site, the proposed dwelling would not be visible depending on its size and scale. In terms of the scale and character of the surrounding dwellings, Forest Lyn and The White Lodge to the north, whilst large, are generally single storey with a strong horizontal emphasis with low eaves and ridge levels. Therefore it is considered that the proposed dwelling should be limited to a single storey dwelling, where such a dwelling would not be visible from outside the site.

Therefore, subject to specific details in respect of the site layout, proposed finished site levels and placement of habitable windows on the front and rear elevations, it is considered that a dwelling could be sited within the plot without resulting in any undue loss of amenity to adjacent occupiers.

With regard to the provision of amenity space to serve the existing and proposed dwelling, the existing dwelling will still have sufficient amenity space, in accordance with the Amenity Standards SPG. In relation to the proposed dwelling, the availability of sufficient and private amenity space in relation to the proposed floor space of the dwelling can only be considered in the subsequent reserved matters applications. However given the substantial size of the plot it is likely that the provision of amenity space could be met.

In relation to the access, the original scheme proposed the use of the existing access to Forest Lyn via Stallcourt Close. On this basis the Highway Authority objected as the existing access currently serves five dwellings, which is the maximum that the Highway Authority will allow from a private drive/access. Following discussion with the agent a revised site plan was submitted indicating a second access into the site from Church View. The scheme now proposes to access the existing house from Church View and the existing access will be retained and used solely to serve the proposed new dwelling, which in principle, and subject to adequate provision of visibility splays and crossovers etc., is considered acceptable by the Highway Authority.

The site is occupied by two groups of protected trees, where order A24 covers an area of hawthorn, elm, sycamore and blackthorn, located along the western boundary with Church View and Order A25 covers an area of lime, sycamore, yew, beech, ash and holly trees along the southern boundary with the church, where both Orders are part of Tree Preservation Order No. 7 1973.

An additional drawing showing the location of the new access and driveway in relation to the trees on site has been submitted and the Tree Officer has raised concerns in relation to the impact of ash and sycamore both of which would incur root damage for excavation and crown lifting in order to provide the new vehicular access. Whilst the access is considered acceptable he has requested an amendment of the line of the driveway in order to avoid the protected trees.

To conclude, it is considered that the site could accommodate a dwelling which should be limited to a single storey dwelling in order to reflect the scale of the adjacent single storey dwellings. Such a single storey dwelling would have little or no impact on the adjacent Conservation Area and the Listed Church. For the above reasons given, the following recommendation is made in the conditions imposed to deal with the issues raised within the body of this report.

04437

RECOMMENDATION

APPROVE subject to the following conditions(s):

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

Reason:

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

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. The approval hereby granted shall relate to a single storey bungalow only and no other form of dwelling.

Reason:

In the interests of visual amenity and to preserve the character of the adjacent Conservation Area.

5. Plans and particulars of the reserved matters referred to in condition C1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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

6. The Reserved Matters application shall be supported by a comprehensive tree and land survey in full accordance with the Council's adopted Trees and Development Supplementary Planning Guidance.

Reason:

In order to enable the Local Planning Authority to fully consider the impact on the protected and unprotected trees and other landscape features within the site.

7. Notwithstanding the submitted plans of the proposed access, further plans of the access to a scale of 1:100 indicating the detailed design of access and driveway to serve the existing dwelling of Forest Lyn, where the line of the driveway shall have full regard to the existence of protected trees on the site and the works for the driveway and access shall not fall within the canopy of the protected trees.

Reason:

To safeguard the protected trees.

8. No development shall take place in relation of the proposed new dwelling until the new vehicular access to serve Forest Lyn submitted under Condition 7 is fully implemented and completed and the proposed new dwelling shall only be accessed via the existing vehicular access from Stallcourt Close.

Reason:

In the interests of highway safety.

9. The detailed scheme shall be designed so that parking provision and garden areas for the proposed dwelling and the existing dwelling are designed to meet the Local Planning Authority's adopted Amenity Standards Supplementary Planning Guidance and the adopted Parking Guidelines.

Reason:

To ensure that the proposed development provides adequate car parking and amenity space for the existing and proposed dwelling.

10. The proposed dwelling shall be designed so that no main windows of habitable windows shall directly overlook the main windows of habitable rooms of other dwellings at a distance of less than 21.3 metres.

Reason:

To maintain the privacy of adjacent residential occupiers.

11. The detailed scheme shall have full regard to the existence of protected trees on the site Tree Preservation Order (No. 7) 1973 and the siting and layout of the dwelling, driveway and parking areas shall be designed so as not to fall within the canopy of the protected trees. The development shall have full regard to the guidance contained within the Trees and Development Supplementary Planning Guidance.

Reason:

To safeguard the protected trees.

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

Reason:

To safeguard local visual amenities.

13. 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.

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.

15. Details of the proposed finished floor levels of the dwelling in relation to the existing ground levels and finished levels of the site, including cross-sections shall be submitted to and agreed in writing by the Local Planning Authority before commencement of development and the development shall thereafter be constructed in full accordance with the agreed levels. The proposed levels shall pay particular regard to the residential amenities of neighbouring occupiers and the cross-sections shall clearly indicate the context and relationship of the development with regards to the adjacent dwelling including sensitivity to design and height in relation to the adjacent dwellings.

Reason:

To safeguard the amenities of neighbouring occupiers and ensure the development is sensitive to the surrounding area.

16. Any soils or similar material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason:

To ensure that the safety of future occupiers is not prejudiced.

NOTE:

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

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

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

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development.

This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

Mr. Colin Davies, Swallows Rest, Nant Bran Farm, Dyffryn, Vale of Glamorgan. ,
CF5 6SU

Mr. Colin Davies, Swallows Rest, Nant Bran Farm, Dyffryn, Vale of Glamorgan. ,
CF5 6SU

Swallows Rest, Nant Bran Farm, Dyffryn

Engineering works to create garden to rear of property

The property is a Grade Listed Building.

SITE DESCRIPTION

The application site relates to land to the rear of an existing barn conversion known as Swallows Rest, located in Nant Bran Farm, Dyffryn.

The application site relates to land to the rear of the approved residential curtilage which comprises of a gradually sloping field with a steep cutting adjacent to the barn.

DESCRIPTION OF DEVELOPMENT

This application is for a change of use of part of the adjacent field to residential curtilage. Initial works have been undertaken to cut back the existing bank adjacent to the barn by way of stepping back and grading of the levels. Furthermore a track has also been created to provide access from the side/rear of the barn to the upper field.

Following further correspondence additional details have now been submitted indicating existing and finished levels and sections of the track, retaining wall and soft landscaping.

The bank is shown to be cut back to provide two distinct levels to create a curved patio area accessed from several steps from ground level. At its longest, the extension of the residential curtilage will be an additional 5 metres in length, and the furthest part of the track will be some 18.5 metres from the rear of the barn.

The partly completed track will be finished in reinforced grass with sides of exposed rock with a low level retaining wall along the southern/western side of the track 0.5 metres high. Other areas will be re-levelled and reseeded.

PLANNING HISTORY

The site itself has been subject to the following planning applications.

00/001087/FUL - Amendments to Barn 3 (97/01034/FUL) and conversion of Barns 1, 2 & 4 to residential units, associated car parking and landscaping, at Nant Bran Farm, St. Nicholas.

CONSULTATIONS

Wenvoe Community Council - Were consulted and resolved to support the application provided the work remains within the curtilage of the dwelling.

Glamorgan Gwent Archaeological Trust - Were consulted and have stated that the farm complex at Downs Farm is of post-medieval date and the present application area whilst close to these, has no recorded features or finds within it and therefore have no objection to the positive determination of this application.

REPRESENTATIONS

Adjacent neighbouring dwellings were notified and to date no letters of objection have been received.

REPORT

The complex of barns at Nant Bran Farm, Dyffryn fall within the countryside. The most up-to-date policies are contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Policy ENV1 is considered relevant which relates to development in the countryside. This policy 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.

DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

The barn is one of several converted barns which once formed part of Nant Bran Farm which are listed. Therefore consideration should also be given to Policy ENV17 (Protection of Built and Historic Environment).

The application site is also located in the heart of the Duffryn Basin and Ridge Slopes Special Landscape Areas, where Policy ENV4 (Special Landscape Areas) contained in the above referenced plan 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.

Issues

The principal issue in assessing this application is whether there is any reasoned justification to permit such an extension of the curtilage and whether such a change of use of agricultural land to garden curtilage would affect the rural character of this area, resulting in a visually intrusive feature in the countryside. The Council has determined a number of similar applications based on a reasoned justification. The Council considers that such reasoned justification to allow a departure from policy (subject to other policies and site specific considerations) may permit a small extension to the curtilage of a dwelling which would have been historically served by little or no garden and where the occupiers would have no private amenity space.

The application dwelling is barn conversion which together with several other barns forms part of a courtyard development. The approved curtilage serving the barn is of a very limited size and extends some 3-4 metres to the rear of both the applicants barn and the neighbouring barn which formerly comprised of a steep cutting with overhanging mature located trees at the top of the cutting several metres higher than the ground level of the barn.

The supporting letter submitted with the application states that the works required are to enable access to the rear field for grass cutting and to provide more light to the rear of the barn and a more usable garden area.

In terms of justification, it is accepted that the existing barn was approved with a limited curtilage to the rear, which given the change in ground levels has resulted in an unusable dark private amenity space to the rear. It is considered that an extension to the residential curtilage could be accepted in principle, subject to the scale and impact of the extension and the works necessary to achieve the extended curtilage.

The existing cutting will accommodate a small terraced patio area to serve the converted barn which will result in an extension of the approved curtilage by some 5 metres and beyond this, the bank will be graded and grassed where it adjoins the remaining part of the field. The submitted cross -section drawings clearly indicate the scale of the proposals and that the provision of the patio (which comprises of the main element of the works) would not be visible from the field to the rear and would be some 6-7 metres below the level of the field and as such would not be visible.

To conclude, it is considered that there is a reasonable justification for the application whereby the impact on the listed barn, surrounding countryside and the special landscaped area would be limited due to the unique site specific characteristics. Accordingly it is considered, for the above reasons given there are sufficient material considerations to override the above referenced policies which seek to restrict residential and associated development in the countryside and to protect special landscape areas.

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

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Notwithstanding the submitted plans this consent does not convey or grant any consent for the extension of the residential garden curtilage other than outlined in red on the plan attached to this Decision Notice.

Reason:

For the avoidance of doubt and in the interests of visual amenity in this rural location.

2. The boundary defining part of the approved residential curtilage identified on the attached plan in green shall be marked on site by means of a post and rail fence (which shall not exceed a height of 1.5m) within 2 months from the date of this consent and shall be inter-planted with plants of approximately 90cms size at planting, planted in a double staggered row comprised of hawthorn, hazel and field maple, planted at 30cm centres which shall be carried out in the next planting season. Any plants which within a period of 5 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 a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity in this rural location.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

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.

Electricity Supply Nominees c/o F&C Property Asset Mgmt., PLC, Park Lodge,
London Road, Dorking. , RH4 1QP
Nathaniel Lichfield & Parts., 1st floor, Westville House, Fitzalan Court, Cardiff ,
CF24 OEL , ,

Land at Valegate Retail Park, Culverhouse Cross, Cardiff

Erection of a class A3 - Drive-through fast food restaurant

The application was advertised on 22nd November, 2005.

SITE DESCRIPTION

Car park and soft landscaping at Valegate Retail Park, Culverhouse Cross. The site is approximately 0.15 Ha and lies between Carpet Right to the south-west, McDonalds to the north-east, the remainder of the car park to the south-east and it backs onto the A48.

DESCRIPTION OF DEVELOPMENT

Planning Permission is sought to erect a single storey fast food restaurant with a drive through element (Use Class A3) and carry out works to the car park. The unit is based on the KFC model building and is rectangular in shape (11m x 26.5m) with a feature tower, a covered drive-through facility to the rear and an enclosed service yard. The majority of the building will be constructed of red facing brickwork with a blue soldier course to match the existing shop units in the Retail Park, slate grey roof tiles to the top of the pyramidal feature tower, light grey Eternit panels around the main flat roof, powder coated aluminium capping and windows/doors in bronze, a rendered finish to the feature tower block.

Externally, the car park area will be altered to include for disabled parking, a service delivery bay, 5 No. powder coated cycle hoops, vehicle bollards to match the Retail Park, the retention of the existing security gate, landscape alterations, concrete paviours (buff) around the main building, pedestrian crossing points and a substation. The unit will have a gross internal floor area of 320 sq. m. and the restaurant can accommodate 76 No. diners.

It is intended that the new restaurant is to be occupied by KFC and is based upon the KFC model unit and the developer will construct the shell and complete all external works whilst the perspective tenant will complete the fitting out of the unit.

PLANNING HISTORY

02/01139/FUL - Valegate Retail Park -Variation of Condition No. 6 of decision 91/01282/OUT to allow a reduction in the number of car parking spaces from 322 to 305 and alterations to the approved vehicle parking layout. Approved 11th October, 2002.

98/00510/FUL - Valegate Retail Park - Construction of a bank within Class A2. Approved 10th July, 1998.

95/00238/FUL - Land at Valegate Retail Park - Retail use within class A1 of the Use Classes Order 1987 along with associated car parking, landscaping and servicing area. Approved 6th June, 1995.

93/00477/RES - McDonalds –Development of freestanding restaurant with drive-thru' facility and ancillary accommodation. Approved 16th April, 1993.

93/0019/RES - HTV site, Culverhouse Cross – Reserved matters application pursuant to planning consent ref: 91/01282/OUT. Approved 6th May, 1993.

91/01282/OUT - 82,000 sq. ft. retail warehouse, 8000 sq. ft. garden centre, 20,000 sq. ft. office development, 6000 sq. ft. fast food restaurant associated car parking, landscaping and access. Appeal against non-determination allowed on 17th December, 1992.

Related Planning History

04/00418/FUL – Tesco Superstore, Culverhouse Cross. Replacement Class A1 retail store, relocation of existing petrol station, car park alterations, internal highway works, replacement planting and ancillary works. Appeal against non-determination dismissed.

04/01650/FUL - Brooklands Terrace Retail Park, Culverhouse Cross. Proposed A3 restaurant (Pizza Hut). Approved 3rd February, 2005.

02/00031/FUL - Brooklands Terrace Retail Park, Culverhouse Cross. Erection of drive-through restaurant together with associated parking, access and landscaping works. Refused 26th February, 2002 and allowed at appeal on 6th February, 2004.

CONSULTATIONS

Wenvoe Community Council - Were consulted on 26th October, 2005 and re-consulted on amended plans and additional information on 13th March, 2006. "This Council at it's meeting on Thursday 17th November, 2005 considered the above Planning Application and resolved not to support owing to over-development there, loss of visual amenity, design not compatible with adjacent buildings."

The Head of Visible Services (Highways) - Consulted on 26th October, 2005 and re-consulted on amended plans and additional information (amended site layout plan and parking assessment) on 13th March, 2006. The officer would comment as follows:

"Further to receiving the Transport Assessment for the above application, I would comment as follows.

In order to complete the assessment of the development proposals a parking accumulation survey is required to be undertaken at the Vale Gate site to establish the existing peak parking demand.

The architectural Drawing No. 002, submitted with the planning application is required to be amended to show the road markings and lane allocation between the access to KFC and the roundabout with Copthorne Way.

Clarification is required to the type of security gates, when they will be used and how they will be integrated with the proposed traffic islands adjacent to the access to KFC, as shown on Drawing No. 002.

The disabled parking provision is required to be increased to provide a minimum of 3 no. parking spaces.”

“Further to receiving additional information (amended site layout plan and parking assessment) in relation to the above application, I would comment as follows.

From the parking accumulation survey undertaken at the Vale Gate Retail Park the applicant has demonstrated that the existing car park has a reserved capacity of 71%, recorded during the Saturday peak hour, which was the busiest time period.

