

Planning Committee Meeting 14th June 2007

2004/01822/FUL Received on 9 November 2004

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

Pancross Farm, Llancarfan

2 no. water silos including access track

SITE DESCRIPTION

Pancross Farm is an extensive farm complex of buildings located on high ground above and immediately to the south-west of Llancarfan village.

DESCRIPTION OF DEVELOPMENT

This application was first made back November 2004 and originally sought to retain 2 vertical water silos, 2 x supporting pump rooms, a settlement tank, a vertical muck separator and some 300mts of hard-surfaced track. This was later amended to also include an existing and additional water tank, a fuel tank, pump chamber and a control room building, all previously not shown. All built structures are designed to serve what is described as a composite flush wash system.

PLANNING HISTORY

06/01035/FUL - Retention of residential caravan. Approved 26 September 2006.

05/01268/FUL - Retention of residential caravan. Refused 11 January 2006.

05/01267/FUL - Retention of slurry lagoon. Undetermined.

02/00749/FUL - Cattle sheds and milking parlour. Approved 6 July 2002.

Various other applications for agricultural buildings.

CONSULTATIONS

Llancarfan Community Council in their comprehensive reply, cover a number of issues, which in brief, are as follows :

- (i) In supporting the original application for the milking sheds (ref: 02/00749/FUL) they were unaware of the proposed use of a pioneering, flush wash system to clean the sheds.

- (ii) The flush wash system is responsible for serious odour problems in the village (resulting in an Abatement Notice being served) and this has been further compounded by a number of discharges of dirty water/slurry from the site onto and down Pancross Hill and into the village.
- (iii) Concerns are also expressed over the suitability of the retained track and its access point onto the highway, which may be insufficient to allow for the turning movements of the larger type of vehicles attending the site. Visibility splays are poor in both directions.

Environment Agency (Wales) after initially only replying with a standard informative, on further consultation, confirmed that they were aware of the flush wash system and an instance of contamination of a local water course due to system failure. As a consequence, the applicant should take all necessary measures to ensure that there is no future possibility of contaminated water entering controlled waters.

With regard to the discharge of surface water, they confirm there are currently no surface water restrictions into the Nant Llancarfan.

The Head of Economic Development and Leisure (Public Rights of Way Officer) has been consulted. No comments have been received.

The Head of Visible Services (Engineering and Procurement) have no adverse comments to make as the matters applied for are considered outside that sections remit. However in regard to surface water run-off (from the milking parlour sheds), the applicant should consider the need to control outflows to greenfield run-off levels. It would appear that the applicant has not done so.

The Director of Legal, Public Property and Housing Services (Environmental Health Officer (Pollution Control)) on the basis of having pursued their own actions, the result of numerous complaints received by that division, resulting in an Abatement Notice being served upon the applicant (circa April 2005 and again in January 2006) requiring the cessation of the use of the flush wash system, whilst not objecting to the structures themselves, in view of the problematic flush wash system, they advise the application should be refused.

REPRESENTATIONS

Planning Policies

This application is being assessed in regard to Policy ENV29 : Protection of Environmental Quality of the Vale of Glamorgan Adopted Unitary Development Plan 1999-2011.

As a result of posting a site notice and the direct consultation of adjoining properties, but also because of the local problems already being experienced in the village of Llancarfan prior to the submission of this application, over 35 letters, e-mails and faxes of representation have been received, all with the exception of one, objecting to the proposals. In brief, the comments made can be summarised as follows :

- (i) The use of the flush wash system has resulted in the occupiers of the village of Llancarfan, due to its low lying, valley bottom position and being located directly north-east of Pancross Farm and in line with the prevailing winds, suffering severe problems of odours and smells.
- (ii) There have been problems of effluent spillage down Pancross Hill from the site. There appears to be no means provided of containing such spillage which given the site elevated position, is of serious concern as there have been five reported spillages in the past.
- (iii) The access track is directly behind residential properties and as such, its use results in disturbance to occupiers. It is also poorly located in terms of the speed of traffic along this section of road and therefore there is potential conflict with this traffic and that using the access and track. The applicant also does not own all the land at the point of access onto the highway and therefore cannot provide the necessary vision splays.
- (iv) The two water silos are clearly visible on the skyline and therefore constitute an eyesore.

REPORT

This application is seeking the retention of two vertical water silos, scaled as being 9mts high, a ground level, concrete constructed, sand filled, settlement tank and attached pumping station of a footprint 32mt x 9mts and a vertical separator estimated as being some 5mts high. In addition, when first submitted, the application also sought the retention of a rolled-stone, access track. However, as ploughing has now removed the track, it is no longer being considered.

An early site inspection also resulted in amended plans being submitted as it was evident that a number of smaller, support building observed such as a pump house, fuel tank and control room had been omitted from the plans. A second settlement tank has been constructed post this application being submitted, but does not form part of the application package. A significant open slurry lagoon pit was also dug, again without consent, but this is subject of a separate application not being reported to this Committee.

In considering the merits of this application, whilst in planning terms it is acknowledged that all the structures erected are not untypical of many farms and therefore not considered unacceptable in themselves, in this case, the major problem arising is the fact that they all form part of what is termed as an integrated, composite flush wash system.

To explain the above system and its operation, it is understood that 3 to 4 times a day, the extensive milking parlour complex, currently comprising 4 linked sheds, with an unimplemented 5th shed also approved, permanently housing upward of 250 or more milking cows at any one time, are washed out to clear the hourly accumulations of cow slurry and waste, by means of an automated system of sluicing water through the sheds. The dirty water/slurry is collected in a separating tank to allow some solids to be removed and pumped further to a separator to remove larger solids. Foul water is then aerated before being pumped back for storage in the two silos to await the next cycle of flush washing. Surplus water is pumped to the main slurry tank.

Whilst the system is described as being self-contained, it is understood that through a combination of the action of water being sluiced through the sheds sending clouds of odorous particulates (the aerosol effect) into the air, the failure of the separated material to crust, being too fluid and the fact that dirty water is being constantly recycled, that has led to the problem of odour omissions. This problem has led to the Environment Health Officer serving Abatement Notices requiring cessation of the flush wash system. It is understood the system has remained unused now for over 15 months.

Given the on-going problems with the flush wash system, the applicant then commissioned a report from ADAS to investigate possible ways to overcome these outstanding issues. This appears to conclude that a fundamental problem with the current system is the level of open-air disturbance (agitation), the foul water is subject to during the cycle process, which results in the constant omission of odours. It does suggest a number of solutions, but with no guarantee of any success and probably at some further considerable cost.