When considering the proposed development and the reduction of 51 No. parking bays, based on the parking accumulation survey the reserved capacity is shown to be reduced to 65% during the Saturday peak hour.

From the submitted Transport Assessment the applicant has demonstrated that most visitors to the proposed Drive-through Fast Food Restaurant will already be visiting the retail park and any new trips will be minimal. Any additional demand for parking at the site will be insignificant and will not exceed the parking capacity at the retail park.

Therefore, the Highway Authority are unable to sustain an objection to the development proposals provided that the following details are made conditional to the planning consent.

- (a) *The proposed parking provision shall be provided before beneficial occupation of the development site and set out in accordance with the Highway Authorities Parking Guidelines and thereafter maintained and retained at all times for the purpose associated with the development.*
- (b) *The proposed works to the existing internal access roads as shown the amended Drawing No. 002 Rev A. shall be completed before beneficial occupation of the development.”*

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) – Was consulted on 26th October, 2005. “We would not have a problem with agreeing in the conditions that the extraction system for odour control is to be submitted prior to commencing works. So long as the system and filters are fit for the intended purpose, there should hopefully be no other issues.”

The Operational Manager (Engineering Design) – “The submitted details indicate that surface water run-off from the proposed development is to discharge to existing. It is understood that the existing surface water run-off from the retail park discharges to a watercourse. The applicant should therefore consider the effect of the run-off from the proposed development on the watercourse and limit the flows to greenfield run-off so as not to cause or exacerbate flooding downstream. The applicant should therefore be requested to provide full details of the proposals for the approval of the Local Planning Authority prior to the commencement of any works on site.”

Dwr Cymru/Welsh Water - Were consulted on 26th October, 2005. They responded with their standard advice and conditions related to foul water, surface water, land drainage run-off, water supply and grease traps.

Environment Agency Wales - Were consulted on 26th October, 2005. They responded with a copy of their standard advice for developers.

REPRESENTATIONS

Neighbouring occupiers were notified on 26th October, 2005 and re-notified on amended plans and additional information on 13th March, 2006. The application was also advertised on site and in the press on 22nd November, 2005. No representations were received.

REPORT

The application seeks consent to erect a second “drive-through” fast food restaurant on the Valegate Retail Park, Culverhouse Cross on the car parking area serving the six retail units. The site falls within the Unitary Development Plan’s definition of countryside and is therefore protected under Policy ENV1 despite its brownfield nature.

The proposal can be assessed against Strategic Policies 2 (Sustainability), 9 and 10 (Retailing) and Policies ENV1 (Development in the Countryside); ENV27 (Design of New Developments); SHOP10 (New Takeaway Outlets); SHOP12 (New Retail Development Outside District Shopping Centres); and TRAN10 (Parking) of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011; Planning Policy Wales (March 2002); the South Wales Parking Guidelines, TAN 12: Design (2002); TAN 4: Retailing and Town Centres (1996) and the Landscapes Working Study for the Vale of Glamorgan, January 1999.

Policy SHOP12 relates to new retail developments outside district shopping centres and allows such development subject to a number of criteria. The policy states that permission for such developments will only be permitted where:

- (i) THE PROPOSAL EITHER SINGULARLY OR CUMULATIVELY WITH OTHER EXISTING OR APPROVED DEVELOPMENTS WILL NOT UNDERMINE THE VITALITY, ATTRACTIVENESS AND VIABILITY OF THE TOWN AND DISTRICT SHOPPING CENTRES OR THE RETAIL DEVELOPMENTS PROPOSED IN POLICY SHOP 3.
- (ii) THERE ARE NO SUITABLE TOWN, DISTRICT OR EDGE OF CENTRE SITES AND IN THE CASE OF OUT OF TOWN PROPOSALS, THERE ARE NO SUITABLE TOWN, DISTRICT, EDGE OF CENTRE OR OUT OF CENTRE SITES (‘THE SEQUENTIAL TEST’).
- (iii) THE PROPOSAL WILL NOT HAVE AN UNACCEPTABLE EFFECT ON THE ACHIEVEMENT OF AN ACCEPTABLE SUPPLY OF BUSINESS / INDUSTRIAL LAND AS IDENTIFIED IN POLICY EMP 1.
- (iv) THE PROPOSAL IS WELL LOCATED TO PUBLIC TRANSPORT, THE NEEDS OF THE NON-CAR TRAVELLER AND THE MAIN ROAD NETWORK.
- (v) THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE ADVERSE EFFECT ON TRAFFIC FLOWS AND PATTERNS, SAFETY, ENERGY USE OR OTHER EMISSIONS.

- (vi) CAR PARKING AND SERVICING FACILITIES ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- (vii) ADEQUATE UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.
- (viii) THE PROPOSAL DOES NOT RESULT IN THE LOSS OF GRADES 1, 2 OR 3A AGRICULTURAL LAND OR HAVE AN UNACCEPTABLE EFFECT ON AREAS OF ECOLOGICAL, GEOLOGICAL, GEOMORPHOLOGICAL, WILDLIFE IMPORTANCE, LANDSCAPE PROTECTION OR ARCHAEOLOGICAL INTEREST.

The policy seeks evidence that a sequential test has been undertaken to justify out-of-town retailing. Paragraph 10.3.2 of Planning Policy Wales also states that developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach, before out of centre sites are considered for key town centre uses. The agent has submitted a statement on the sequential approach to site selection. Whilst some of the content is inaccurate (the agent fails to recognise that Culverhouse Cross is an out-of-town centre location and not a district centre in its own right), the assessment shows that there are no realistic alternatives in the nearest town centres in the Vale (i.e. Barry, Cowbridge and Penarth) and it can be concluded that they have satisfied criterion ii) of the above policy.

The Council has attempted to resist further development at Culverhouse Cross but the Burger King fast food establishment at Brooklands Terrace Retail Park was allowed at appeal in February 2004 and a subsequent application for a Pizza Hut on the same retail park was approved in February 2005. The Inspector considered the A3 uses as ancillary to the main retail function as is the case in this instance and considered that Culverhouse Cross has the essential characteristics of a district centre (although it is not allocated or considered to be a District Centre by the Unitary Development Plan). These decisions, whilst relating to a different part of Culverhouse Cross, are material considerations to this application. Having regard to the appeal, it is considered that the addition of a further A3 use in a similar arrangement to that of Burger King on the Brooklands Retail Park could not be resisted on Policy grounds alone.

In terms of the impact of the development on the visual amenities of the area, the drive through restaurant will be situated in a very prominent location off the A48. The Valegate Retail Park and the Marks and Spencers/Tesco developments to the north of the A48 opposite the site were originally designed to be set well back into the site. The car park and landscaping area currently on the site provides a good screening and setting at this major development on the Gateway into the Vale of Glamorgan. Although the proposal includes substantial additional landscaping in and around the site, it is considered that the prominence of the new unit (within 15m of the A48) would have a major adverse impact on the visual amenities of this Gateway into the Vale of Glamorgan.

The future occupier would rely heavily on the prominence of the building to attract customers passing along the A48, particularly when travelling from Cowbridge into Cardiff. Planning Committee Members should note that the retail sites in the Culverhouse Cross Area have been carefully developed to ameliorate the visual impact of the development on the primary highway network and to blend the development into their rural context as best as possible on the fringes of the rural Vale. The end block of the retail units in Valegate Retail Park (Carpet Right) and the McDonalds drive through restaurant on the opposite side of the car park both face into the site and the retail units are generally well screened from the adjoining highway. This current proposal seeks permission for a new unit within 15m of the highway and parallel to the A48.

A recent application to demolish the existing store and petrol station at Tesco and build a new store towards the front of the site closer to the A48 (ref: 04/00418/FUL) was the subject of an appeal against non-determination. The appeal was dismissed on the grounds of the effect of the proposal on the character and appearance of the area and the adverse impact upon of the landscape setting of Culverhouse Cross. The Inspector noted that “siting is an important aspect of the design issue in this case” and “the general openness together with the mature planting adds much to the attractive quality of this part of Culverhouse Cross.”

The Local Planning Authority has compiled a study “Landscapes Working for the Vale of Glamorgan” and it is considered that the development proposed goes wholly against the overall aims of that study. In particular it is noted that the site falls within the “Major Gateway Areas to the Vale” and the aims of the study detail that it seeks:

“To retain the area as a rural buffer between Cardiff and Barry, to strengthen the landscape structure of woods, trees and hedgerows to screen existing development, to reflect rural character of the Vale in detailing and to improve access management.”

Policy ENV27 of the UDP 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.

With regard to the design of the proposed building, amendments were sought to punctuate and soften the main front (south) elevation and two new light boxes for future advertising were added to the scheme. However, although the size and scale of the building is comparable to the adjacent McDonalds building and the choice of materials match the existing shop units in the Valegate retail park, it is considered that the standard/set design of the KFC unit fails to respond to the local distinctive pattern and form of the surrounding area and landscape setting, contrary to Policy ENV27 and advice contained within TAN12: Design. There is a visual harm from the proposed KFC unit in an area where mature screening and landscaping have successfully softened and absorbed development into the rural hinterland to Cardiff. Paragraph 5.8 of TAN12 states:

“The aim should be to achieve sustainable design solutions which maximise the natural landscape. It is particularly important that proposals to amend or create new landscape are not considered as an after thought and that the long term impact of development on the landscape is fully understood.”

Whilst the design and appearance of the unit can be amended, it is not possible to re-position the unit further into the site as it would result in the loss of a significant number of parking spaces within the retail park and would disrupt the flow of traffic in and around the site.

The scheme should not prejudice the amenities or privacy of neighbouring occupiers although details of a suitable fume extraction system were to be submitted and agreed prior to the commencement of development on site and the hours of opening would have been restricted in line with the three other fast food establishments in the area. The application does not include any information relating to the proposed signage on the building.

The impact of the development on traffic including movements to and from the site and in relation to the loss of parking provision has been assessed. The Highway Development Section considers that the applicant has demonstrated that most visitors to the proposed Drive-through Fast Food Restaurant will already be visiting the retail park and any new trips will be minimal. Therefore, any additional demand for parking at the site will be insignificant and will not exceed the parking capacity at the retail park and they accept the proposals provided that the works are carried out prior to the beneficial occupation of the development and are retained thereafter.

Having regard to the above and the Inspector's appeal decision in relation to the Tesco scheme, the following recommendation is made.

4321

RECOMMENDATION (W.R.)

REFUSE

1. The proposed drive-through restaurant unit, by reason of its siting and design, would result in a highly prominent new building at a strategic 'Gateway' into the Vale of Glamorgan causing demonstrable harm to the visual amenities of the site and surrounding area. The development thus fails to pay regard to the need for new development to respect the context of its local environment, contrary to the aims and objectives of Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, advice in TAN12 Design (2002) and the Council's landscape study 'Landscapes Working for the Vale'.

Mr. Paul Llewellyn, Old Beaupre Farm, St. Hilary, Vale of Glamorgan. , CF71 7LT
Mr. Paul Llewellyn, Old Beaupre Farm, St. Hilary, Vale of Glamorgan. , CF71 7LT

Land formerly part of Rectory Farm, Llandough

Proposed agricultural dwelling/four bedroom house with conservatory and double garage

SITE DESCRIPTION

The site relates to agricultural land situated to the south of Llandough, Cowbridge. To the north of the site is the residential property known as the Rectory. The land is identified as Grade 3 Agricultural land on the Land Classification Map (1960's).

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent for a three bedroom, 2 reception room development. Access to the dwelling would be from the public highway to the west of the site along an access track of approximately 120m in length to a site/garden curtilage of approximately 34m x 34m. Drainage to be to cesspit/new drainage. A detached garage measuring 6m x 6m is proposed alongside the dwelling.

The footprint of the dwelling is approximately 10.5m x 8.2m with porch and single storey utility w.c/shower room adding a further 3m x 1m and 2.7m x 5m respectively.

PLANNING HISTORY

05/00667/FUL – Proposed agricultural dwelling/four bedroom house with conservatory and double garage. Refused 28th July, 2005 for the reason that there is no agricultural justification for a second dwelling on the agricultural holding for a new dwelling of the size proposed. Therefore, the proposal represents unjustified new residential development in the countryside which would cause serious harm to this area of special landscape value. As such, the proposal is considered to be development contrary to Policies ENV1 and ENVXXX Special Landscape Areas, ENV9, HOUS2, HOUS3 and HOUS5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and advice contained in Planning Policy Wales 2001.

CONSULTATIONS

The Head of Visible Services (Highway Development) – Advises that his comments made in respect of application 05/00667/FUL apply:

“Further to a site inspection carried out on 22nd May, 2005 in relation to the above application, the Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

The proposed access shall have a hard surface of concrete or bituminous bound material for a minimum distance of 6.0m from the highway boundary. This is to prevent loose material being dragged onto the public highway, to the detriment of

highway safety. Gates, if provided must be set back a minimum of 6.0m.

Visibility splays of 2.0m x 33.0m in both directions, measured from the centre line of the proposed access, shall be provided. Nothing, which may cause an obstruction to visibility shall be placed, erected or grown in this visibility splay."

Dwr Cymru/Welsh Water – Have no comment to make as private drainage facilities are to be used.

Environment Agency Wales – "Thank you for forwarding additional information regarding the use of a septic tank in the above proposed development.

The Agency has considered the applicant's choice of foul water disposal and wishes that the following conditions be included in any planning permission granted:

Condition: No part of the septic tank or private treatment system (including ancillary soakaway system) shall be sited within 10 metres of any watercourse, ditch or surface water feature nor within 50 metres of any water abstraction or well.

Reason: To prevent pollution of the water environment.

If the developer intends to discharge effluent from the septic tank/sewage treatment plant other than by a soakaway system, they must contact the Agency regarding the requirement for a discharge consent pursuant to the Water Resources Act 1991.

Only domestic sewage should be discharged to the septic tank."

Llanfair Community Council – No objection in principle. The Community Council are still concerned about the siting of the access to the property and would query whether it is absolutely necessary and viable to the business for the property to be sited at this location.

Council's Agricultural Advisor – See Appendix A.

Glamorgan Gwent Archaeological Trust – Have no objection to the determination of the application.

REPRESENTATIONS

The application has been advertised on site and in the press. No representations have been received to date.

REPORT

The applicant has submitted an agricultural appraisal in support of the application a copy of which is available for inspection by Members, should they so wish. This assessment has been fully considered in relation to the scheme as submitted with this application.

The development lies within an area of open countryside to the south of Llandough, Cowbridge. The site is not in an identified settlement. The application

has been submitted as an application for an agricultural dwelling. The application falls to be considered as development in the countryside and thus the relevant policy framework is that contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 and Planning Policy (Wales) 2002. The Unitary Development Plan is now adopted as the Development Plan for the area. Policies in the Unitary Development Plan of relevance are:

ENV1 – Development in the Countryside - including where development will only be granted for that essential to agriculture etc.

ENV2 – Agricultural land will be protected from irreversible development.

ENV4 – Special Landscape Areas whereby development should not adversely affect the landscape.

ENV10 – Conservation of the countryside.

ENV27 – Design of New Development.

HOUS2 – Additional residential development will be permitted within settlement boundaries.

HOUS3 – Subject to Policy HOUS2 provisions, dwelling in the countryside will not be permitted unless such developments can be justified in the interests of agriculture or forestry.

HOUS5 – Agricultural or forestry dwellings will be permitted subject to an essential need based on a functional test and where appropriate, a financial test and other criteria of design/scale etc.

HOUS6 – Agricultural occupancy conditions will be considered on the basis of policy HOUS5 criteria.

Planning Policy (Wales) is considered relevant and in particular paragraphs 9.3.7 – 9.3.10 which indicate that a financial test to establish whether, for the proper functioning of the enterprise, one or more workers need to be readily available at most times and a financial test to establish that the farming enterprise is economically viable, are required and advises that:

“....since if it is not, new permanent accommodation cannot be justified on agricultural grounds, and to provide evidence of the size of dwelling which the unit can sustain.” (9.3.7).

The Local Planning Authority has considered the application for a dwelling for agricultural purposes taking into account the location, size of dwelling and the specific details of the agricultural enterprise and within the context of the above policy framework.

The assessment of the functional test is that there is no proven need for the dwelling now sought on the holding. One dwelling already exists on the holding and there is no need for a second.

In relation to the financial test, this was not fully assessed as there is no functional need for the dwelling. It is also considered that the size of dwelling extending to approximately 160 sq.m. with double garage, is slightly excessive for an agricultural dwelling on this particular holding in any event and a dwelling of no more than 150 sq.m. would have been considered as reasonable size if an agricultural justification for a dwelling had existed. It is considered that there has been no material change in the circumstances of the agricultural appraisal to warrant a different decision from that made in 2005.

It is considered, therefore, that the dwelling represents unjustified development in the countryside which would cause harm to this area of special landscape value both in principle and also due to the creation of a large dwelling set within an extensive curtilage (1225 sq.m. excluding access driveway approx). The application has been held in abeyance since January 2006 at the request of the applicant to enable comments to be made in support of the application.

Despite a period of four months, no information or comments have been forthcoming and the applicant was advised in April that a report will be considered by the Planning Committee of June.

RECOMMENDATION (W.R.)

REFUSE

1. There is no agricultural justification for a second dwelling on the agricultural holding and therefore the proposal represents unjustified residential development in the countryside which would both in principle and due to its size, siting and excessive curtilage, cause serious harm to this Area of Special Landscape value. As such, the proposal is considered to be development contrary to Policies ENV1, ENV2, ENV4, ENV10, HOUS2, HOUS3 and HOUS5 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained in Planning Policy Wales 2002.

Mr. T. James, C/o 365, Barry Road, Barry, Vale of Glamorgan. ,
Mr. T. James, C/o 365, Barry Road, Barry, Vale of Glamorgan. , , ,

365, Barry Road, Barry

Reconstruction of existing rear extension, new balcony and new dormer

SITE DESCRIPTION

The application site is a two-storey semi-detached dwelling with two bedrooms at No. 365, Barry Road. The property has a hip roof and backs onto a rear lane. The site lies within the residential settlement of Barry.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission to adapt the existing single storey lean-to rear extension into a flat roof extension to allow for the replacement of the existing first floor window with a set of French doors and a Juliet balcony. The shallow pitch flat roof will be covered with felt and the walls will be painted render. The Upvc French doors are protected by a 1,000mm high chrome style handrail and uprights with clear safety glass infill panels. The French doors will replace an existing bedroom window. It is also proposed to include a pitched roof dormer window to the side of the property (maximum projection of 3.8m and height of 2.1m) and a flat roof dormer window to the rear roof slope (3.25m wide, 3m deep and 1.7m high). The rear dormer will be clad with vertical roof tiles to match the existing roof cover and the side pitched roof dormer will be rendered with a tile roof to match existing. All new windows are Upvc double glazed units. Other minor works include a new staircase to the loft, internal alterations, the formation of a doorway instead of a window to give access to the utility room from the front of the property, the reduction in size of the landing window to allow space for the side dormer and a new escape rooflight to the front roof slope.

PLANNING HISTORY

None.

CONSULTATIONS

Barry Town Council - Was consulted on 14th November, 2005 and re-consulted following the submission of amended plans on 27th April, 2006. "No objection subject to the external finishes matching those of the existing building. There are however concerns that the provision of the rear balcony would undermine the privacy of the neighbouring residential occupiers."

"The deletion of the large roof balcony from the scheme is welcomed."

The Head of Visible Services (Highway Development) - Was consulted on 14th November, 2005. "Further to the recent site inspection in relation to the above, I would comment that as there is no change to the existing parking arrangements, the Highway Authority are unable to sustain an objection."

Dwr Cymru/Welsh Water - Were consulted on 14th November, 2005. They responded with their standard advice and guidance on foul water, surface water and land drainage run-off.

REPRESENTATIONS

Neighbouring occupiers were notified on 14th November, 2005 and re-notified on amended plans on 27th April, 2006. The occupiers of 363, Barry Road objected to the balcony at the rear of the house as it would prejudice their privacy in their glass roofed kitchen/dining room and garden.

REPORT

The application has been reported to Planning Committee because Councillor Janice Charles has an interest in the property.

The application site lies within the Identified Settlement Boundary of Barry as defined in the adopted Vale of Glamorgan Unitary Development Plan 1996–2011. The proposal can be assessed against Policies ENV27 – Design of new developments and HOUS8 – Residential Development Criteria of the Unitary Development Plan; Planning Policy Wales (March 2002) and the Council's adopted Supplementary Planning Guidance Notes on 'Amenity Standards'.

The dormer extensions will create space for a third bedroom and en-suite facility in the loft space. The adjacent property at No. 363, Barry Road has recently constructed a similar dormer window to the side of the property but has installed rooflights in the rear roof slope rather than a flat roof dormer as proposed with this application. 363, Barry Road was also granted planning permission to erect a single storey kitchen and sun room extension to the side of the property and a garage at the rear of the site. There are no other examples of flat roof dormers or balconies to the rear of the residential properties along this row of semi-detached houses.

The main issues to consider are the potential impact of the development on the character of the property and residential area, the impact on the amenities and privacy of neighbouring occupiers and the provision of on-site parking and outdoor amenity space.

The proposed box shaped dormer to the rear of the property has been reduced in scale and will be clad in matching roof tiles. Whilst it would be clearly seen from the rear lane and potentially from Buttrills Road to the west of the site, it is considered that the reduction in the height and depth of the box dormer and the use of matching roof materials will reduce its impact on the secondary rear elevation. The pitched roof side dormer is similar to the dormer roof extension at the side of No. 363, Barry Road directly opposing the application property.

The originally proposed flat roof balcony would have effectively created a viewing platform at the rear of the dwelling to the detriment of the privacy and amenities of the adjoining occupiers, particularly the adjoining property at No. 363, Barry Road as they have recently constructed a sun room with a glass roof adjacent to the boundary with the application site and the balcony would have offered unrestricted views into that room as well as into the adjoining gardens. However, this balcony element has now been omitted from the scheme and, provided that the guardrail is fitted in front of the French doors and the window in the side dormer is obscurely glazed, the scheme accords with Policy 1 of the adopted 'Amenity Standards' (SPG) which states that "privacy and visual amenity must be secured in any proposed development." Similarly, it is considered that the scheme accords with paragraph 9.3.3 of Planning Policy Wales 2002 that states that "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."

The rear garden is unaffected by the proposals and is of sufficient size to serve the extended dwelling.

Having regard to the above, the following recommendation is made.

04159

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 M100/1/2 Rev B received on 25th April, 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. The window in the side dormer 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 loft and shall thereafter be so maintained at all times.

Reason:

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

NOTE:

1. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.

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

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

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

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

St. Nicholas Trading Company T/A Trader Yachts Wales, Penarth Marina, Vale of Glamorgan. ,
Andrew Parker Architect, Studio 1 , The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR , ,

Penarth Marina Car Park, Penarth

Proposed new 3 storey offices and car park

SITE DESCRIPTION

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

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

DESCRIPTION OF DEVELOPMENT

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

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

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

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

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

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

PLANNING HISTORY

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

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

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

REPRESENTATIONS

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

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

REPORT

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

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

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

Policy EMP2 – New Business and Industrial Development, states that proposals for new business and industrial development including agricultural service industries and the extension, conversion and replacement of existing premises for such purposes will be permitted if all the criteria (set out in the policy) are met. However only the following criteria are relevant given that the application site is located within the settlement of Penarth.

- “(iii) THE SIZE AND RELATIONSHIP OF ANY NEW BUILDING AND/OR ALTERATION OR EXTENSION IS NOT DISPROPORTIONATE TO ITS SIZE AND SETTING.
- (iv) ACCESS AND PARKING ARRANGEMENTS ARE IN ACCORDANCE WITH THE COUNCIL’S APPROVED STANDARDS.
- (v) ADEQUATE LANDSCAPING IS PROVIDED.

- (vi) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITY BY VIRTUE OF TRAFFIC CONGESTION, NOISE, SMELL, SAFETY, HEALTH IMPACTS AND EMISSIONS.
- (vii) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST OR ARE REASONABLY ACCESSIBLE OR CAPABLE OF BEING READILY AND ECONOMICALLY PROVIDED.
- (viii) DOES NOT PRESENT ADDITIONAL RISK TO THE HEALTH OR SAFETY OF USERS OF THE SITE AND DOES NOT UNACCEPTABLY POLLUTE AIR, WATER, OR LAND; AND
- (ix) DOES NOT UNACCEPTABLY AFFECT THE USE OF THE ADJOINING LAND BY VIRTUE OF THE RISK AND IMPACT OF POTENTIAL POLLUTION.”

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

Issues

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

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

In relation to the impact on residential amenity, the application site is located opposite the detached 3 storey town houses of Plas Glen Rosa, where the proposed building would be 20 metres from the nearest dwelling. Therefore whilst the proposed building contains a balcony and a large glazed corner elevation at first floor level, the distance is sufficient so as not to impact on the privacy of the neighbouring dwellings. In terms of noise and disturbance the use as an office will itself not generate any noise and the main level of noise would be by way of traffic generation to and from the site. It is noted that no adverse comments have been received from the Environmental Health Section. Furthermore vehicular access to the site will be via the entrance to the existing car park, where there are uncontrolled vehicle movements. Therefore the increase in use of the existing access would result in there being little or no marked change in traffic generation from the car park as a whole. Overall it is considered that the amenities of the residents in Penarth Haven would not be adversely affected.

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

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

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

4428

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason

To ensure that visual amenities of the area are safeguarded.

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

Reason:

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

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

Reason:

To safeguard local visual amenities.

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

Reason:

In the interests of visual amenity.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

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

Reason:

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

NOTE:

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

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

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

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

Mr. and Mrs. D. Lubin, C/o Agent. , , ,
G. Powys Jones The Maltings, East Tyndall Street, Cardiff Bay, Cardiff. CF1 5EA

Ty Groes Farm, Bonvilston

Retention of works involved in creation of granny annexe, including replacement of garage doors with windows and erection of porch

The development is situated within the Bonvilston Conservation Area.

The application was advertised on 31st January, 2006.

SITE DESCRIPTION

The application site relates to a large double garage located within the curtilage of Ty Groes Farm, located to the west of the village of Bonvilston and adjacent to the A48. The garage is sited some 14 metres to the north of the main dwelling and the site is located in the countryside. The application site falls within the Bonvilston Conservation Area.

The existing garage was recently constructed and has been converted into self contained residential accommodation. The garage measures 10 metres in width by a depth of 9 metres, with a ridge height of 5.3 metres and eaves height of 2.5 metres.

DESCRIPTION OF DEVELOPMENT

This is a full application for the retention of works involved in the creation of a granny annex to the original approved garage and includes replacement of garage doors with windows and erection of a porch. The porch has been constructed on the eastern elevation of the building which measures 3.5 metres wide by a depth of 1.6 metres with a hipped roof with a ridge height of 3.8 metres and eaves of 2.7 metres.

PLANNING HISTORY

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

00/00451/FUL - Demolition of outbuildings and construction of new garage with hardstanding. Approved 19th May, 2000.

04/01380/LAW - Conversion of garage into ancillary accommodation. Application not considered as permitted development, 10th December, 2004.

04/01381/FUL- Conversion of garage into dwelling. Refused 26th November, 2004 for the following reason:

- “1. The proposal represents an unjustified form of new residential development in the countryside. As such the proposed development is contrary to Policies EV3 and H10 of the approved South Glamorgan Structure Plan (Proposals for Alterations No. 1) 1989 and Policies ENV1 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).”

05/01534/FUL - Retention of granny annex to serve Ty Groes Farm House.
Refused 15th November, 2005 for the following reason:

- “1. The proposal represents an unjustified form of new residential development in the countryside. As such the proposed development is contrary to Policies ENV1 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.”

CONSULTATIONS

St. Nicholas and Bonvilston Community Council – Were consulted and have raised an objection to the application on the following grounds:

- “(a) A similar application was previously opposed and refused but the applicant appears to have continued the development to completion.
- (b) There has not been any change of circumstances to justify any decision other than to recommend refusal again.”

REPRESENTATIONS

A site notice was posted although to date no letters of representation have been received.

REPORT

Planning permission was refused under application ref: 05/01534/FUL for retention of the conversion of the garage into ancillary accommodation. This followed two previous applications under ref: 04/01381/FUL for the same form of development, which included the addition of dormers and habitable use of the roof space and application ref: 04/01380/LAW for the conversion of garage into ancillary accommodation (excluding kitchen), both of which were refused.

The converted garage is currently being used as a “granny annex” and is occupied by the applicants’ elderly parents. Both the use and operational development undertaken have been subject to investigation by the Planning Enforcement Unit.

By way of background, Members should be aware that the use of detached outbuildings within the curtilage of dwellings as “ancillary accommodation” is a complex matter in relation to whether such uses of building constitute a material change of use (that is whether planning permission is required for the use), on the basis that the occupancy by family members can be seen as an extension of the residential use of the main house.

Accordingly in order for the Local Planning Authority to have a definitive view on the planning status of ancillary accommodation, Counsel advice was sought. In summary, and from the interpretation of the advice given, it is considered that the occupancy of the converted garage as a self contained granny annex by the parents of the occupiers of the main house, would not constitute a material change of use. It should be noted that a Secretary of State decision in relation to a similar application concluded that such a use was “ an integral part of the main use of the planning unit as a single house” and adds that “provided that the planning unit remains in single family occupation, does not therefore involve any material change of use of the land”. Therefore it is concluded that the occupation of the annex as “ancillary accommodation” does not constitute development.

In relation to the operational development required to accommodate such a conversion, the replacement of doors and windows would require planning permission as Class E Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 does not authorise the alteration to such a building to provide living accommodation.

Therefore this application now only seeks to retain the physical works carried out to the former garage. In terms of assessing this application, consideration should be given to the harm and impact of the further domestication of what is already an ancillary building, within the curtilage of the dwelling house. The replacement of the two garage doors with outward opening French Doors will further domesticate the former garage building, however the scale and massing of the building would remain unaltered and this elevation would not be widely visible from any public viewpoint. In relation to the porch which is sited on the eastern side of the garage, it is small in scale and would not increase the scale and massing of the existing building. Similarly, it will not be visible from any public viewpoint.

Therefore, for the above reasons, the retention of the above referenced works in associated with the continued use of the building as a “granny annex” is not considered to adversely impact on the scale and character of the main dwelling, the character of the Bonvilston Conservation Area or the surrounding countryside.

The following recommendation is therefore made.

04465

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The extended annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ty Groes Farm, Bonvilston.

Reason:

To avoid the creation of a separate unit of residential accommodation.

NOTE:

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

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

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

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

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

East of 4a, Geraints Close, Cowbridge

Erection of retirement bungalow and domestic garage

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

The application was advertised on 3rd May, 2006.

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

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

PLANNING HISTORY

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

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

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

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

CONSULTATIONS

Cowbridge with Llanblethian Town Council – “No objections”.

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

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

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

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

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

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

Sewerage

Conditions

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

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

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

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

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

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

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

Advisory Notes

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

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

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 15th February, 2006. In addition the application was advertised on site and in the press as affecting a public right of way on 28th February, 2006. Letters of objection have been received from the occupiers of Nos. 1, 2, 3 & 5 Geraints Close. In summary the objections relate to overdevelopment, increased traffic and access problems, conflict with public footpath, intrusion into the countryside and affect on wildlife.

Whilst all the representations are available on file for Committee Members inspection the letter from the occupiers of No. 2 Geraints Close is reproduced at Appendix A as being generally indicative of the points raised.