Issues

As detailed above, the primary issue of concern with this application is not so much the actual buildings and structures erected, which as previously stated, are typical of many farms, but their function in servicing the highly problematic flush wash system. It is clearly evident from the public complaints received and the legal actions taken by the Environmental Health Officer in the service of Abatement Notices, that the flush wash system in its present form, is causing a major nuisance by way of odour omissions. Whilst the system has remained unused for 15 months or more, it would appear that without further major investment in the areas of foul water/slurry treatment and disposal and even then, with no guarantee of success, the system in its present form is unworkable.

The applicant has been made aware of the Council's concerns in the lack of progress in the submitting any further details, and has replied stating that he feels sure that in a few years, a solution can be found. However, whilst that may well be the case, in terms of possible planning enforcement, as timescales for taking action are already extremely tight and given the fact that this application is already into its 30th month since submission, with no real prospect of progress, it is considered that a determination is now required. It is understood that the flush wash system first became operational in early 2004.

Given the above therefore, as it is evident that the flush wash system does not work without causing a major public nuisance, then it must be assessed against the terms and aims of Policy ENV29, which states that development will not be permitted in circumstances where it is liable to have an unacceptable effect on either people's health, safety or the environment by virtue of that development releasing pollutants into the air, water or soil and for reasons of smoke, dust, fumes, smell and noise. Given the known problems arising, which as stated, has already resulted in legal actions being taken by other Council Departments, then not only is a refusal of planning permission now recommended, in support of those separate actions it is also considered necessary to pursue enforcement action as well

However, if Members are minded to approved that recommendation, given that the all the erected structures are not considered in themselves to be unacceptable, and may in some cases, be suitable for alternative agricultural uses, it is further recommended that any enforcement action be limited to the cessation of the use of the flush wash system only, and not the removal of the supporting structures, buildings and silos.

CONCLUSION

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

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse planning permission that the Director of Legal, Public Property and Housing Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the cessation of the use of the all the buildings, structures and tanks comprising planning application ref: 04/01822/FUL for the purposes of supporting and servicing the composite Flush Wash System. In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE

1. In the opinion of the Local Planning Authority, the retention of all the structures, buildings and tanks comprising this application and in particular their use for the purposes as ancillary support buildings for the composite flush wash system, which system by virtue of the odourous smells transmitted when in use, is having an adverse and unacceptable impact upon the residential amenities of the nearby properties and the village of Llancarfan.

2005/00592/FUL Received on 26 September 2006

Nicholl-Carne Estate, C/o Stephenson & Alexander, 5, High Street, Cardiff. ,
CF10 1PZ
A. N. Renwick RIBA., Ty Cattwg, Llancarfan, Barry, Vale of Glamorgan., CF62
3AL

Church Lane (Old Builders Yard), Llantwit Major

New house

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

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

The application was advertised on 17 May 2005.

SITE DESCRIPTION

The site is located alongside St. Illtud's Church, a Grade I Listed Building, and in the vicinity of several other listed buildings and ancient monuments. It is occupied by a currently vacant builder's yard and comprises a number of existing outbuildings.

DESCRIPTION OF DEVELOPMENT

The proposal entails the demolition of the existing buildings on the site and the construction of a new detached three bed dwellinghouse. The proposed dwelling will have a footprint measuring 5.5m x 21.5m and be sited on the southern boundary of the site alongside the stepped pathway from Burial Lane. The dwelling is of a traditional design, including such features as a pitched roof gable fronted porch, chimney stacks and casement windows. The main bulk of the dwelling will be two storey with a ridge height of approximately 7.1m. A single storey living room is attached to the side with a ridge height of approximately 5.25m and a further step down to 4.6m for the adjoining study. The external finishes consist of a Welsh slate roof and render walls. Vehicular access will be via the existing entrance to the north of the site with on-site parking and manoeuvring.

The application is supported by a Design Statement, Tree Report and Archaeological Evaluation.

PLANNING HISTORY

03/01442/FUL - New house. Withdrawn 20 October 2005.

CONSULTATIONS

Llantwit Major Town Council – Comments on initial scheme – Objection on the grounds that the proposal does not enhance or preserve the historic value of the Heritage Coast area. The proposed dwelling will be in close proximity to listed buildings and monuments. Concern regarding the height and size of the proposed dwelling.

Comments on revised scheme – Objections remain.

Further comments – Objection, the Planning Committee agreed with the objections given by the occupier of The Old Police Station and ask that the same objection be noted.

Environment Agency Wales – Initial comments - The site lies within zone C2 as defined by the Development Advice Maps (DAM) referred to under TAN15 Development and Flood Risk (July 2004). The development is regarded as “highly vulnerable development” and the Environment Agency therefore expects the Authority to refuse the application.

Revised comments – The site lies on elevated ground considered to be outside the 0.1% flood plain and therefore the risk of flooding is minimal. It may be prudent however to ensure that finished floor levels are set 600mm above existing ground levels. Recommend a condition requiring the provision and implementation of a surface water regulation system with flows not to exceed “greenfield site” run-off rates.

Dwr Cymru/Welsh Water requested their standard conditions and advisory notes be attached to any consent. Also note that a water supply can be made available and that the site is crossed by a trunk/distribution watermain.

Glamorgan Gwent Archaeological Trust – The archaeological evaluation report indicates that the remains of a building possibly late medieval was discovered. The footprint of the proposed house will be located in an area that was subject to quarrying in the 19th century which has removed all archaeological features. Consequently there is no objection to the positive determination of the application but request that a watching brief condition be attached.

Cadw - The development site lies within the historic core of Llantwit Major and is in the vicinity of scheduled ancient monuments known as Llantwit Major Gatehouse (GM141), Llantwit Major Dovecot (GM140) and Llantwit Major Monastic Settlement (GM142). The Chantry House is also near to this site. Given the position of the plot, the location and design of the proposed new house and the retention of the stone boundary walls, Cadw does not have any concerns to raise about the setting of the development on these ancient monuments. However, there may be need to undertake additional archaeological investigation of the site.

The Head of Visible Services (Highway Engineer) – No objection subject to any new or strengthening of works adjacent to the highway shall be agreed with the Highway Authority; one dwelling only; maintenance of existing visibility; access width minimum 3m and surfaced in a bound material for 5.5m; no gates within 5.5m of the adopted carriageway; four parking spaces and on site turning; no roof or surface water to discharge to the highway; no structures to overhang the highway; and omission of the pedestrian access fronting the Old Police House.

The Director of Legal, Public Property and Housing Services (Environmental Health) - No objection but request a condition be attached to determine whether or not the land is contaminated and any necessary remedial works undertaken.

Vale of Glamorgan Conservation Area Advisory Group recommend refusal on the grounds that there was insufficient information to allow for a full assessment of the impact of the proposals.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 6 May 2005 and renotified of amended plans on 21 November 2005, 5 October 2006 and 20 March 2007. In addition the application was advertised on site and in the press on 17 May 2005.

Letters of objection to the initial scheme have been received from the occupiers of Church House, The Old Police Station, The College House, and Nos. 9 and 12 Hill Head. These have been reaffirmed by all of the above occupiers on all the revisions, apart from the occupiers of Church House and The College House on the latest revisions. Whilst all the representations are available on file for Committee Members' inspection two letters from the occupier of The Old Police Station are reproduced at Appendix A as being generally indicative of the objections raised. In summary these include objections to the principle of any development on the site; overdevelopment and overscaled; would not preserve or enhance the character of the conservation area; proximity to existing houses; unsafe access; flooding; lack of information and accuracy of plans; and problems during construction.

REPORT

The site is located within the residential settlement boundary for Llantwit Major as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The site lies at the historic core of the town and in a prominent position within the Llantwit Major Conservation Area. The proposal entails the demolition of the existing buildings on the site and the construction of a new detached dwellinghouse. As such the following policy background is relevant to the assessment of the application.

Planning Policies

Policy HOUS2 of the UDP allows for housing infill within Llantwit subject to HOUS8 - Residential Development Criteria which states:

- (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 FROM NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iv) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC3 ARE MET;
- (v) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;

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

Policy ENV17 relates to the Protection of Built and Historic Environment and development that has a detrimental effect on the special character, appearance or setting of listed building, ancient monuments, archaeology or conservation areas will not be permitted.

Policy ENV18 refers to Archaeological Field Evaluation and requires an evaluation be carried out at the earliest opportunity.

Policy ENV20 of the UDP relates to Development in Conservation Areas and requires that new development should preserve or enhance the character of the conservation area. Proposals 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.

Policy ENV21 - Demolition in Conservation Areas seeks to strictly control such development but allows for the demolition of an unlisted building within a conservation area where full planning permission has been granted for the proposed new development.

Policy ENV27 refers to the Design of New Developments and is another criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

TRAN10 – Parking requires the provision of parking facilities in accordance with the Council's approved parking guidelines.

The Council also has Supplementary Planning Guidance (SPG) including an SPG on Amenity Standards that contains policies not only in relation to the level and quality of amenity space but also privacy, overshadowing and visual amenity.

National guidance is contained in Planning Policy Wales March 2002 and TAN12 - Design. Chapter 6 of Planning Policy Wales recognises the importance of protecting the historic environment of Wales. Paragraph 6.5.5 refers to development within conservation areas and states that there will be a strong presumption against proposed development that would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, and that the objective of preservation can be achieved either by development that makes a positive contribution or that leaves character and appearance unharmed.

Issues

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

The site is located within an important part of the Llantwit Major Conservation Area, surrounded by a number of listed buildings and ancient monuments. The levels change across the site and it is prominent in relation to the neighbouring buildings and their setting. Also of significance in terms of the historic context of the site is the enclosure of the site itself and the pedestrian steps adjacent to the southern boundary. Thus it is considered that the primary issue in the assessment of the application will be whether or not the proposed redevelopment will preserve or enhance the character of this part of the Llantwit Major Conservation Area.

In relation to the proposed demolition works it is considered that the existing outbuildings are in a dilapidated state and are of no particular architectural or historic value. Their loss would not harm the character or appearance of the conservation area, indeed it could be argued that the current condition of the site detracts from the visual amenities of the area.

As regards the redevelopment proposals it is noted that a number of the objections raised relate to the principle of any redevelopment of the site. This is considered unreasonable as the designation of a conservation area does not prohibit change or new development. It is considered that the residential use of the site is appropriate as the area is primarily residential in nature. The established use of the site as a commercial builders yard is more likely to have an adverse impact on the character and appearance of the conservation area, with storage of materials, plant and equipment on the site. Thus in considering the detailed design it is noted that the original scheme envisaged a larger scale building. The proposal has been amended and reduced in size to provide for a less strident building in terms of the wider setting, and reduce any adverse impact on the neighbouring residential occupiers.

In terms of residential amenities, whilst the neighbouring occupier at No. 12 Hill Head would prefer a siting away from the southern boundary and his property, nevertheless it is considered that this location is appropriate in terms of the wider impact on the conservation area. The amended scheme has reduced the scale of the building and removed the overlooking habitable room windows so that it is now considered acceptable. The site itself can provide for an adequate private garden area to serve the new dwelling.

On the issue of highways it is noted that the Council's Highway Engineer has no objections subject to the provision of on-site parking and turning facilities. Reference has also been made to the requirement for structural calculations in relation to the boundary walls that adjoin and, in places, retain the adopted highway. It is considered that regardless of the highway requirements the walls should be retained and repaired where necessary in the interests of the conservation area.

Objections have been raised in relation to flooding, however it will be noted that the Environment Agency revised their initial comments and no longer object to the proposal.

As regards the archaeology of the site the Glamorgan Gwent Archaeological Trust have examined the submitted evaluation and are satisfied that a watching brief condition is sufficient to protect archaeological interests on the site. Cadw have confirmed that they have no concerns about the setting of the development in relation to the ancient monuments.

Finally it is noted the Council's Environmental Health Officer (Pollution Control) has requested a condition in relation to possible contaminants on the land.

CONCLUSION

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

Having regard to Policies HOUS2 and HOUS8 - Residential Development Criteria, ENV17 - Protection of Built and Historic Environment, ENV18 - Archaeological Field Evaluation, ENV20 - Development in Conservation Areas, ENV21 - Demolition in Conservation Areas, ENV27 - Design of New Developments, TRAN10 - Parking 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, it is considered that the proposed redevelopment of the site for a single dwellinghouse would serve to preserve and enhance the character and appearance of this part of the Llantwit Major Conservation Area without any undue adverse impact on either neighbouring residential amenities or highway safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following plans:
 - Site edged red location plan, received 12 April 2005;
 - Site survey, Drawing. No. 1482-1-A, amended plan received 16 February 2007;
 - Plans and Elevations, Drawing. No. P2754 (99)1001E, amended plan received 26 September 2006;

- Trial Sections, Drawing. No. (PA)1005, amended plan received 16 February 2007;
- Step and Wall Detail, Drawing. No. P2754 (99)1003, amended plan received 26 September 2006;
- Treescene Tree Report, amended plan received 26 September 2006; and
- Archaeological Evaluation, Cambrian Archaeological Projects Ltd., received 12 April 2005.