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

REPORT

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

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

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

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

PROPOSAL FOR NEW DEVELOPMENT OR ALTERATIONS TO BUILDINGS OR FEATURES WITHIN CONSERVATION AREAS WILL BE PERMITTED WHERE THEY PRESERVE OR ENHANCE THE CHARACTER OF THE CONSERVATION AREAS. SUCH PROPOSALS WILL NEED TO REFLECT:

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

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

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

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

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

Policy ENV27 of the Unitary Development Plan refers to the Design of New Developments and states:

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

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

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Whilst Policy HOUS3 states:

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

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

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

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

It is noted that the site still lies outside of the residential settlement boundary for Cowbridge as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011. Once again whilst the site is also outside of the Conservation Area it does lie immediately adjacent to it. As with the previous refusal, it is considered that the character of the site is such that it is related more to the undeveloped countryside of the Thaw Valley and the rural part of the Conservation Area, which it adjoins, than the urban housing to the north. The site lies to the north of an existing stream located in an area known as the Eye Well which has significance in the history of the town. There are also historical links with the public footpath that traverses the site. It is noted that the proposal will affect this Public Footpath No. 46 Llanblethian. The Council’s Public Rights of Way Officer has objected to the proposal on the grounds that the garage cannot be accommodated as indicated and would therefore affect the public right of way. Neither is there scope for a diversion of the path in this location due to the proximity of the Eye Well.

Thus it is considered that the revised siting of the bungalow and garage does not overcome the previous objections to the proposal on the grounds of the adverse impact on the setting of the Thaw Valley and adjacent Conservation Area. It is considered that the proposal will still result in the intrusion of urban development into this rural setting, which currently clearly defines the boundary between built development and the undeveloped open landscape of the Thaw Valley. The proposal will therefore adversely affect not only the undeveloped landscape

setting of the Thaw Valley but also the wider character of this part of the Cowbridge with Llanblethian Conservation Area which is primarily semi-rural in nature.

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

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

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

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

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

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

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

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

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

REFUSE

1. The proposal, by reason of its siting, form and character would represent an unacceptable form of backland development which is not considered to constitute the rounding off of the edge of the Cowbridge settlement boundary, for the following reasons:
 - (i) The proposal represents an unacceptable urban intrusion beyond the residential settlement boundary which would adversely affect the undeveloped, unspoilt rural landscape setting of the Thaw Valley and the adjacent Cowbridge with Llanblethian Conservation Area.
 - (ii) The proposal represents an insensitive and unneighbourly form of backland development which would fail to preserve and safeguard the privacy and amenities of neighbouring occupiers.
 - (iii) The proposal will result in the intensification of the use of the existing sub-standard access and of traffic movements through the cul-de-sac to the detriment of highway and pedestrian safety.

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

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

Malcolm McKenzie, Atlantic College, St. Donats, Llantwit Major, Vale of Glamorgan, CF61 1WF.
Lattidue Architect & Designer, 13.2.2 The Leathermarket, West Street, London, SE1 3ER.

Atlantic College, St. Donats, Llantwit Major

Demolition of existing switchroom enclosure and construction of new student home, associated houseparents house and landscaping.

The application was advertised on 28th February, 2006.

SITE DESCRIPTION

The application site (Site A) relates to open space and an existing copse of trees and shrubs at the main entrance into Atlantic College, St. Donats. The site lies within the historic park and garden known as St. Donats Castle which is a Grade I Listed Building located approximately 300m to the west of the site.

The site lies within the open countryside and the Glamorgan Heritage Coast. The site is roughly square in shape and is approximately 3350m² in area. The site gently slopes to the south towards the coast and is currently vacant but was previously occupied by single storey student accommodation buildings that were demolished in 1991.

Atlantic College is one of ten United World Colleges which brings together students from all over the world at pre-University level and accommodates 340 resident students on a 150 acre site surrounding the Castle and the Heritage Coast footpath. There are currently seven student house buildings on campus.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to construct a three-storey student accommodation block at the entrance into the College to replace three existing student houses. Site A is the initial scheme and this will be followed up by a further application for 3 No. blocks on the site of the existing blocks that are suffering severe maintenance problems and are in need of replacement. Each one of the four blocks will accommodate 40 students.

The design of the new accommodation blocks was the subject of a two stage international competition that was held in 2004 and after winning the competition, the design team were appointed by Atlantic College to develop the design and submit a planning application. It is intended to construct the first student block on the vacant land adjacent to the main entrance into Atlantic College as part of a phased process for the re-development of the site. This would allow students to be decanted from the old accommodation blocks into site A before developing the existing blocks on Site B.

The main element of the scheme is a three-storey student accommodation block to the west of the plot. It is approximately 17.5m x 18.5m and includes an assistant house parent's two bed flat, disabled toilets, a plant room, shower rooms, a wet suit drying room, two study rooms, a lobby and a day room and kitchen at ground floor and a disabled bedroom (with four beds), four other bedrooms (with four beds), a laundry drying room and a shower room on each of the 1st and 2nd floors. The rooms are situated on the western and southern sides of the building to take advantage of the views across the adjoining field to the sea and are arranged around a central service core including a staircase and a lift. The 4-bed bedrooms have en-suites and can be sub-divided to appeal to the conference market. The bedrooms are gender segregated by floor.

In addition to the main building, a two-storey house parents building is proposed approximately 9.5m to the east of the main block. This has a mono-pitch roof and includes an integral garage, utility room, study, closet, entrance hall, kitchen and living dining room at ground floor and four bedrooms, a bathroom and en-suite at 1st floor. This house parents building is intended for one of the teachers in the College and their family. It is deliberately detached from the student's block but a covered walkway is proposed between the two. Both buildings are contemporary in design and are constructed of a mixture of clear glazing, timber panels and fins, natural stone walling, obscure and clear glass cladding and a zinc roof. The materials are arranged to form a stone walling podium to complement the lightweight structure above and the use of local materials is intended to integrate it into the setting.

Other alterations to the site include works to the existing service building/switchroom to the north of the building to integrate it into the scheme and to screen it from view, a stone wall from the road to the main entrance, hard and soft landscaped areas, new tree planting, the removal of a section of the hedgerow to the west of the main building to maximise views to the coast and external decking. The buildings have been re-sited further southwards to reduce its impact on views to and from the Heritage Coast and to take advantage of the gentle slope of the land.

PLANNING HISTORY

None since 1974.

CONSULTATIONS

St. Donats Community Council - Were consulted on 16th February, 2006.

"It is considered that the location of the project means that the finished building will intrude into the views to and from the 'South Wales Heritage Coast' Conservation Area."

The Head of Visible Services (Highway Development) - Was consulted on 16th February, 2006. "Further to the site inspection undertaken in relation to the above application, I would comment as follows:

It is considered that the proposed student house will be ancillary to the existing use at the college and will not increase existing traffic generation or demand for on site parking above the existing use based on the nature of students attending the college.

The “Houseparent” house associated with the student accommodation will require a level of parking in line with any other residential development. Under the development proposals, the applicant has stated that the 2 parking spaces will be provided. However, it is considered that 3 to 4 parking spaces can be provided which satisfies the Highway Authorities requirements. Therefore based on the information provided, the Highway Authority are unable to sustain an objection to the development proposals.”

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) – Was consulted on 16th February, 2006. No formal comments have been received to date.

The Design Commission for Wales were presented with the scheme on 7th December, 2005. A copy of their report is included as Appendix A to this report.

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted on 16th February, 2006. Her comments are as follows:

“Bats:

The proposals include the removal of a copse of trees. At least one tree is mature, of wide girth and ivy covered and may offer potential roost sites for bats.

- It is recommended that the developer 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.
- It is recommended that an assessment of the trees proposed for removal be conducted by a licensed bat surveyor to ascertain which have may potential bat use. A full bat survey of these trees should then be conducted by the licensed surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent. Should the development proposals affect the sub station building, it is recommended that this be included in the bat assessment /survey.

A lesser horseshoe breeding roost is present in the vicinity of the application site. The development proposals indicate removal of a length of hedge adjacent to the proposed new building to open up views of the channel. Lesser horseshoe bats are known to use linear features such as hedges as navigation features. The hedge proposed for removal is non-native but well managed, wide and continuous.

- It is recommended that an assessment of the potential for the hedge as a lesser horseshoe navigation flight line be conducted by the licensed bat surveyor to assess whether its removal is likely to have an impact on the favourable conservation status of the population.
- It is recommended that the Countryside Council for Wales (CCW) be consulted on this application and the results of the bat assessment / survey when received.

Trees:

- The proposals include the removal of a copse of trees, some of which are mature. It is therefore recommended that the Tree Officer be consulted on this application.
- The drawings in the Planning and Design Statement show new tree planting. It is recommended that tree planting be undertaken on the development site to compensate for trees lost through the development, and that native species, appropriate to the local ecology and of local provenance, be planted if possible.

Nesting Birds:

The vegetation proposed for removal on this application may potentially be used by nesting birds.

- It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- It is recommended that to comply with the law, a condition be included in any consent which states that vegetation clearance should be done outside the nesting season which is generally recognised to be from March to September inclusive, unless it can be demonstrated that nesting birds are absent."

Following the submission of a bat survey, the following additional comments were made:

"Since the flight lines of the lesser horseshoe bats was identified to be to the south west and outside the application site and the bat survey found no evidence of roosting bats, I consider that it is not necessary to consult CCW on the results of the bat survey.

I would recommend that recommendations 12.2, 12.3 and 12.4 made in the bat survey report be adhered to by the applicant as a precautionary measure.

Previous comments re: nesting birds and recommendations for compensatory tree planting, ideally ecologically appropriate, native and of local provenance still apply."

Dwr Cymru/Welsh Water – Were consulted on 16th February, 2006. “We advise that there are no public sewers in this area. It may be possible for the Developer to requisition sewers from Dwr Cymru/Welsh Water under Sections 98 to 101 of the Water Industry Act 1991.”

Environment Agency Wales – Were consulted on 16th February, 2006. “The Agency has no objection to the proposed development but wishes to make the following comments:

The sewerage undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development, without causing pollution. The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990.”

Glamorgan Gwent Archaeological Trust - Was consulted on 16th February, 2006. “The Regional Sites and Monuments Record curated by this Trust shows that Atlantic College utilised the original 12th Century castle, built on the site of an earlier ring work castle, as the centre of the College. Further buildings have been constructed around the grounds mainly away from the western part of the site where the church and earlier buildings are located. The application area itself is located on the site of a building that was demolished, close to the east lodge of the castle.

The record also notes that quantities of flint, including cores, waste flakes and finished artefacts have been found in the grounds and nearby fields, which appears to have been a pre-historic flint working site. It is possible that the ground disturbing work may locate further archaeological material.

As the site of the proposed development has been disturbed by the previous building, we therefore recommend that an archaeological watching brief is undertaken during the proposed development and to attach a condition requiring the applicant to appoint an archaeologist to conduct a watching brief during any ground works required for this development to any planning permission granted by your Members. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

We would suggest that the condition should be worded:

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

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

CADW – Was consulted on 16th February, 2006. “I can advise that there are no scheduled monuments or historic landscapes affected by this proposal. It does however lie within the historic park and garden known as “St. Donat’s Castle”, which is included as a Grade I in the register of Historic Parks and Gardens in Wales. I can confirm that CADW has no concerns to raise in respect of this application.”

REPRESENTATIONS

Neighbouring occupiers were notified on the 16th February, 2006 and the application was advertised on site and in the press on the 28th February, 2006. The occupier of the Old Vicarage has noted that existing staff and student residences are generally set within mature woodland and are thus well screened from near and afar by large trees. By contrast the new building will infill a much more open space and this will damage the vistas and views of the Bristol Channel and the Somerset hills beyond despite the proposed tree planting.

A copy of his e-mailed letter is attached as Appendix B to this report.

REPORT

The application seeks consent to construct a new student accommodation block as part of the first phase of the re-development of the existing student accommodation on the site.

The site lies within the open countryside and the Glamorgan Heritage Coast. The site is currently in use as informal open space as part of the College although it was previously occupied by a single storey student accommodation building until 1991.

The proposal can be assessed against Strategic Policies 1 and 2 (Sustainable Practices) and Policies ENV1 (Development in the Countryside), ENV5 (The Glamorgan Heritage Coast), ENV17 (The Protection of Built and Historic Environment) and ENV27 (The Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council’s approved Parking Guidelines, Planning Policy Wales (March 2002) and the Councils adopted Supplementary Planning Guidance Note on “Amenity Standards” (1999).

The main issues to consider relate to the design, location and scale of the proposed building and the impact of the building on the Glamorgan Heritage Coast and the Grade I Listed St. Donat’s Castle.

Policy ENV5 of the Unitary Development Plan states:

“THE SPECIAL ENVIRONMENTAL QUALITIES OF THE GLAMORGAN HERITAGE COAST WILL BE CONSERVED AND ENHANCED. WITH THE EXCEPTION OF LIMITED INFORMAL RECREATION FACILITIES AT CWM COLHUW, OGMORE-BY-SEA AND DUNRAVEN, THE REMAINDER OF THE AREA WILL BE TREATED AS A REMOTE ZONE WITH PRIORITY BEING GIVEN TO AGRICULTURE, LANDSCAPING AND NATURE CONSERVATION.”

The scheme has been the subject of a design competition and has been presented to the Design Commission for Wales. The proposal for site A, as well as the future replacement of the three existing units of accommodation to the north of the access road, has also been the subject of extensive pre-application discussions. Whilst this is the most contentious and prominent site, Site A forms the first phase of the overall development and is required to allow for the decanting and re-housing of students from the existing accommodation blocks before they in turn can be re-developed. The Design Commission for Wales would prefer the building to be positioned on or forward of the hedgerow separating this parcel of land with the adjacent upper park area of the site. However, in order to preserve the open and undeveloped nature of the adjoining field and to reduce the development's impact on the Heritage Coast, the building has been set back slightly into the site to the east and slightly down the slope to the south. The use of sustainable and local materials, the grading of the land and the use of the slope surrounding the building, the retention of mature trees around the site and implementation of additional soft landscaping will also help to reduce the impact of the building on the visual amenities of the area whilst at the same time maximising the views to the Bristol Channel.

In this respect, the proposal satisfies the criteria in Policy ENV27 (Design of New Developments) that states:

“PROPOSALS FOR NEW DEVELOPMENTS 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) RES 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 re-development of the student accommodation will eventually result in the removal of the sub-standard and dated accommodation currently used on this site. The site is approximately 300m to the east of the Castle and it is considered that the scheme will not affect the setting of the Grade I Listed Building. Whilst only two parking spaces are provided for the house parent's house (a garage and a parking space) it is considered that there is sufficient space on the grounds to accommodate more cars if required. Also, the students are pre-University age and the majority will not have access to a car.

A comprehensive bat survey has been carried out on site and as the flight lines of the lesser horseshoe bats were identified to be outside the application site and the bat survey found no evidence of roosting bats, it was considered that it was not necessary to consult the Countryside Council for Wales on the results of the bat survey. However, the bat surveyor has recommended that any tree felling should avoid the summer months and that, in the event that bats are encountered work should be stopped immediately and advice sought from the Countryside Council for Wales.

It is considered that the scheme complements the College, the surrounding natural landscape and the built environment and is a sustainable development that incorporates energy efficient materials and technology.

Having regard to the above, the following recommendation is made.

04464

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 P002 Rev A, P003 Rev A, P004 Rev A, P005 Rev A, P006 Rev A, P007 Rev A, P008 Rev A, P009 Rev A and P010 Rev A, received on 26th May, 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason

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

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

Reason:

To safeguard local visual amenities.

5. 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.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure for the satisfactory drainage of the site.

8. Samples of the materials to be used in the construction of the proposed student accommodation block and house parent's unit shall be submitted to and approved in writing with the Local Planning Authority prior to the commencement of development.

Reason:

To safeguard local visual amenities.