Reason:

For the avoidance of doubt as to the approved details.

3. Before the commencement of development a full schedule of external finishes, including samples, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of this part of the Llantwit Major Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

4. Notwithstanding the submitted plans further details of the position of the proposed entrance gates and on-site parking/turning facilities, including finishes, shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the agreed details and the parking and turning facilities shall be retained and maintained on site for the parking and manoeuvring of private motor vehicles associated with the dwelling-house hereby permitted.

Reason:

In the interests of highway safety in accord with Policies ENV27 - Design of New Developments and TRAN10 - Parking of the Unitary Development Plan.

5. Notwithstanding the submitted plans this consent does not relate to the proposed pedestrian access steps in the south western corner of the site which shall be omitted from the proposed development.

Reason:

In the interests of highway safety in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

6. The existing boundary walls enclosing the site shall be retained and maintained at all times. Full details of the necessary repair/restoration works, which shall include detailed design calculations in relation to the supporting structure adjacent to both the adopted carriageway and the pedestrian steps, shall be submitted to and approved in writing with the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of highway safety and the character and appearance of this part of the Llantwit Major Conservation Area in accord with Policies ENV27 - Design of New Developments and ENV20 - Development in Conservation Areas of the Unitary Development Plan.

7. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before 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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the privacy of adjoining occupiers and in the interests of the character and appearance of this part of the Llantwit Major Conservation Area in compliance with the terms of Policies ENV27 - Design of New Developments and ENV20 - Development in Conservation Areas of the Unitary Development Plan.

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

Reason:

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

14. No development shall commence on the dwelling-house hereby permitted until details of a scheme for the provision and implementation of a surface water regulation system, with flows not exceeding `greenfield site` run-off rates to be discharged to any watercourse in the vicinity of the site, is submitted to and approved in writing with the Local Planning Authority. The agreed scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To prevent the increased risk of flooding in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

15. No development shall take place until site investigation works have been undertaken to determine whether or not the land is contaminated. The works shall include a desktop study of the site and intrusive site investigation, the extent of which should be agreed with the Local Planning Authority before commencement, and if found necessary, a remediation method statement to be agreed with the Local Planning Authority and fully implemented prior to the first beneficial occupation of the dwelling hereby permitted.

Reason:

In the interests of public health and safety in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

NOTE:

- 1. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
- 2. The attention of the applicant is drawn to the fact that a trunk/distribution watermain runs through the site and may be affected by the development.**
- 3. 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.**
- 4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. The developer should also be aware of his obligations in relation to the boundary walls which form supporting structures to the adopted highway. 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.

2006/00180/FUL Received on 13 February 2006

BJ Skip Hire(Cardiff) Ltd, Llandough Industrial Estate, Penarth Road, Llandough, Vale of Glamorgan. ,
Buckle Chamberlain Ptrship Ltd Mill House, Llancayo Court, Llancayo, Usk, Monmouthshire , NP15 1HY , ,

Llandough Industrial Estate, Llandough

Proposed construction of new recycling and storage building.

SITE DESCRIPTION

An established (since 1993) waste transfer/skip hire operation located on the banks of the Ely River and accessed via the Llandough Industrial Estate complex, near the Penarth Road crossing over the River Ely into Cardiff.

DESCRIPTION OF DEVELOPMENT

The application proposes a substantial building to provide a dry, covered facility for the sorting and storage of various paper and wood wastes. Unlike previous permissions granted for buildings at the site, this proposed building would be located some 300mts away from and north of the main office/workshop complex.

PLANNING HISTORY

04/01543/FUL - Storage and Skip Maintenance Building. Approved 20 April 2005.

02/01493/FUL - Removal of Conditions Nos. 3 and 8 of planning permission. Refused 20 December 2002.

01/00834/FUL - Westward extension of site. Approved 8 March 2002.

98/01158/FUL - Offices and workshops, wheel wash, etc. Approved 25 February 2002.

96/01104/FUL - Waste Transfer Station (amended scheme). Approved 23 April 1998 and varied on Appeal 15 September 1999.

92/01160/FUL - Skip Hire/Waste Transfer station, allowed on Appeal 2 August 1993.

CONSULTATIONS

Llandough Community Council has concerns that BJ Skip Hire have not previously complied with planning conditions. The Council also wish to know what type of recycled materials will be kept in the new storage shed. There are no specific objections but the Council is concerned about the type of materials to be stored.

Environment Agency Wales (see body of report for commentary).

Cardiff County Council have no objections to make.

The Countryside Council for Wales did initially express concerns in regard to the location of the building in such close proximity to the Cwm Cyd Fin Site of Special Scientific Interest. However, having provided a more definitive plan to identify the location of the building and expressed the view that it would be sited wholly within the established boundary of the operation, they have verably commented that they now have no objection, although there are still concerns in regard to the erosion of the adjacent cliff face by the sites operations.

The Councils Contaminated Land Officer has suggested that as the site has an industrial past, the presence of containinants should be Investigated. He therefore suggests that a suitable condition be imposed requiring ground sample testing.

The Glamorgan and Gwent Archaeological Trust have no records of any archaeological resource.

REPRESENTATIONS

Site Notice posted. No representations have been received.

REPORT

This application proposed the erection of a substantial steel framed and profile sheet clad building to provide a covered and dry sorting and storage facility for such wastes as paper and woods, which are prone to water saturation in open air conditions. The Environment Agency whilst not requiring such a facility, have suggested such sorting operations should be conducted under cover.

Previously, such operations were carried out in some part, under cover of the PDR Link Road flyover, but due to fire safety issues, and the fact that there is also in effect, an enforceable 10mt exclusion and/or easement zone around the flyover, the storage of such fire hazardous materials is no longer permitted.

The building measures 24.5mts long x 14mts wide with a height of 7.3mts to eaves and 8.5mts to ridge. Cladding materials are described as profiled steel sheet walls in Moreland green and Goosewing grey roof, all mounted off a brick faced, 1.8mt high block-work plinth. A substantial concrete apron to the front is also shown. Front access would be via near full height and width roller shutter doors, with the rear elevation open. To the immediate rear is proposed a raised concrete ramp and platform, designed to allow a mechanical JCB type shovel/digger to remove sorted wastes from the building, swivel and turn to then load storage skips behind.

As stated above, the proposed building is sited well away from the existing office/workshop complex and would be the first building as such located within the actual area allocated for waste transfer, sorting and storage operations. The siting of the building has been questioned on the basis that aesthetically, it was considered preferable to group all buildings together toward the front of the site and in the area of the existing Llandough Trading Estate units. It should be noted that a non-implemented consent is still extant for a skip maintenance/storage building to the immediate rear of these Units.

The applicants agent has however sited operational reasons for the siting of the building, which they argue must be located within the actual area of recycling operations and not in close proximity to the existing building complex, where there already exist claimed problems of on-site manoeuvring on what is acknowledged, as being a physically and legally (in terms of past planning permissions granted for the site) restricted and constrained site. They further argue that there could be a potential conflict of operations between the new building and those existing industrial units located toward and adjacent the front of the site.

Planning Policies

Given this is an established waste transfer/skip hire operation of some 13 years standing, this application is being assessed in regard to Strategic Policy 13, Policies WAST1 and WAST2, EMP2 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Reference is also made to Planning Policy Wales : Waste Strategy for Wales and Technical Advice Note (TAN) 21, Waste and also the South East Wales Regional Plan (March 2004)

Issues

As previously stated, initial concern has been expressed over the siting of the building, which given its substantial size and also the relatively open aspect of the rear part of the site to users of the PDR Link road and Penarth Road and possibly even future users of the River Ely, would be clearly visible from these vantage points, albeit seen against a backdrop of an exposed cliff face and woodland above. It is acknowledged that the site is severally physically constraint by its location next to the Ely River, which forms the sites entire eastern boundary, and the cliff face and steeply rising ground that forms virtually the sites entire western boundary. It also legally constrained by virtue of planning restrictions, site licence and management limitations and the need to respect the 10mt easement all around and under the PDR Link Road flyover. Therefore, there is very limited scope for expansion within the site and the chosen location does in very large part, now reflect this.

There was some initial confusion as to the role of the Environment Agency in their seemingly contrary objection and then support of this proposal. The applicants agent has stated that the Agency were responsible for encouraging the application, but on consultation, commented that they were unable to assess the proposal on the information provided.

After consultation with the applicants agent, it was argued that given this is an established site operating within the limitations of a comprehensive site management licence, the need for much of this additional detail was questioned when the site and all prevailing land and ground conditions was already known to the Agency. Having forwarded this view to the Agency, they revised their reply to state that subject to confirmation of the site levels to ensure no development would take place below the 8.0mts AOD flood risk/storage level (for the Cardiff Bay area) and the imposition of appropriate conditions to cover their main areas of concern regarding potential water borne pollution and contamination issues , they would have no adverse comments to make. Since making the applicant's agent aware of the Agencies stance, it has taken over 9 months for the requested survey details to be submitted. That survey has now confirmed the site level at the intended point of construction for the proposed building, as 8.6mts AOD.

The aims of Strategic Policy 13, and Policies WAST1 and WAST2 of the Unitary Development Plan and the advice contained within Planning Policy Wales Tan 21 (Waste) 2000, all actively seek to encourage waste transfer operations to meet both national and European Union targets and objectives on waste recycling and to lessen the increasing demand for landfill. The South East Wales Regional Waste Planning Technical Group in conjunction with the Welsh Assembly have produced the South East Wales Regional Plan (March 2004), which plan has directed Councils, as far as possible, to be self sufficient in dealing with its waste arising by 2013. It is therefore considered that the provision of this new facility would increase the viability of the sites operations and would go some way to meets these targets. It is considered that the main aims of these policies and guidance is met, albeit that the sites location is far from ideal. Planning permission is therefore recommended.

CONCLUSION

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

Having regard to Strategic Policy 13 : Waste Management and Policies WAST1 : Provision of Waste Management Facilities, and WASTE2 : Criteria for Assessing Waste Management Facilities and also the advice contained within Planning Policy Wales Technical Advice Note 21 Waste (2001), it is considered that the provision of this additional building is generally consistent with the primary aims of these Policies and guidance, in terms of the sites location, impact upon neighbours and access to major arterial traffic routes.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Notwithstanding the submitted plans, prior to their use on site, samples of the materials to be used in the construction of the building hereby approved shall be submitted for the approval of the Local Planning Authority and the development shall thereafter be completed in full accord with the approved details

Reason:

To ensure an orderly form of development and to safeguard the visual amenities of the site and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

3. Prior to their installation on site, full details of the means of foul and surface water disposal, to include details of drainage lines, petrol and oil interceptors and the means of containment of any contaminants and their disposal arising from the sites operations, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in full accord with the approved details prior to the beneficial use of the building hereby approved.

Reason

To prevent any contamination of any local water course, including the adjacent River Ely, and to ensure that the development meets the requirements of Policies WAST1, WAST2 and ENV27 of the Unitary Development Plan.

4. The consent hereby approved shall not be read as conferring any consent for the extension of the sites boundaries beyond that approved on Appeal under planning permission 96/01104/FUL.

Reason:

To clearly define the extent and parameters of the planning permission hereby granted.

5. Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

Reason:

To prevent pollution of the water environment, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2006/00497/FUL Received on 6 April 2006

Barry Dock Town Syndicate Ltd, c/o Agent. , , ,
Ray Baker Arch. Consultant, 22, Cwm Barry Way, Barry, Vale of Glamorgan. ,
CF62 6LB , ,

Land at Beverley Street, Cadoxton, Barry

Proposed 2 No. detached 3 bed dwellings

SITE DESCRIPTION

The application site relates to a vacant piece of land located on the north eastern side of Beverley Street, a Victorian terraced street located in Cadoxton, Barry. The site measures a width of 26 metres by a depth of 18 metres. The existing site is overgrown with several trees around the perimeter of the site. The application site fronts Beverley Street and adjoins the dwellings of Abingdon Street to the rear. The existing dwellings are flush fronted terraces constructed from coursed dressed stone with buff brick quoins and heads, string courses and slate roofs.

DESCRIPTION OF DEVELOPMENT

This is a full application, which following amendments and revisions, now relates to the construction of two gable style detached 3 bedroom dwellings with associated car parking.

The two dwellings proposed are of the same design and will measure 5.5 metres in width by a depth of 8.5 metres, with an eaves height of 5 metres and ridge height of 7.7 metres. The dwellings are shown to be set back from the pavement by 1 metre, with lean to porches. Each dwelling will be served by two parking spaces with amenity space to the side and rear of the dwellings.

The dwellings will have a gross floorspace of some 96 square metres, comprising of a living room, kitchen/dining room and WC at ground floor level with three bedrooms and a bathroom at first floor level. The elevations of the dwellings will be in facing brick with window and door heads in soldier courses. The roof is shown to be finished in grey interlocking roof tiles. The site will be enclosed by a new boundary fence walls.

PLANNING HISTORY

94/01166/FUL – Construction of four social needs self-contained flats. Approved 14 March 1995, subject to conditions. (Consent not implemented).