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

Reason:

To comply with the Wildlife and Countryside Act 1981.

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

Reason:

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

NOTE:

1. **You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**

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 & Mrs Sciubba, 37, Hillside Drive, Cowbridge, Vale of Glamorgan, CF71 7EA.
Lloyd Britton Architect, 111-117 Woodville Road, Cardiff, CF24 4DY

Land adjoining Church Farm, Ystradowen, Cowbridge

Erection of a dwelling house complete with a detached garage/store.

SITE DESCRIPTION

The site lies to the west of Church Farm on the edge of the village of Ystradowen.

DESCRIPTION OF DEVELOPMENT

This is a full planning application seeking to construct a dwelling on the site. The dwelling would comprise a two-storey property with a height of 8.9 metres to ridge. It would have a drawing room, dining room, study and kitchen/dining room to the ground floor, 4 bedrooms and 2 bathrooms to the first floor and 2 bedrooms and a bathroom within the attic space. The property would be finished in painted smooth render to the walls with brickwork plinths with the front façade to be in natural dressed stonework. The roof would be finished in slates.

It is also proposed to construct a detached outbuilding/garage to the north-eastern corner of the site adjacent to the neighbouring barn and the adjoining lane. The building would comprise a garage and carport together with a store above. The building would have a pitched roof with a maximum height of 5.4 metres to ridge. This building would be finished in render to the walls, with brickwork plinths, oak framing and stained oak cladding. The roof would be finished in slates.

PLANNING HISTORY

Outline planning permission (04/01447/OUT) was granted on 9th June, 2005 for the erection of one dwelling on the site at land adjoining Church Farm, Ystradowen.

A planning application (ref: 06/00643/FUL) was submitted on 23rd May, 2006 for a dwelling on the adjacent site at Church Farm, Ystradowen. No decision has been made to date on this application.

CONSULTATIONS

Penllyn Community Council - No objection but Members would prefer to see the proposed dwelling finished in stone to harmonise with the original Church Farm House and church.

The Head of Visible Services (Highway Development) – No objection subject to visibility splays of 2 metres by 60 metres, and adequate parking and turning areas. The access should be constructed in a bound material for the first 6 metres from the highway and gates should be set back 6 metres into the site.

Glamorgan Gwent Archaeological Trust – Recommends that a condition be attached requiring that an archaeological watching brief be carried out.

REPRESENTATIONS

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

REPORT

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The application has also been considered in the light of the Council's Supplementary Planning Guidance on Amenity Standards.

The site is situated within the settlement boundary of Ystradowen, as defined by the Unitary Development Plan. Policy HOUS2 of the Unitary Development Plan allows for housing infill within settlement boundaries subject to criteria listed in Policy HOUS8. The principle of constructing a house on the site has previously been accepted following the granting of outline planning consent.

Policy HOUS8 permits housing within or closely related to defined settlement boundaries provided that it meets certain criteria, including:

- The scale, form and character of the proposed development is sympathetic to the environs of the site.
- No unacceptable effect on the amenity and character of existing or neighbouring environments, by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion; and
- The provision of car parking and amenity space is in accordance with the Council's approved guidelines.

Concerns were expressed regarding the originally submitted plans, on the grounds that the proposed dwelling was considered to be over-scaled for its plot, and due to its height, scale and design, would be out of keeping with the character of the surrounding area. It was suggested to the applicant that in view of the site being located at an edge of village location with a strong rural character, the design and scale of the building should reflect this character.

In response, amended plans were submitted, which differ from the previous submission as follows:

- The dwelling would be 0.6 metres lower than that originally proposed, with a height to ridge of 8.3 metres. Dormers proposed on the front elevation of the dwelling have now been omitted from the revised plans. It is now also proposed to dress the front elevation of the property in natural stone, in an attempt to strengthen the relationship of the property with nearby buildings.
- The proposed chimney has been inset within the building.

- The proposed garage has been reduced in height by 0.6 metres to 5.4 metres. It has also been increased in length by 1.2 metres to 7.8 metres, in order to enclose a staircase. The previous proposal indicated an external staircase which had possible implications in terms of overlooking of the adjacent property.

It is considered that these revisions have overcome the original concerns on the scheme, with the design and scale of the property as revised being more rural in character.

It is considered that sufficient amenity space would be provided to serve the proposed dwelling, in accordance with the Council's Amenity Standards. The proposed means of access is as previously approved as part of the original outline planning permission.

Conclusion

The proposed dwelling, as revised is considered acceptable in terms of its design and scale and impact on neighbours. The proposed access, parking and amenity space arrangements are also acceptable, and so the proposal accords with Policy ENV 27 of the Unitary Development Plan and the Council's Amenity Standards.

4461

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 0215- P01 Rev A, P02 Rev B and P03 Rev B received on 22nd May 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the privacy of adjoining occupiers.

6. The first floor windows serving the bathroom and en-suite in the eastern side elevation 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 and shall thereafter be so maintained at all times.

Reason:

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

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

Reason:

To ensure an orderly form of development.

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 plans hereby approved 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.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

12. 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.

13. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area so that an archaeological watching 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.

NOTE:

1. **Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**

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.

Principles Ltd, Holts Building, No. 1 Dock, Barry, Vale of Glamorgan, CF62 5QS.
Principles Ltd, Holts Building, No. 1 Dock, Barry, Vale of Glamorgan, CF62 5QS.

The Old Coal Yard, Gaen Street, Barry

Change of use to A1 retail florist shop unit.

SITE DESCRIPTION

The application site relates to a former coal yard fronting a roundabout at the junction of Pontypridd Road, Gaen Street, Park Crescent and Jenner Road, in Barry. The access to the building is via Gaen Street, a terraced residential one-way street.

DESCRIPTION OF DEVELOPMENT

Following refusal of an application for the change of use of the whole site as a garden centre, this application now seeks to change the use of the building to a florist shop.

PLANNING HISTORY

05/00611/FUL - Change of use to garden centre. Refused 4th August, 2005 for the following reason:

- "1. The change of use to garden centre and florist has resulted in a significant increase in the intensity of the use of the site in relation to increased traffic generation, congestion and on-street parking which would compromise highway safety given the location of the site in close proximity to a major junction. As such the change of use is considered contrary to Policy SHOP12 (New retailing development outside district shopping centres) as set out in the adopted Vale of Glamorgan Unitary Development Plan 2005."

90/00789/OUT - 2 No. dwellings. Refused 4th September, 1990.

94/00780/FUL - Car sales. Refused 15th November, 1994. Enforcement appeal dismissed.

96/00403/FUL - Workshop and offices. Refused 28th June, 1996.

98/01241/FUL - Shop and offices above. Approved 17th June, 1999.

00/00195/FUL - Shop and office above. Withdrawn 17th May, 2000.

00/01297/FUL – Development of shop and ancillary offices. Approved 9th March, 2001.

CONSULTATIONS

Barry Town Council – Was consulted on the application and made the following comments:

"In view of the need to secure a more certain future for this prominently sited building its continued use for A1 retail use (florist) appears to be acceptable in principle:

1. Provided that the Highway Authority is fully satisfied with the proposal in terms of traffic generation/safety/circulation, parking, delivery of goods and the manoeuvring of vehicles.
2. Subject to the Local Planning Authority being satisfied that the proposal complies fully with Policy SHOP12 of the Vale of Glamorgan Unitary Development Plan and the imposition of conditions which would:
 - (a) Prevent the use of the building for uses associated with a garden centre.
 - (b) Restrict the area in which the external display of goods would be permitted so preventing the obstruction of the public footway and protecting pedestrian safety."

The Head of Visible Services (Highway Engineer) - Has made the following comments:

"Given the historic use of the application site (coal merchants) it is considered that the nature of traffic generated from the proposed florist shop would offer benefits in terms of highway safety with the removal of large goods vehicles operating from site and parking on the public highway close to the local infant and junior school. Furthermore, it is considered that visitors to the proposed florist shop would not significantly increase the traffic generation over the historic use at the site. Therefore, the Highway Authority is unable to sustain an objection to the proposed change of use to A1 Retail. However, in the event of diversification in relation to the garden centre on adjacent land (which is under the control of the applicant), the Highway Authority would raise an objection on grounds of highway safety particularly as the site is located in close proximity to a local infant and junior school."

REPRESENTATIONS

Neighbours were notified on 22nd February, 2005 and a site notice was also posted. To date no letters of representation have been received.

REPORT

Members of the Committee will recall that planning permission ref: 05/00611/FUL was refused at Planning Committee on 6th July, 2005 for the change of use to garden centre and florist. The principal reason for refusal was on the grounds of the significant increase in the intensity of the use of the site in relation to increased traffic generation, congestion and on-street parking.

The current application now only seeks planning permission for the continued use of the existing building as a florist. The forecourt area to the front of the building which was included in the original application is now excluded from the application site, although it is still within the same ownership. The forecourt area was previously used as the display area for the garden centre and whilst there are still plants being displayed on the site, this land is operated by a third party who, it has been advised, will be vacating the site.

By way of background prior to its most recent use, the site known as the old coal merchants has been vacant for some considerable time, although it was used intermittently with short term uses. Planning permission was granted under ref: 00/01297/FUL for the redevelopment of the site, with demolition of the existing building and the construction of a shop and ancillary offices. The scheme included the provision of six off street parking spaces in line with the parking guidelines.

The site is located to the north of Park Crescent on a main roundabout junction outside the defined local retail centre, where there is a general mix of residential and commercial /retail uses. As assessed in the previous application, the use of the site for a retail use is considered acceptable in principle. The use as a florists shop is considered to fall within an A1 use.

In policy terms, this application should be assessed against Policy SHOP12 which relates to new retailing development outside district shopping centres as set out in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. This policy states that proposals for new retail development outside existing town and district shopping centres will be permitted if all criteria are met. In the case of the assessment of this application the following criteria are considered relevant.

- (iv) The proposal is well located to public transport, the needs of the non-car traveller and the main road network.
- (v) The highway network is capable of accommodating the traffic generated by the proposal without an unacceptable adverse effect on traffic flows and patterns, safety, energy use or other emissions.
- (vi) Car parking and servicing facilities are in accordance with the Council's approved guidelines.

Further to the above criteria, consideration should also be given with regard to the impact of the use on adjacent neighbouring occupiers in terms of noise and disturbance, and secondly, the highway implications in terms of safety, parking and deliveries.

In relation to noise and disturbance on adjacent occupiers, no adverse comments were received from Environmental Health on the original application. Whilst no comments have been received to date from Environmental Health, given that the current application relates to a significant reduction in the intensity in the use of the site as a whole, the use is considered acceptable.

In relation to traffic generation, this was the principal concern in the previous application where a highway objection was raised. In relation to the current application the Head of Visible Services is of the opinion that the nature of traffic generated from the florist shop would offer benefits in terms of highway safety with the removal of large goods vehicles operating from site and parking on the public highway close to the local infant and junior school.

Furthermore, it is considered that visitors to the proposed florist shop would not significantly increase the traffic generation over the historic use at the site. Therefore the Highway Authority have concluded that they are unable to sustain an objection to the proposed change of use to A1 Retail. However, in the event of diversification in relation to the garden centre on adjacent land (which is under the control of the applicant), the Highway Authority would raise an objection on grounds of highway safety particularly as the site is located in close proximity to a local infant and junior school.

In view of the fact that the principal reason for refusal of the previous application has now been overcome and the fact that there is no objection to the principle of such a retail use at the site, the application is now considered to be in accordance with Policy SHOP 12 contained in the above referenced adopted plan. Therefore, subject to conditions preventing the use of the forecourt for any display area, the following recommendation is made.

4434

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The building shall be used only for the purpose(s) specified in the application and for no other purpose whatsoever, including any other purpose in Class A1 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site.

2. No storage or display or any products shall be permitted outside of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and to control the nature and intensity of the use of 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.

Mark Aston, Duffryn Lloff Barn, Tre-Dodridge, Cowbridge, Vale of Glamorgan. ,
CF71 7UL
Planabuild Limited, 56, Cardiff Road, Penygawsi, Llantrisant. , CF72 8DH

Pencyrn Barns, Ystradowen

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

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion and extension of two redundant outbuildings to provide for a two storey, four bedroom dwellinghouse. The proposal entails the following:

- (i) Construction of a two storey, pitched roof link extension, measuring approximately 7.3m x 5.1m to a ridge height of 5.1m, and finished externally with lime washed render on the north elevation and glazing on the south.
- (ii) Construction of a single storey, mono pitched roof extension on the north elevation of the long barn, measuring approximately 2m x 3.9m.
- (iii) Alterations and extension to the main fabric of the long barn including excavation and new build below existing ground levels; increase in eaves height with new build to walls, plus new roof; and new window and door openings.
- (iv) Provision of new floor and roof to the small barn.
- (v) Construction of a new vehicular access and driveway to the existing dwelling and proposed barn conversion through the adjacent agricultural field to the south. The works will entail the closing up of the existing entrance; a new 4.8m wide entrance onto the adopted highway with new hedgerows and vision splays; plus a new driveway to the existing Pencyrn Farmhouse approximately 50m in length with an 18m spur to the proposed barn conversion.

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

PLANNING HISTORY

None.

CONSULTATIONS

Penllyn Community Council - "Members have considered this application at length, having regard to the Supplementary Guidance applicable to 'barn conversions' and I have copied herewith their extensive comments.

Objection" - (Comments are reproduced at Appendix B for Committee Members inspection).

Environment Agency Wales – "The Environment Agency wishes that the following condition is included in any planning permission granted.

Condition: No part of the septic tank or private treatment system (including ancillary soakaway system) shall be sited within 10 metres of any watercourse, ditch or surface water feature nor within 50 metres of any water abstraction or well.

Reason: To prevent pollution of the water environment.

The following comments are for the attention of the developer:

Each dwelling should be served by a separate septic tank and soakaway system.

If the developer intends to discharge effluent from the septic tank/sewage treatment plant other than by a soakaway system, they must contact this Agency regarding the requirements for a discharge consent pursuant to the Water Resources Act 1991."

Dwr Cymru/Welsh Water – "Comment as follows:

Sewerage

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

We hope the above is satisfactory, however should you require further assistance please contact us."

Countryside Council for Wales - "Although the Countryside Council for Wales (CCW) has no records of bats or barn owls at the above barns, there is a significant chance that this type of structure can offer roosting opportunities for bats and nesting barn owls.

All British Bats and their roost sites are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c) Regulations 1994. Where a European protected species, (such as bats) is present, a development may only proceed under a licence issued by the Welsh Assembly Government, having satisfied three requirements set out in the legislation.

Barn owls are protected by their inclusion on Schedule 1 of the Wildlife and Countryside Act 1981 (see Annex 1).

Planning Guidance

Planning Policy Wales (March 2002) [section 5.5.11] states that ‘the presence of a species protected under European or UK legislation is a material consideration when a Local Planning Authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat’.

In addition the planning guidance states that [section 5.5.12] ‘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’. See Annex 1 for the three requirements.

Countryside Council for Wales – “We recommend that an assessment be made of the barn for bats and barn owls, prior to determination. Should any protected species be present, we recommend that the local authority attach appropriate conditions to any consent, which ensures the continued availability of appropriate roosting/nesting areas following the conversion.

Requesting that a survey is carried out and that appropriate conservation measures are provided prior to determination ensures that the plans considered take into account the needs of the species, and do not require amending at later stages.

We would like to be informed of progress made in the determination of this application. If you have any queries, or if you require any further information, please do not hesitate to contact us.”

The Director of Legal and Regulatory Services (Environmental Health) – Were notified on 1st March, 2006. No comments received to date.

REPRESENTATIONS

The occupiers of Pencyrn Farmhouse were notified on 1st March, 2006. In addition, the application was advertised on site and in the press as affecting a right of way on 8th March, 2006. No representations have been received to date.

REPORT

The site is located within the countryside to the west of Trerhyngyll and entails the conversion and extension of two former agricultural buildings to a four bedroom dwelling. The works also entail the provision of a new vehicular access and driveway. As such the following Policy background is relevant to the consideration of the application.

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

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

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING.
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS.
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALL, 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; AND
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

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

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

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

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

Whilst strategic Policy 8 states:

"Redevelopment will be favoured in locations which:

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

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

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

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

Policy ENV16 refers to Protected Species. This states:

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT THAT WOULD NOT CAUSE HARM TO OR THREATEN THE CONTINUED VIABILITY OF A PROTECTED SPECIES IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS;

- (ii) THERE IS NO SATISFACTORY ALTERNATIVE; AND
- (iii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

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

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

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

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

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

It is clear from the submitted plans and structural report that in contrast to the applicants agent's statement, in addition to the rebuild of the south elevation wall of the long barn, the proposal entails a significant amount of new build development, including the creation of a two storey building from the single long barn and a large scale link extension of the two detached buildings. In addition, the Council's Building Control Section have raised some issues relating to the condition of the structure to be converted as intended without significant structural work.

For these reasons, the proposal does not comply with criterion (iii) of Policy ENV8 which requires that the conversion work can be achieved without substantial reconstruction of the external walls, or extension to the building. The Council's SPG states that “Proposals which require the substantial reconstruction of the external walls or roof will not be permitted since the scheme will be tantamount to allowing new development in the open countryside which would otherwise be refused.

Criterion (iv) of Policy ENV8 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building. Whilst the applicant's agent claims that the “form, bulk and general design closely matches that of the existing building and is in keeping with the rural character of the location”, this is not the case. The extension proposed will completely disrupt the scale and appearance of the original buildings to the extent that the redevelopment will appear as a new dwelling within the countryside while the scheme also incorporates an unacceptable and insensitive amount of new openings. This will have a significant adverse impact on the rural character of the buildings themselves as well as their siting within the rural landscape of the Upper Thaw Valley Special Landscape Area.

In addition criterion (v) of ENV8 requires that amenity space for any residential conversion can be provided without undue incursion into the rural landscape, whilst criterion (vi) requires vehicular access to be provided without any unacceptable effect upon the appearance of the countryside. It is noted that the Council's Highways Engineer has requested additional information in order to assess the proposal, including parking and manoeuvring space and details of vision splays. In addition, the Council's Public Rights of Way Officer has confirmed that the proposal will affect the Public Right of Way No. 4 Llanblethian and will require a formal diversion should any consent be granted.

Notwithstanding this, it is considered that the creation of the new access will entail significant new development which will intrude into a currently undeveloped agricultural field. The submitted plans do not show that on site there is a difference in levels between the field and the adopted highway. What is clear however, is that the proposal will entail the loss of an extent of existing hedgerow and bank which is an important feature within the Upper Thaw Valley Special Landscape Area. Thus it is considered that the proposal will have a serious detrimental impact on the surrounding rural landscape.

Further information in respect of the loss of hedgerow has also been requested by the Council's Ecologist. In addition, both the Council's Ecologist and the Countryside Council for Wales have indicated that a full bat and barn owl survey of the buildings must be undertaken prior to any determination of the application. This has not been forthcoming to date.

On the issue of infrastructure, it is noted that the development cannot connect to the mains drainage, nevertheless there are no specific objections from with Dwr Cymru/Welsh Water or the Environment Agency.

In conclusion, it is considered that the proposal entails such a significant amount of new build development together with the unacceptable incursion into the landscape that it amounts to the creation of a new dwelling in the countryside unjustified for agricultural purposes. The appearance and rural character of the buildings themselves and the surrounding special landscape area would be severely diminished by the works. This would result in the unacceptable urbanisation of this countryside location which is also considered to be unsustainable. Whilst it is appreciated that the village of Trerhyngyll is nearby, nevertheless it currently has no facilities, such as a shop or public house, which would mitigate the need for any occupier of the proposed new dwelling to travel by private car.

In view of the above the following recommendation is made.

04459

RECOMMENDATION (W.R.)

REFUSE

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

Mr. J. Edmunds, Greenyard Farm, Coldbrook Road East, Argae Lane, Barry. ,
CF63 1BC
Osborne V Webb Partnership, 19, Castle Street, Cardiff, CF1 2BT , , ,

Greenyard Farm, Coldbrook Road East, Argae Lane, Barry

Proposed conversion of redundant farm buildings into 10 no. two person one bedroom self-catering holiday accommodation units

SITE DESCRIPTION

The site is occupied by existing redundant farm buildings which comprise part of a farmhouse and yard located in the countryside to the north east of Barry.

DESCRIPTION OF DEVELOPMENT

This is a resubmission following the withdrawal of a recent application, reference 05/00355/FUL, for the demolition of the existing buildings and replacement with new build holiday accommodation. The current application is presented as a conversion of the existing buildings to provide for 10 No. units of holiday accommodation.

The majority of the units indicate two bed spaces whilst unit No. 6 allows for three bed spaces. Twelve car-parking bays are shown to the front of the building. Vehicular access will be via the existing entrance off Argae Lane. This will be revised to provide improved visibility splays entailing the removal of an existing hedgerow, approximately 85m in length, and the planting of a new hedgerow.

The application is supported by a structural report along with a survey for wildlife.

PLANNING HISTORY

92/00329/FUL – Land adjoining site. Change of use to nine-hole golf course. Approved subject to conditions 21st July, 1992.

92/01256/FUL – Clubhouse to adjacent golf course. Approved subject to conditions 23rd February, 1993.

96/00339/FUL – Conversion of out-buildings to four dwellings. Refused 11th July, 1996 on grounds of being contrary to barn conversion policy and new dwellings in the countryside.

96/00994/FUL – Conversion of outbuildings to 2 No. dwellings. Refused 10th January, 1997 for the following reason:

The proposed development fails to meet the criterion of the Council's Policy for the Conversion of Rural Buildings and Policy ENV17 of the Vale of Glamorgan Local Plan (Deposit Draft) as amended 1995 and therefore falls to be considered as residential development in the open countryside. The development is considered to be contrary to local and national policies for the protection of the countryside including Policy H10 of the adopted County of South Glamorgan Structure Plan, Policy H1 of the approved East Vale Local Plan and Policy HOUS4 of the Vale of Glamorgan Local Plan (Deposit Draft) as amended, 1995.

A subsequent appeal was dismissed on 14th August, 1997. A copy of the appeal decision is reproduced at Appendix A.

96/01184/FUL - Stewards accommodation in Clubhouse. Approved subject to conditions 14th February, 1997.

99/00766/FUL – Extension to clubhouse. New driving range and extend golf course to 18 holes. Approved subject to conditions 21st October, 1999.

01/00319/FUL – Renewal of 96/01184/FUL for stewards accommodation. Approved subject to conditions 27th April, 2001.

05/00355/FUL – New build 10 No. two person one bedroom self-catering holiday accommodation units. Withdrawn 28th September, 2005.

CONSULTATIONS

Dinas Powys Community Council – “No objection subject to Highways Department being satisfied with matters regarding access and egress.”

Environment Agency Wales – “We have no objection in principle to the proposed development but wish to make the following comments:

We are not aware of any flooding problems associated with this site. Other sources, such as the Local Authority, may be able to provide information on issues such as localised flooding from drains, culvers and small watercourses.

The proposed development is located within Zone III of the Biglis Well Source Protection Zone and within the boundary of a former illegal landfill, known as ‘Gilbert Gardens’. In order to ensure protection of the groundwater Source Protection Zone and to prevent contamination of the water environment, we request that appropriately worded conditions are included in any planning permission granted to address the following matters:

- Should contaminated material be observed (visual or olfactory), which has not been identified previously, then the applicant must contact the Environment Agency and a site investigation should be undertaken to determine the nature and extent of contamination. In the event that contamination is confirmed, the applicant must liaise with the Environment Agency on measures to protect surface water and groundwater.

- Waste excavation material or building waste generated in the course of the development must be disposed of in a satisfactory manner and in accordance with Section 34 of the Environmental Protection Act 1990. Any company employed to transport waste from the site must be a registered waste carrier.
- Waste material imported onto the site must be registered with the Environment Agency as an exempt activity under the Waste Management Licencing Regulations 1994.
- No potentially contaminated materials shall be deposited on the site.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- A scheme for the disposal of foul and surface waters should be approved by the Local Planning Authority prior to any planning approval.
- Roofwater drainpipes should be connected to the drainage system either directly or by means of back inlet gullies provided with sealing plates instead of open gratings.
- The applicant should be aware that in accordance with Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for works within or on the banks of an ordinary watercourse. Such activities include the erection of any mill dam, weir or other obstruction to the flow of an ordinary watercourse; the raising or alteration of such an obstruction; the erection of a culvert that would be likely to affect the flow of any ordinary watercourse; the alteration of any culvert in a manner that would be likely to affect water flow. Any culverting of a watercourse also requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936. The Environment Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

Dwr Cymru/Welsh Water - Were notified on 10th March, 2006. No comments have been received to date.

Glamorgan Gwent Archaeologist Trust – Comment as follows:

“The farm complex at Greenyard is of post-medieval date, the outbuildings dating from the 19th Century with 20th Century alterations and additions and the Sites and Monuments Record contains no information suggesting that it was built on the site of a previous settlement nor does it suggest that any archaeological features are present in the vicinity of the farm. Therefore we have no objection to the positive determination of this application.

The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of this Trust. Nevertheless, as the archaeological advisers to your Members, we have no objection to the determination of this application.”

Countryside Council for Wales – “The Countryside Council for Wales (CCW) welcomes the provision of a bat and barn owl survey and of an amphibian survey. We note that no evidence of bats or barn owls using the buildings were found, and no further comments to make on this application.

Please note that we may not be aware of information that is held by other organisations or individuals and it is always possible for previously unrecorded features of nature conservation interest to be present. If any protected species are found to be present or potentially affected, we should be consulted again.”

The Director or Legal and Regulatory Services (Environmental Health – Pollution Section and Housing) - No Comments.

REPRESENTATIONS

The occupiers of Gilbert House were notified on 10th March, 2006. In addition the application was advertised on site and in the press on 21st March, 2006. No representations have been received to date.

REPORT

It will be noted from the planning history that an application was submitted last year for a new build development of 10 No. holiday units, ref: 05/00355/FUL. That application was itself similarly submitted as a proposal for conversion but following the Council's request for a full and detailed structural report on the buildings the applicants agent confirmed that following initial advice from an engineer, and the distinct possibility of structural problems, the application should be amended to a proposal for a new build. That application was scheduled to be reported to the Planning Committee on 28th September, 2005 with a recommendation for refusal but was withdrawn before determination. The current application has now been submitted for the conversion of the buildings and is supported by a structural report. The buildings are sited within the countryside to the east of Barry and as such the following policy background is relevant.

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV8 of the Unitary Development Plan refers to small scale rural conversions, this states:

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

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

Policy ENV10 relates to conservation of the countryside and states:

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

Policy ENV27 of the Unitary Development Plan relates to the Design of New Development and is criteria based Policy that requires new development must have full regard to the context of the local natural and built environment and its special features.

Policy HOUS3 of the Unitary Development Plan relates to dwellings in the countryside which are restricted to those that can be justified in the interests of agriculture and forestry.

Policy TOUR4 refers to caravan, chalet and tent sites and states:

FURTHER DEVELOPMENT OR EXPANSION OF STATIC AND TOURING CARAVAN SITES, CHALET AND TENT SITES IN THE COASTAL ZONE WILL NOT BE PERMITTED.

PROPOSALS FOR ADDITIONAL SITES OUTSIDE THE BOUNDARY OF THE GLAMORGAN HERITAGE COAST AND OTHER PARTS OF THE COASTAL ZONE WILL BE PERMITTED IF:

- (i) THE SCALE OF THE PROPOSAL OR ANY PROPOSED EXTENSION IS IN KEEPING WITH SURROUNDING USES.
- (ii) THE PROPOSAL DOES NOT UNACCEPTABLY AFFECT THE INTERESTS OF AGRICULTURE, CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE, LANDSCAPE OR ARCHAEOLOGICAL IMPORTANCE.
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT UPON THE AMENITY AND CHARACTER OF THE EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS, OR VISUAL INTRUSION.
- (iv) THE PROPOSAL MEETS HIGH STANDARDS OF LAYOUT, LANDSCAPING AND DESIGN AND HAS SAFE VEHICULAR ACCESS.
- (v) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE REASONABLY ACCESSIBLE, OR CAN BE READILY AND ECONOMICALLY PROVIDED.
- (vi) SUITABLE ACCESS IS PROVIDED FOR DISABLED PERSONS AND THOSE WITH IMPAIRED MOVEMENT.
- (vii) PARKING IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES: AND
- (viii) THE SITE IS NOT IN AN AREA WHERE THERE IS A RISK OF FLOODING.

IN THE CASE OF STATIC SITES ALL CARAVANS AND CHALETS MUST BE FINISHED IN SUITABLE COUNTRYSIDE COLOURS TO BE AGREED WITH THE LOCAL PLANNING AUTHORITY PRIOR TO THE COMMENCEMENT OF DEVELOPMENT. (THE BRITISH STANDARDS INSTITUTION DOCUMENT, REFERENCE PP6491 1980, SETS OUT THE PREFERRED RANGE OF BODY AND TRIM COLOURS FOR PERMANENT RESIDENTIAL AND HOLIDAY CARAVANS).

In addition to the above Policies the Council also has adopted Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG). The SPG expands on the criteria contained in Policy ENV8 of the Unitary Development Plan – Small Scale Rural Conversions.

National guidance is contained in Planning Policy Wales March 2002. In addition to recognising the importance of the National Heritage of Wales there is also guidance in relation to existing rural buildings. Paragraph 7.6.11 states:

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

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

The current application is submitted as a “conversion” of the existing buildings. It is clear, however, that evidence submitted in earlier applications, including 96/00994/FUL (see Appeal Decision at Appendix A), along with the information submitted with the current application, indicate that the existing buildings are not capable of conversion to residential use without significant new build works. The report submitted by the applicants’ Consulting Engineers, Blackburn Griffiths indicates:

“The timber elements of the roof and 2 storey section are of poor quality, and not of sufficient section or fixity to be contemplated as being incorporated into a current design of a domestic dwelling roof or floor, such that we would suggest that all timber elements are considered redundant for future use.”

The Council’s own Principal Building Control Officer also confirms that a substantial amount of demolition and rebuilding works would be required in order to successfully convert the existing structure. Thus the proposal would fail to comply with criterion (iii) of Policy ENV8 of the Unitary Development Plan which requires that the conversion work can be achieved without substantial reconstruction of the external walls or extension to the building. In addition, it is noted that the existing single storey buildings are a poor quality mix of blockwork and other materials. The Supplementary Planning Guidance recognises that there is no planning merit in preserving unsightly buildings.

Criterion (iv) of Policy ENV8 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building. It is noted that the plans submitted with the current application are identical to those submitted with the previous withdrawn scheme. Clearly then the development proposed will significantly alter the appearance of the original building such that it will be viewed as a new dwelling in the countryside. Therefore as with the previous application national guidance indicates that the restrictive controls over new house building in the countryside should apply in this case.

As with the previous application a tourism use is proposed. Policy TOUR4 of the Unitary Development Plan relates to caravan, chalet and tent sites and it is considered that the development proposed does not conform to the type of “temporary” accommodation envisaged by the Policy i.e. the proposed building cannot be described as a caravan, chalet or tent. Instead, it amounts to a significant ‘new build’ development in the countryside, which would have a distinctly domestic appearance far in excess of the size and scale of the existing dwellinghouse on the site. It would also generate a significant degree of activity, including parking and other domestic activities, which would unacceptably impact upon the countryside in this location. On that basis it is considered that the proposal is tantamount to the construction of new residential development in the countryside contrary to Policies HOUS3 and ENV1. Even assuming that the proposal could be said to comply with the type of accommodation referred to in Policy TOUR4 it is considered there is no evidence as to the long term viability of the venture or the need for such accommodation in this locality.