CONSULTATIONS

Barry Town Council were consulted on the original scheme (for three dwellings) and on the amended scheme. On the original scheme a strong objection was raised on the grounds of a sensitive and cramped form of infill development with an under provision of on site parking and restricted areas available from amenity space. On the amended scheme they state that the reduction to two dwellings is welcomed, but concerns are raised in relation to the external design and finishes of the two dwellings and their compatibility with the existing terrace.

Environment Agency Wales were consulted and have stated that the site is identified in accordance with criteria set out in TAN 15 Development and Flood Risk (July 2004) as within Zone B. To meet requirement of Figure 1 (Section 4) and Table 9 of TAN 15 your Council should require the applicant to undertake a Site Level Survey to Ordnance Datum. This information should then be forward by the Local Planning Authority to the Environment Agency for advise in respect of flood risk to the site.

In consideration of the above, the Environment Agency would request that determination of the application be deferred. If however your Council is unable to defer consideration then in the absence of this site level date, Environment Agency Wales would recommend that the application be refused.

Subsequent site levels survey were submitted to the Environment Agency for consideration and they have responded in stating that they consider that the risk of flooding of the site to be minimal and therefore have raised no objection to the development on flood grounds.

The Head of Visible Services (Highway Development) was consulted on the original scheme and made the following comments:

“On the original scheme they state that the development proposals require the provision of 6 parking spaces to be provided within the boundary of the development site. Under the above application, four parking spaces are proposed, which will leave the development deficient in parking by 2 spaces. Furthermore, from the submitted plans, the parking spaces for plots 2 and 3 are below the minimum width of 2.8m.

Following negotiation and on the submission of an amended scheme for two dwellings, no objection is raised to the revised parking layout subject to the length of the proposed driveways being increased from 4.8 to 5.5 metres. “

The Director of Legal, Public Property and Housing Services (Environmental Health) responded with no comments to make.

Dwr Cymru/Welsh Water were consulted and have stated that the proposed development would overload the existing public sewerage system and that improvements are planned for completion by 1 April 2007 and that any development prior to this date would be premature and an objection would be raised.

REPRESENTATIONS

Nearby occupiers were notified on the original and amended plans and to date only one letter of representation has been received in respect of the amended scheme. The letter raised concern in respect of the potential impact on street parking.

REPORT

Planning Policies

The following Policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are relevant :

Policy HOUS2 supports the principle of housing infill, small-scale development and redevelopment within the settlement boundary of Barry, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

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

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.

TRAN10 (Parking)

Furthermore consideration should also be given to the policies and guidance set out in the adopted Amenity Standards and Sustainable Development Supplementary Planning Guidance.

Also considered relevant in national planning policy guidance contained in Planning Policy Wales (March 2002).

Paragraph 9.3.3 states that "Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing."

Paragraph 9.3.4 "In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity...."

Issues

The site is located on a residential road with a road frontage and is considered in principle, as an in fill 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 and otherwise built up frontage. ” In terms of the appropriateness of the residential development at the site, the proposed plot forms a logical continuation (in terms of its width and depth) of the existing terrace on the eastern side of Beverly Street. It should be noted that the principle of residential development has already been approved under planning permission ref: 94/01166/FUL for the construction of four social needs self-contained flats, although this consent was never implemented.

The original scheme proposed three detached dwellings (one 3 bed and two 2 bed units). However, the scheme was considered to constitute over development on the grounds of insufficient provision of usable amenity space and a deficiency in on-site car parking. Following negotiation, the final amended scheme now under consideration proposes two detached dwellings.

Whilst the dwellings are detached as opposed to terraced, it is not considered that any an infill form of development should necessarily replicate the existing terrace, particularly as the site is located at the end of a no through road. Furthermore the replication of the terrace in term of design and materials would be difficulty to replicate given modern building techniques and current standards. In any case such a form of development would also be unlikely to satisfy other policies and standards, particularly in respect of visibility, parking provision, amenity space and issues of overlooking.

The proposed dwellings are nevertheless of a width and similar scale to the adjacent terraced dwellings and provide a relatively spacious form of development at the head of the street. The overall design is considered acceptable and the choice of materials used, being facing brick will reflect the material used within the street and those of the wider area.

The highway engineer raised an objection to the original scheme for three dwellings on grounds of the deficiency in on-site parking. As a result of amendments, notably the reduction of one unit has the necessary parking provision which can now be provided on site. The length of the driveway be increased from 4.8 to 5.5 metres, which can be achieved on site and will/should nevertheless be required by way of condition.

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on ‘Amenity Standards’, which includes guidelines for such, within which Policy 2 in particular states that “the Council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development”. The supporting text to this policy states that “The provision of adequate and usable private amenity space is extremely important to meet the requirements of residents for functional and relaxation space”. For new dwellings, the standards require a minimum of one square metre of amenity space per one square metre of gross floor area.

Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape.

The proposed gross floorspace of each dwelling is 96 square metres, where the provision of amenity space shown to serve Plot 1 is 95 square metres and Plot 2 is served by 125 square metres of amenity space. Furthermore the amenity space being sited to the side and rear of the dwelling would be both usable and private and is considered to accord with the adopted standards.

In terms of impact on the amenities of adjacent and nearby occupiers, the main impact will be on the privacy of the occupiers on the opposing side of Beverley Street who will be located some 12.5 metres from the new dwellings. The Councils Amenity Standards Supplementary Planning Guidance requires a minimum distance of 21 metres (70 feet) between opposing principal windows of dwellings. Whilst the distance is only just over half of the that required, consideration should be given to the historic building pattern of the streets and the fact that the existing terraced properties all overlook opposing properties at a distance of 10.5 metres. In this regard it is considered acceptable to relax the Council Standards, which cannot reasonably be achieved on infill sites on traditional terraced streets, particularly given that the scheme is considered acceptable under all other policies and guidance.

CONCLUSION

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

Having regard to Policies HOUS8 'Residential Development Criteria' Policy HOUS2 'Settlements', ENV27 'Design of New Developments' and TRAN10 'Parking' the proposed dwellings are considered acceptable in relation to their siting, scale, design and materials, access and parking and amenity considerations and have no adverse impact on the amenities of adjoining residential occupiers.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 6 April 2006 other than where amended by plans reference AA(99) 001 Rev 4 and 501 Rev 3 received on 16 March 2007.

Reason:

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

3. Notwithstanding the submitted plans, details of a revised parking scheme (which shall detail driveways of a minimum length of 5.5 metres), shall be submitted to and approved in writing by the Local Planning Authority; and the approved scheme of parking shall be laid out in accordance with the approved details prior to the first beneficial occupation of any of the dwellings and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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

Reason:

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

5. Prior to their use on site, samples of the ridge tiles, roof tiles and bricks shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

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

6. Prior to the commencement of development details of the finished levels of the site in relation to existing 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 amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no additional windows to those on the approved drawings shall be inserted into any elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

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.

C. J. Romero & J. C. Felices, C/o 28, Cardigan Crescent, Boverton, Llantwit Major, Vale of Glamorgan , CF61 2GP

C. J. Romero & J. C. Felices, C/o 28, Cardigan Crescent, Boverton, Llantwit Major, Vale of Glamorgan , CF61 2GP , ,

O.S. 6162 and 7154, Boverton, Llantwit Major

Change of use to riding school stables and construction of new stables

SITE DESCRIPTION

The application site lies between Boverton and RAF St. Athan and is linear in shape, located between the B4265 Llantwit Major bypass to the south west and the Barry – Bridgend railway line to the north west. The site consists of two fields and covers approximately 1.8 hectares (4.44 acres). The site appears to currently be unused with associated dilapidated stable buildings on the north western side of the site. The site is surrounded by mature hedgerows and lies several metres above the B4265 and rises gently from its north – western boundary to the Eglwys Brewis Road. Public Footpath number 43 bisects the north western part of the site.

DESCRIPTION OF DEVELOPMENT

This is a full application for the demolition of the existing stables and the construction of new stables for use as a riding school, with associated access and parking area.

The proposed stables are of a “U” shaped and comprise of 9 stable boxes, a large tack room and fodder room. The building measures 23.6 metres in length by a depth of 12.5 metres with an eaves height of 2.3 metres and ridge height of 4.1 metres. The courtyard area is shown to be enclosed by a roughcast rendered wall with blue facing brick copings and gate pillars served by double wooden gates. The stables are shown to be constructed in roughcast grey render with an artificial slate roof.

The stables are shown to be served by a new access located on Eglwys Brewis Road with a 4.5 metres wide splayed access leading to a parking and turning area comprising of 8 parking spaces, the stables and a further turning area located on the eastern side of the stables.

PLANNING HISTORY

96/00590/OUT - Proposed residential and ancillary development. Appeal made against non determination. Appeal dismissed on 16 January 1997.

93/01196/FUL – Change of use to riding school stables and construction of new stables. Approved 1 February 1994, subject to conditions (not implemented).

CONSULTATIONS

Llantwit Major Town Council were consulted on both the original and amended plans and have raised no objection to the proposal.

Dwr Cymru/Welsh Water comment that as the applicant intends to utilize private drainage facilities they have no comment to make.

The Head of Visible Services (Highway Development) : A plan to a suitable scale showing details of the proposed access to the development site and the proposed parking provision is required to be submitted to a highway authority for consideration.

Environment Agency Wales has no objection subject to conditions in relation to foul drainage.

The Director of Legal, Public Property and Housing Services (Environmental Health - Pollution Section) have advised that there is no indication for the provision of welfare facilities for employees and that riding school facilities are required to be licensed under the Riding Establishment Act 1964.

The Head of Leisure and Economic Development (Public Rights of Way Officer) has stated that the site is crossed by Public Footpath No. 43 Llantwit Major. He adds that the result of Rights of Way Improvement Plan consultation found that there are many thousands of stabled horses within the Vale, but facilities for riding these horses are woefully inadequate. The present application seeks to stable more horses within the Vale and in an area adjacent to a very busy road junction and totally devoid riding routes and can only exacerbate the situation. Unless such applications are accompanied by proposal for additional bridleways, whether through public dedication, permissive agreement, toll-rides, or similar action, I feel that no further development of this nature should be granted consent.

REPRESENTATIONS

Adjacent occupiers were notified and to date no letters of representation have been received.

REPORT

Planning Policies

The following Policies are considered relevant in assessing this application contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

ENV9 (Development Involving Horses), supports the principle of stables, field shelters, riding schools, stud farms and livery stables, where they would not:

- (i) Result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) or prejudice viable agricultural units;

- (ii) Unacceptably affect the character and appearance of the locality;
- (iii) Cause potential danger or nuisance to neighbours, pedestrians, vehicles or horse riders; and
- (iv) Result in the over use of local bridleways or open space.

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.

Issues

It is noted that planning permission has previously been granted for a near identical form of development. However consideration must now be made in light of current policies and guidance.

One of the principal considerations is whether the proposed number of ponies/horses to be stabled at the site can be grazed on the land available in line with the British Horse Society Guidelines for the keeping of horses as required under Policy ENV9 and the advice contained within the Countryside Commission document "Horses in the Countryside".

These guidelines suggest that between 1.5 and 2 acres of pasture can accommodate a single horse through the summer months. On this basis the proposed nine horses would require between 13.5 and 18 acres of pasture grazing land to satisfy the given standards. However the amount of grazing land which is shown to serve the stable is only some 4.44 acres, which is substantially below the standard. On this basis the applicant was advised to reduce the scale of development to provide no more than four stables.

Notwithstanding the above, the applicant was also given the opportunity to justify the number of stables proposed by providing further details in respect of any additional grazing land available. In response a letter was submitted from a third party stating that an agreement has been made with the applicant to provide fields for grazing. The details submitted identify a small field located to the east of the village of Llanbethery, 2.76 acres (1.12 hectares) in area. However this additional land used for grazing is a considerable distance from the application site and as such cannot be considered as viable grazing land in association with the stabling proposed. The applicant was requested to provide further plans identifying available land within walking distance of the proposed stables, although to date and some eight months since that request, no further response has been received.

In relation to the design, form and materials used for the stables, whilst the application seeks to provide commercial stabling, there are nevertheless concerns over the scheme proposed. In particular the 'U' shaped barn with an enclosed courtyard has the appearance of a very large scale building, where the proposed use of rendered blockwork and slate roof result in a form of building which has the appearance of a bungalow as opposed to a stable, which is considered wholly appropriate for such a rural location. The applicant was advised of these concerns in writing, however to date an amended scheme has not been submitted.

A further criteria in assessing such applications is to ensure that the use would not result in the over use of local bridleways or open space. In this regard the comments received from the Public Footpath Officer, raised strong concerns in respect of the location of the proposed stables and their proximity to a very busy road junction, in an area devoid of riding routes. Therefore the proposal would fail to accord with criterion (iv) of Policy ENV9.

With regard to highway considerations, details of a proposed access have been submitted, however the Highway Engineer has requested the submitted scheme be amended to show visibility splay of 4.5 by 70 metres from the site along the adopted highway. The applicant was advised of these requirements and to date no response has been received. Notwithstanding this, it is considered that the provision of such visibility spays would result in the removal of a significant length of hedgerow, where the loss of an existing landscape feature would impact on the rural character of the area.