As regards further consideration of the likely impact of the proposal on the surrounding countryside it is noted that there is no change in circumstances from the earlier withdrawn application. The Council's Highway Engineer still requires substantial improvements to the visibility splays at the entrance. The creation of these splays will still result in the removal of over, 85m of existing hedgerow and the Council's Ecologist has maintained the earlier concerns to the loss of this hedgerow. This is on the grounds that the hedge contains a diverse woody species mix and is set on a bank with a substantial verge and a diverse ground flora mix. It is a well-established hedgerow that is likely to be pre enclosure and worthy of a hedgerow retention notice under the Hedgerow Regulations 1997. Without such highway "improvements", use of the existing access is unacceptable.

On the issue of existing infrastructure it is noted that Dwr Cymru/Welsh Water objected to the earlier withdrawn application on the grounds of prematurity but have not commented on the current application.

In conclusion, as with the previous application it is considered that the proposal amounts to new build residential development in the countryside that is not justified by any Policies within the Unitary Development Plan. The proposal will have a significant adverse impact on the rural character of the surrounding landscape and the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal would amount to the substantial reconstruction and alteration of the barn, and accordingly amounts to unjustified new build residential development in the countryside that would adversely affect the rural character of the barn and surrounding countryside. The proposal is therefore contrary to Policies ENV1, ENV8, ENV10, ENV11, ENV27, HOUS3 and TOUR4 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales March 2002.
2. The improvements required to accommodate the necessary visibility splays of 2.4m x 90m would result in the removal of a significant amount of roadside hedgerow, the loss of which would cause significant harm to the character and appearance of the countryside. The proposal is therefore contrary to Policy ENV11 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Mr. A. Mantell, 29, Llwyn Y Gog, Rhoose Point, Rhoose, Vale of Glamorgan. , CF62 3LS
C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. , CF63 4LA

29, Llwyn y Gog, Rhoose Point, Rhoose

Retention of decking

SITE DESCRIPTION

Number 29 Llwn y Gog, is a semi-detached house within the residential development of Rhoose Point. The property is of redbrick and tiled roof and neighbouring properties are of similar design and exterior finish. The property has a large sized garden (compared to its neighbours) which slopes and faces to the east and south towards some sloping open space and a linking footpath with the lower part of the Rhoose Point Development.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the retention of a decked area which extends out from the side elevation of the ground floor. The decking area measures approximately 14 metres in width, up to 1.7 metres in height (with railings above) and up to 8 metres in depth. French doors serve the deck. The railings are of a brown colour, matching the existing colour scheme of the property.

PLANNING HISTORY

None relevant.

CONSULTATIONS

None.

REPRESENTATIONS

Nos. 28 and 30 Llwyn y Gog, have been consulted and objections have been received from both properties which in the main relate to the overlooking caused by the decking and its obtrusive appearance.

REPORT

The decking may not have required planning permission in normal circumstances, however permitted development rights afforded by Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 have been removed by condition at the time of the original consent for the housing scheme.

In terms of the policy context, the application is considered to be contrary to the relevant policies within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as set out below.

Proposals for new development must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features.

Supplementary Planning Guidance on Amenity Standards

Policy 3

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

The positioning of windows, roof terraces and balconies, which allow a clear view of private rear garden areas, are not acceptable.

The decking is situated overlooking the private gardens of adjoining and surrounding properties at an elevated height. In light of the close physical relationship between adjoining dwellings, the decking is situated within an area in which the amenities of adjoining properties are adversely affected by its use, including clear views into neighbouring gardens and habitable rooms. The impact is exacerbated by the size and extent of the decking area, which is designed to allow its use for sitting out by occupants.

In addition the decking area is so large that it is readily visible from the surroundings properties and from public space and a footpath to the south. Its appearance is therefore considered to be detrimental to the appearance of the area in general. In view of these concerns, correspondence has been sent to both the applicant and agent, and met me on site to discuss possible compromises, mainly in relation to the overbearing impact the structure has on the neighbouring property considered to be most effected, No. 30 Llwyn y Gog. One solution offered was to reduce the width of the decking at its nearest point to No. 30, currently scaled as being some 3 metres off that party boundary, by cutting it back at least a further 2 or even 3 metres which, if done, would considerably reduce the issue of overlooking. However, having considered this, the applicant via his agent has subsequently written to confirm that he wishes the application to proceed as submitted.

Given that the development applied for is retrospective it is considered necessary to require formal enforcement action in respect of this unacceptable development.

In conclusion, it is considered that the proposal constitutes unjustified new development which will have a seriously detrimental impact on the amenity of neighbouring properties as well as the visual amenity of the property and area generally, contrary to the above policies and guidance.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

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

- (a) The demolition and removal of the decked area from the property.

REFUSE

1. By reason of its size, elevated position and close relationship with nearby dwellings, the proposal represents an unacceptable and inappropriate form of development which has an adverse affect on the amenity of adjoining properties and the appearance of the property when viewed from public space to the rear. The proposal would therefore be contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Policy 3 of Supplementary Planning Guidance on Amenity Standards.

Mr. Adrian Rowe, Maytrees, Cross Common Road, Dinas Powys, Vale of Glamorgan.
The Design Group Three, 53, Corporation Road, Grangetown, Cardiff. , CF11 7AI

Maytrees, Cross Common Road, Dinas Powys

Two storey side extension, alteration to roof and construction of roof dormers

SITE DESCRIPTION

The application site relates to an existing gabled one and a half storey bungalow, located at the junction of Cross Common Road and Longmeadow Drive in the settlement of Dinas Powys. The property appears to be interwar, with a pebble dash finish to the elevations and brown concrete interlocking rooftiles.

DESCRIPTION OF DEVELOPMENT

This application is for a two storey side extension, alteration to the roof and construction of dormers.

The two storey extension comprises a gabled extension on the front elevation of the dwelling in place of the existing front projecting gable and will extend 1 metre in length by an increased width of 2.2 metres. The gable extension will have an eaves height to match the existing eaves level and a ridge height of 6.3 metres, 0.5 metres above the existing ridge. A similar gable is proposed on the rear elevation although it will only increase the height of the wall plate and will not increase the footprint of the dwelling.

The proposal will provide an extended kitchen and dining room at ground floor and an additional bedroom with en-suite at first floor. The first floor accommodation will be served by a dormer on both the west and south facing roof planes.

The plans indicate that materials and finishes will match the existing dwelling.

PLANNING HISTORY

The site has not been subject to any previous planning applications.

CONSULTATIONS

Dinas Powys Community Council - Were consulted on the application and raised no objection.

REPRESENTATIONS

Neighbouring residential properties were consulted 30th March, 2006 and to date one letter of representation has been received from the occupier of Derlwyn located opposite the application dwelling. The letter raises an objection to the application on the grounds that the proposed upper windows would overlook the garden which is currently bounded by a high hedge and fence and the line of sight would also directly be into a bedroom and partly into the lounge.

REPORT

In terms of assessing this application for an extension to a domestic dwelling, the most relevant policy is Policy ENV27 – Design of New Developments contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011. This policy states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Furthermore, consideration should also be given to the policies and guidance set out in the adopted Amenity Standards Supplementary Planning Guidance and the South Wales Parking Guidelines.

The proposal will result in the creation of a 4 No. bedroom dwelling, where the Parking Guidelines would require the provision of 3 off-street spaces to serve such a dwelling. The existing dwelling has off street parking for two vehicles. However a parking layout for three vehicles is shown on the site plan. Therefore, subject to a condition requiring the third parking space being laid out, there is no objection to the application on parking grounds.

The dwelling is located in a prominent position at the junction of Cross Common Road and Longmeadow Drive. The neighbouring dwellings are of a mix of ages, styles and materials, where the majority are two storey dwellings. The nearest dwelling is No. 15 Cross Common Road, which is a dormer bungalow and is located at a higher level than the application dwelling.

In terms of impact on the amenity of No. 15, the proposed gable on the eastern (rear) elevation of the application dwelling will be above the covered over driveway of the adjacent dwelling and the gable only contains a small high level window which is shown to be obscured and serving the bathroom. Whilst the gable would be visible from the neighbouring property for the reasons given, it would not be overbearing or result in any loss of privacy.

The main element of the extension is the proposed gable extension on the south (front) facing elevation. Whilst the gable will increase the scale and massing of the front elevation, the extended dwelling will still retain its character as a bungalow and given the mix of dwellings within the area would not appear incongruous in the street scene. In terms of overlooking, it is noted that the occupiers of Derlwyn have objected on the grounds of loss of privacy as a result of the habitable windows at first floor level. Whilst the scheme does indicate habitable windows in the front facing gable and the provision of dormers, the extended dwelling would be some 30 metres from the habitable windows of Derlwyn and some 20 metres at its nearest from the front garden of the opposing property. Furthermore Derlwyn is only served by windows at ground floor level facing the application dwelling. Therefore given the viewing distance and the mature 2 metre high hedge and mature trees screening Derlwyn, it is not considered that the level of privacy of the occupiers of the dwelling would be impacted upon.

The extension will result in the loss of some amenity space to the front of the dwelling, however the remaining level of amenity is usable and would satisfy the Council's standards in respect of amenity space for the extended dwelling.

In view of the above, an approval is recommended subject to materials and finishes matching the existing dwelling.

004405

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on A03 and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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

Reason:

To safeguard the privacy of adjoining occupiers.

NOTE:

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

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

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

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

Dir. of Community Services, Dock Office, Barry, Vale of Glamorgan. , CF63 4RT
Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry.
CF63 4RU , ,

45/47, Holton Road, Barry

Conversion of existing furniture/charity shop to office accommodation and sale of community safety equipment

SITE DESCRIPTION

The site relates to an existing A1 furniture shop located on the fringes of the primary shopping area along Holton Road, opposite the junction with Thompson Street.

DESCRIPTION OF DEVELOPMENT

The development relates to a change of use to include an element of A2 use to the existing A1 use of the site. There are minor internal alterations and no proposed change to the shop frontage or signage.

PLANNING HISTORY

None.

CONSULTATIONS

Barry Town Council – Were consulted on 23rd March, 2006. No objection subject to the local authority being satisfied that the arrangements can be made for associated car parking and the provision and maintenance of an appropriate window display.

The Director of Legal and Regulatory Services (Environmental Health) – Were consulted on 23rd March, 20. No comments have been received to date.

REPRESENTATIONS

Holton Road properties have been notified and a site notice was posted on 2nd May, 2006. No representations have been received to date.

REPORT

The proposal lies outside the designated primary shopping area for Holton Road, Barry. With regard to the proposed use, it is considered that the main policies that relate to the proposed development are ENV27 - Design of New Developments; and SHOP2 - New and Improved Shopping Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The proposed change is to A1/A2 accommodation, which, in principle, is considered an acceptable change of use, as there are no clear policy objections to the proposed use.

The plans do not show any major material changes to the external appearance of the existing building and the only difference relates to internal alterations and a permanent locking of one of the entrance doors. These changes are considered to be acceptable in planning terms and the proposal will have no detrimental impact upon the amenity or character of the existing area or cause further exacerbation to the situation with regard to parking or highway safety along Holton Road. Although there is an estimated 12-14 staff for the proposed community equipment sales office it has been noted that there is a public car park within a short distance of the development site, and the general area is well served by public transport including buses and taxis. Consequently, any increase in demand for servicing vehicles to the site will have little or no impact on the adjacent highway, based on the existing use at the site.

As such it is considered that the change of use complies with the criteria found in both ENV27- Design of New Developments; and SHOP2- New and Improved Shopping Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

Therefore, the recommendation is for approval.

04386

RECOMMENDATION

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

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

Reason:

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

NOTE:

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

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

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

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

Vale of Glamorgan Council, The Dock Office, Barry Docks, Barry, Vale of Glamorgan. , CF63 4RT
John Dent, Major Projects Manager, Docks Office, Barry Docks, Barry. , CF63 4RT , ,

Land situated between main line and the car park serving the Morrisons store, Barry Waterfront

Provision of pre-fabricated platform and associated loop and ramp to serve the Barry Steam Railway Line at this location in support of planning approval 01/00579/REG3 (Minute No. 1117)

SITE DESCRIPTION

The application site comprises an area of undeveloped land located between the main railway line and Morrisons retail store on the Waterfront.

DESCRIPTION OF DEVELOPMENT

The proposal entails the provision of a pre-fabricated platform with associated loop and ramp which will serve the Barry Steam Railway line. Planning permission has already been granted for the extension of the Steam Railway line in this location under ref: 01/00597/REG3. The proposed steel platform and ramp, measuring approximately 3.5m x 90m and to an overall height of 2.38 metres will be installed alongside the Morrisons car park where a set of access gates already exist. The Council is currently in discussion with Morrisons Estates Group to allow users of the steam railway to park in the Morrisons car park. The Vale of Glamorgan Railway Company will run steam trains to this location as part of the current programme of events but with possible additional weekend provisions during the tourist season, which could attract an additional 3000 visitors to the steam railway.

PLANNING HISTORY

01/00579/REG3 – Extension of steam railway line (including current application site). Approved 7th February, 2002 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.
2. This permission shall relate to the amended track layout shown on Drawing No. C10036/SW-BD/109 (A), received on 3rd December, 2001.
3. Notwithstanding the submitted plans, full details of the means of construction of the proposed platform and any ancillary buildings, the layout and surfacing of the car park and access to the site shall be submitted in writing to and approved by the Local Planning Authority prior to the commencement of development.
4. The parking scheme approved under Condition No. 2 above shall make adequate provision for disabled and cycle parking.

5. Without the prior written approval of the Local Planning Authority, no train or locomotive movements shall take place outside the hours of 10.00 a.m. to 6.00 p.m. on any day.
6. Notwithstanding the submitted details, no steam locomotive shall proceed east of the point marked 'A' on the plan attached to this permission until a scheme for their operation has been submitted in writing to and approved by the Local Planning Authority. The approved scheme shall demonstrate that nuisance will not be caused to nearby occupiers by virtue of fumes or particulate emissions.
7. Steam whistles shall not be sounded at any time except as may be required for health and safety and railway operational reasons.

00/00537/REG3 – New food superstore with associated parking. Approved 5th October, 2000 subject to conditions including details of enclosure; full engineering details and layout of site access, and internal roundabout, and cycle parking.

CONSULTATIONS

Barry Town Council – “No objection subject to:

1. A successful conclusion to the negotiations for the use of Morrisons car park for steam railway patrons particularly on “events” days.
2. The Local Planning Authority being satisfied with the finish and colouring of the platform.”

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

Network Rail – Comment as follows:

“Thank you for your letter, and enclosures, of 11th April, 2006 together with an opportunity to comment on this proposal. It would appear from the application plan that land in Network Rail ownership has been included in the application site but I am not aware of any negotiations at present to use this land and the Company will not allow any development to take place without such negotiations taking place.

Whilst there are no objections in principle to the proposed development I set out below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

1. FENCING

This development will create a trespass and vandalism risk on to the railway. In the interests of promoting public safety, it is recommended that a 1.8 metre high trespass resistant fence be erected parallel to, but separate from the railway fence.

2. DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interests of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

3. SAFETY

No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land.

In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land.

4. GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

5. SUPPORT

The developers should ensure that their proposals do not cause surcharging or cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use.

6. LIGHTING

Should the development include proposals for external lighting, I must point out that this may conflict with Network Rail's signalling system. The developers should be required to obtain Network Rail's approval of their detailed proposals.

7. LANDSCAPING

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval."

Health and Safety Executive – Comment as follows:

"Unfortunately the proposed development does not appear to meet the agreed consultation criteria, therefore I am unable to advise on the suitability, or not, of the proposed development and am returning the papers to you."

The Director or Legal and Regulatory Services (Environmental Health – Pollution) Section – No comment.

REPRESENTATIONS

The application was advertised on site on 24th April, 2006. In addition Morrison were notified on 11th April, 2006. No representations have been received to date.

REPORT

The adopted development plan is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The site lies within the defined residential settlement boundary for Barry and within the Waterfront, an area of comprehensive redevelopment.

Policy TOUR5 of the Unitary Development Plan relates to Non-Residential Tourist Attractions and states:

PROPOSALS FOR NON-RESIDENTIAL TOURIST ATTRACTIONS WITHIN THE PLAN AREA WILL BE PERMITTED IF:

- (i) THE SCALE OF THE PROPOSAL OR ANY PROPOSED EXTENSION IS IN KEEPING WITH SURROUNDING USES.
- (ii) THE PROPOSAL DOES NOT UNACCEPTABLY AFFECT THE INTERESTS OF AGRICULTURE, CONSERVATION, AREAS OF ECOLOGICAL WILDLIFE, LANDSCAPE OR ARCHAEOLOGICAL IMPORTANCE.
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT UPON THE AMENITY AND CHARACTER OF THE EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS, OR VISUAL INTRUSION.
- (iv) THE PROPOSAL MEETS HIGH STANDARDS OF LAYOUT, LANDSCAPING AND DESIGN AND HAS SAFE VEHICULAR ACCESS.
- (v) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE REASONABLY ACCESSIBLE, OR CAN BE READILY AND ECONOMICALLY PROVIDED.
- (vi) SUITABLE ACCESS IS PROVIDED FOR DISABLED PERSONS AND THOSE WITH IMPAIRED MOVEMENT; AND
- (vii) PARKING IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.

Policy ENV27 relates to the Design of New Development and states:

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES.
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING.
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT.
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS.

- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES.
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES.
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY.
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

In addition the Council has adopted Supplementary Planning Guidance “Barry Development Guidelines”. This seeks to guide the regeneration of urban areas to improve the environmental quality with particular attention given to derelict or degraded land such as Barry Docks. The Waterfront is identified as an Area of Special Identity with development and design objectives that include the establishment of the Waterfront as a social and leisure focal point for the Town; and to provide a link between Barry’s heritage and a vision for the future in development form and design.

National guidance is contained within Planning Policy Wales March 2002 and TAN13 – Tourism.

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

The planning history identifies that consent has already been granted for the extension of the Vale of Glamorgan Steam Railway line in this location. Planning consent ref: 01/00579/REG3 was approved on 7th February, 2002 subject to a number of conditions. Details have currently been submitted in discharge those conditions and a separate report is presented to Committee on these issues.

It will be noted from the consultation responses that the only objection to the scheme has come from the Council’s Highway Engineer. This is on the following grounds:

1. Pedestrian access to the site from the adopted highway via the Morrisons car park is considered unacceptable, as there are no dedicated footpath links segregating vehicles and pedestrians within the car park, which would be detrimental to pedestrian safety.
2. In order that access to the site can be achieved an agreement with the operator (Morrisons Estates) will be required. While it is possible than an agreement can be entered into at this stage, if a different operator occupies the site, any agreement may be terminated or deemed invalid and access to the development site could be prevented.

However, if a dedicated footway link from the adopted highway were provided to safeguard pedestrian access to the development site, the Highway Authority would be unable to sustain an objection to the development proposals provided the link is constructed to mobility/adoptable standards.

It is considered that the requirement to provide a new dedicated adoptable footpath is both unlikely to be achievable and unreasonable. The Steam Railway is a tourist facility that will attract mostly seasonal use. The Steam Railway is an existing and important tourist attraction to the Town which satisfies all of the other criteria of the planning policies and brings many of the benefits sought in the Supplementary Planning Guidance. It is noted that an agreement on the access and parking is being worked up with Morrisons and that both they and the Council will have ultimate control over the operation of the platform. Should it prove problematic in reality then measures can be taken to resolve any issues in the future. Notwithstanding this there is the possibility of re-positioning the platform further to the east, to the rear of Morrisons' building which would allow for a new access through the existing railings which could be directly onto the existing paved forecourt of the superstore. Further consideration of this could be required by way of a condition.

Thus it is considered that the benefit of the proposed development outweigh the highway concerns and the following recommendation is made.

04456

RECOMMENDATION

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

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

Reason:

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

2. Notwithstanding the submitted plans, further details of the precise siting of the platform and pedestrian access to the Morrisons' site shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. The development shall be implemented thereafter in accordance with the agreed scheme.

Reason:

To ensure the optimum pedestrian access to the platform is achieved in the interest of highway safety.

NOTE:

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

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

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

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

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

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

Land adjacent to Rhoose Transport Interchange, Rhoose Point

Construction of new footpath

SITE DESCRIPTION

The application site is located on the western side of the recently constructed roundabout which serves the recently opened Rhoose Transport Interchange, located at the north western corner of the Rhoose Point Development site.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Operational Manager for Planning and Transportation Policy for the construction of a new footpath.

The proposed footpath is 1.8 metres wide and some 50 metres in length and will provide a direct link from the pavement to the south of the bus shelter and will follow the line of Public Footpath No.1 Penmark. The construction of the new footpath along the line of the Public Right of Way will reinstate a route over an easier gradient (maximum gradient of 1 in 8), than that followed by the new route created by the Diversion Order. The proposed works to reinstate the line of the footpath will require cutting and filling. The proposed new footpath will be finished in black top.

PLANNING HISTORY

93/01186/OUT – Outline planning permission was granted for 500 No. dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, 9 hole golf course, club house, open space, playing fields, new access road etc on 27th March, 1996.

01/01184/FUL – Full planning permission was granted for the construction of a new operational railway station at Station Road, Rhoose on 14th January, 2002.

02/01515/FUL – Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23rd October, 2003.

04/01809/FUL – 3 No. storey commercial and residential mixed use development on land adjacent to the application site. Application not yet determined.

05/00459/REG3 – New Transport Interchange in association with new railway Station. Approved 9th June, 2005 subject to conditions.

CONSULTATIONS

Dwr Cymru/Welsh Water - Were consulted on the application and have requested that a condition and advisory note be included in the granting of any planning permission whereby no land drainage run off is permitted either directly or indirectly, to discharge into the public sewerage system in order to prevent hydraulic overload of the public sewerage system. They also state that the proposed development is crossed by a public sewer and that no part of the building will be permitted within 3 metres of the centreline of the 375mm combined overflow and within 4.5 metres either side of the 900mm public surface water sewer; in order to protect the integrity of the public sewer and to avoid damage thereto.

Environment Agency Wales - Were consulted on the application and have no adverse comments to make. However they have stated that there is an ordinary watercourse indicated on the map of the area of proposed work, and have made the following comments:

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

Network Rail – Were consulted on the application and responded with no objection, comments or conditions.

REPRESENTATIONS

Site notices were posted and the application was also advertised as affecting a public footpath. To date several letters of representation have been received, however these relate to procedural issues in relation to the removal of the site notices. Both sites notices were subsequently reinstated.

REPORT

Committee Members will be aware that a planning application for a new Transport Interchange in association with new railway station at Rhoose was approved at Planning Committee on 8th June, 2005. That proposal formed the final element of the Council's ambition to implement the re-opening of the Vale of Glamorgan railway line for passenger services.

By way of background, a diversion of Public Footpath No.1 Penmark was subsequently approved at the Planning Committee on 6th July, 2005 to enable the construction of the transport interchange to take place and to divert part of the line of the existing public footpath. A Diversion Order has been made, but objections to that Order have been received. Consequently the matter is in the hands of the Welsh Assembly Government who have passed it to the Planning Inspectorate to decide whether or not it should be confirmed by Public Inquiry or otherwise.

Now that the roundabout has been constructed, it has become clear that the original line of the path can be retained, and access along it improved by some associated works, notwithstanding the fact that the diverted footpath has already been constructed.

The construction of the new footpath along the line of the public right of way will reinstate a route over an easier gradient than that followed by the new route created by the Diversion Order. The gradient of the new route was one of the objections to the diversion, and has also been the subject of some discussion generally since its construction. The carrying out of the proposal will therefore remove the need for part of the existing Diversion Order.

It should be noted that the Diversion Order related to a greater length of public right of way included in this current proposal, and extends to the north where it goes over the railway level crossing. The intention of the Diversion Order at this point was to move the path from an undefined point on the crossing to a defined section on its edge at the request of Network Rail.

Withdrawal of consent for the Order will effectively restore this section of path to its original route along with the rest of the length of the path, and issues raised by this will need to be addressed separately.

In terms of the impact of the physical works to reinstate the line of the footpath, the works include cutting and filling although the footpath will be generally cut into the existing landscaped bank. The works proposed will not have any adverse impact on the existing landscaping around the roundabout.

It should also be noted the reinstated line of the public footpath will have a reduced gradient than the existing diverted route and thus will facilitate improved disabled access and better access for all users in line with Policies ENV28 (Access for disabled people), Policy TRAN3 (Rail Development) and TRAN 4 (Interchanges at Rail Stations) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

In conclusion, this application seeks to reinstate the line of the existing public footpath (Public Footpath No. 1 Penmark) and as such if this application is approved there will be no requirement for the existing public footpath diversion. Therefore the following recommendation is made.

04425

RECOMMENDATION

Should Members of the Committee resolve to grant planning permission, it is recommended that they also resolve to withdraw the consent for the Footpath Diversion Order in order to restore this section of path to its original route along with the rest of the length of the path.

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

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

Reason:

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

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

Reason

To ensure that visual amenities of the area are safeguarded.

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

Reason:

To safeguard local visual amenities.

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

Reason:

To ensure satisfactory maintenance of the landscaped area.

NOTE:

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

- 2. Dwr Cymru/Welsh Water have stated that no land drainage run off is permitted either directly or indirectly, to discharge into the public sewerage system, in order to prevent hydraulic overload of the public sewerage system. The proposed development is crossed by a public sewer and that no part of the building will be permitted within 3 metres of the centreline of the 375mm combined overflow and within 4.5 metres either side of the 900mm public surface water sewer; in order to protect the integrity of the public sewer and to avoid damage thereto.**

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

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

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

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

Vale of Glamorgan Council, (Education & Property), Civic Office, Holton Road,
Barry. , CF63 2JS
James & Nicholas LLP, Grove House, Grove Place, Port Talbot. , SA13 1XA

Cadoxton Primary Junior School/Victoria Park School, Cadoxton, Barry

Provision of a link building between the Infants and Juniors incorporating a staff room and toilets

SITE DESCRIPTION

The application site comprises the Cadoxton County Infants and Junior School, which is accessed via Victoria Park Road. Both buildings, which are adjacent to each other, are Victorian in style and design. External features are made up of red brickwork, and light stonework. The buildings also consist of slate roof tiles and UPVC doors and windows. There is no on-site parking available as the site merely consists of classrooms and large playground areas.

DESCRIPTION OF DEVELOPMENT

This application seeks permission for a single storey extension to the front elevation of the school, where it will link the Infants school to the Junior School.

PLANNING HISTORY

05/01734/REG3 – Retention of a metal storage container to store play equipment to be used by Key 1 Stage Children. Approved 15th December, 2005.

03/01167/REG3 – Construction of sports hall with changing facilities and alterations to existing car parking. Approved 10th November, 2004.

92/00084/OBS – Proposed extensions and alterations to the Junior School. No comments from the Vale of Glamorgan Council 13th March, 1993.

91/00475/OBS – Demolition and re-instatement of elevation and re-roofing. Withdrawn 29th May, 1991.

CONSULTATIONS

Barry Town Council - Were consulted on 19th April, 2006. No objection, subject to the external finishes matching those of the existing building.

REPRESENTATIONS

A site notice was displayed on the 19th April, 2006. To date, no letters of representation have been received.

REPORT

The application site comprises two Victorian buildings known as Cadoxton Infant and Junior Schools, which are accessed through Victoria Park Road.

This is an application under Regulation 3 of the Town and Country Planning General Regulations 1992. The proposal is to erect a link from the Infants to the Junior School, which in turn would provide additional room for a staff room and toilet facilities.

The extension will project further forward than the existing buildings, however, this is not considered unacceptable within the site. The site is of sufficient size to accommodate a single storey extension to the front elevation. It is not adjacent to any properties, and should therefore not impact on the privacy of surrounding residential occupiers. Both the Infants and Junior Schools are adjacent to a large open park to the front and open land to the rear, rather than being near to residential properties.

As the extension will not impact upon the surrounding visual amenity, due to its setback location, and on the basis that the proposed materials will match those already existing, there are no justified reasons to refuse this proposal. The application should therefore be approved, as it will not cause demonstrable harm within the locality.

04429

RECOMMENDATION

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

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

Reason:

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

2. Notwithstanding the submitted plans, the proposed materials shall match those already existing on the building, and shall remain thereafter at all times.

Reason:

To ensure the visual amenity of the area is protected.

NOTE:

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

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

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

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

Mr. D. Griffiths, c/o Peterston S Ely Primary, Peterston Super Ely, Vale of Glamorgan. , CF5 6LP
Mark Haynes, Learning & Development Dir., Civic Offices, Barry, Vale of Glamorgan , CF63 4RU

Peterston Super Ely Church in Wales School, Heol Llanbedr, Peterston Super Ely

Metal storage container on the car park (Minute No. 1979, May 2002)

SITE DESCRIPTION

The site of the proposal is a small infants and nursery school in a predominantly residential area in the heart of Peterson Super Ely. The grounds are extensive with larger playing fields surrounding the school and ample parking to the front and side of the main building.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for a metal storage container on the existing car park of the site. The metal storage container will take up one parking space and measures 6m x 2.4m wide and 2.4m high.

PLANNING HISTORY

03/00943/REG3 - Rear extension to existing primary school. Approved 19th September, 2003.

03/00191/REG3 - Erection of demountable nursery classroom unit. Approved 19th September, 2003.

00/01017/REG3 - Single storey demountable classroom. Approved 20th November, 2000.

CONSULTATIONS

Peterston Super Ely Community Council - No comments have been received to date.

The Head of Visible Services (Highway Development) – No objection.

REPRESENTATIONS

Local residents have been notified and a site notice posted, but no representations have been received to date.

REPORT

The application site relates to a small local primary school located within a predominantly residential area. The school has sufficient provision for parking and large open playing fields surround the modest school building. The most relevant history to the site relates to two 2003 applications seeking permission for an extension to the main school and erection of a demountable nursery classroom unit on the existing grounds. The application for the new storage container will be assessed under Policy ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The proposed metal storage container will be a quite substantial container, being 6m in depth and 2.5 metre wide. It will be situated on the existing car park to the front side of the site in view from the site access/entrance. Accordingly, it is considered that there will be some visual impact on the existing visual amenities of the school.

However, given the fact that the school is not located in a prominent position, the impact is not significant enough to warrant a refusal but it would not be sensible to allow a permanent siting of the container and therefore a condition should be imposed on any consent for a temporary 3 year period only. This will allow the Local Planning Authority time to assess the impact of the container on the visual amenities of the existing school and the surrounding residential area without committing to the development as a long term feature.

The only other concern relating to the application was the location of the storage container on the existing car park and the subsequent loss of parking provision. The Headteacher has confirmed that two additional parking spaces and a bus bay were added to the car park approximately two years ago, over and above the provision of two additional spaces as required for the nursery development. They are therefore confident that all staff and visitor cars will continue to park on the school site after the delivery of the container. In addition, the Council's Highway Engineers have commented that the loss of the one parking space would not warrant an objection from them as the school can still sustain the traffic associated with the site even with the loss of one space.

As such, subject to the following conditions, the recommendation is for approval.

4453

RECOMMENDATION

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

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

Reason:

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

2. This permission shall be granted for a temporary period only, expiring three years from the date of this consent and the unit shall be completely removed on or before that date unless a formal consent for its retention has been granted by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to assess the impact of the proposed industrial container on the visual amenities of the site proposal.

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.