CONCLUSION

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

Whilst planning permission has been previously been granted for a near identical form of development, this consent was never implanted. Therefore based on the assessment of the application in light of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the up to date policies contained within the plan, by virtue of the scale, form and design of the development and deficiency in usable grazing land, the proposal fails to accord with Policy ENV9 (Development Involving Horses). Accordingly such unjustified development would also be considered contrary Policy ENV1 (Development in the Countryside).

RECOMMENDATION (W.R.)

REFUSE

1. The proposed construction of stables and change of use to riding school, would by virtue of its size, scale and materials used, deficiency in usable grazing land, provision of new access and visibility splay and absence of local riding routes, result in an inappropriate form of horse related development contrary to Policy ENV9 'Horse Related Developments'. Accordingly such unjustified development would also be considered contrary Policy ENV1 (Development in the Countryside) contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2006/01142/FUL Received on 11 August 2006

Mrs. Lynda Williams, Moorlands Farm, Wick Road, Llantwit Major, Vale of Glamorgan, CF71 7DP
C. J. Morgan, 4A, Fontygary Road, Rhose, Vale of Glamorgan., CF62 3DR

Land and buildings at Moorlands Farm, Wick Road, Llantwit Major

Change of use of agricultural building to 2 no. dwellings

SITE DESCRIPTION

The site is located to the west of Llantwit Major and comprises a group of agricultural buildings and associated farm yard.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of three of the existing barns to provide 2 No. three bed dwellings and associated storage. The proposed works entail the following:-

- Conversion of 2 No. two storey, pitched roof stone barns linked in an “L”-shape, comprising demolition of two single storey lean-to, corrugated sheeting sheds on the north and west elevations; utilisation of existing openings to provide windows and doors; 7 No. new rooflights; a new first floor system; and retention of the external stone steps.
- Retention of a single storey stone barn to the south with demolition of an open fronted lean-to on the south elevation. The building will be utilised as ancillary storage to the two dwellings.
- Demolition of the remainder of the agricultural buildings and the provision of amenity space within the area covered by concrete yards.

Vehicular access to the proposed dwellings will be via the existing access track off Wick Road. A total of three passing bays will be provided along its length of approximately 500m. A communal car parking area is proposed at the western end of the existing access track.

The application is supported by a structural report and wildlife survey.

PLANNING HISTORY

04/00774/FUL - Barn conversions to provide four dwellings and detached garages. Refused 15 December 2005 on the grounds that the proposal was tantamount to the creation of four new dwellings in the countryside as the proposed conversions would adversely affect the rural character of the buildings and their landscape setting; and an unneighbourly development.

CONSULTATIONS

Llantwit Major Town Council – No objection.

The Environment Agency – No objection however recommend a condition be attached to any consent requiring details of foul drainage to be agreed. Additional advice offered in relation to pollution, soakaways, and Waste Management Licensing Regulations.

Dwr Cymru/Welsh Water advise that there are no public sewers in the area and that it may be possible to requisition sewers under the Water Industry Act 1991.

Countryside Council for Wales – Initial comments - Although the Countryside Council for Wales (CCW) has no records of bats or barn owls at the above barn, there is a significant chance that this type of structure can offer roosting opportunities for bats and nesting barn owls. Recommend that an assessment be made prior to determination.

Further comments – Note from the survey report that no evidence of bats or barn owls were found therefore no further comments to make.

Environment and Countryside - Ecology – Satisfied that the survey report found no evidence, however have requested a condition restricting work during the nesting season March to August unless it can be demonstrated that birds are absent, and informatives in relation to bats, barn owls and great crested newts.

Head of Legal & Regulatory Services (Environmental Health (Pollution Section)), no objection but advise applicant to ensure that any private water supply is registered with the Pollution Control Team of the Council.

The Head of Visible Services (Highway Engineer), no objection subject to provision of parking and manoeuvring space and full details of the proposed passing bays.

REPRESENTATIONS

The Campaign for the Protection of Rural Wales were notified on 23 August 2006. In addition a site notice was posted on 31 August 2006. No representations have been received to date.

REPORT

The application site comprises an existing farmyard and outbuildings located in the countryside to the west of Llantwit Major. The proposal entails the conversion of a limited number of the barns to provide for two residential units. As such the following, policy background is relevant to the assessment of the application.

Planning Policies

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 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 refers to Small Scale Rural Conversions and states:

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH IT 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;
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

Policy ENV16 refers to Protected Species and seeks to minimise any harm to protected species seeking effective mitigation measures where necessary.

Policy ENV27 of the UDP 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.

The Council also has adopted Supplementary Planning Guidance including “The Conversion of Rural Buildings” and “Amenity Standards”. The Supplementary Planning Guidance on rural conversions requires that the buildings must be structurally sound and capable of conversion without significant extension or impact on their rural character. The Supplementary Planning Guidance on Amenity Standards requires the provision of usable, adequate and appropriate private amenity space within residential development.

National guidance is contained within Planning Policy Wales March 2002.

Issues

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

It will be noted from the planning history that an application for the conversion of a larger number of barns to four dwellings was refused in December 2005. That scheme entailed a significant amount of new build development, including rebuild of poor quality corrugated lean-to sheds and blockwork walls; new roof structures and provision of new first floor systems, with likely increase in roof line; new rooflights; demolition to provide garage openings; and a new build garage block. In addition the proposed layout was considered unacceptable in planning terms, with the proposed scheme not only providing for an unsatisfactory level of amenity space for each dwelling but also the quality of the space was inadequate. The access and parking arrangements were also considered inadequate resulting in an unneighbourly arrangement with the general noise and disturbance of vehicles passing other properties to gain access to their own. Thus the proposal was considered to be contrary to Council policy and guidance.

In contrast the current proposal seeks to retain only three of the stone barns, including the larger two storey stone buildings of greatest architectural and historic merit. The remainder of the buildings will be demolished and removed from the site. This will also serve to remove another objection to the previous application relating to possible conflict with the existing agricultural activities on the site.

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 considered that the revised proposal will meet this criterion with the retention of the barns original features including the external stairs and only new roof lights introduced to alter the external appearance.

As regards the previous objections on residential amenity it is noted that whilst the residential curtilages defined for each property covers a smaller area than the previous overall development, it still represents a significant amount of the existing farm complex. Nevertheless it does provide for a better level and arrangement of amenity space and only extends over existing concrete aprons, which as garden curtilages would encourage their removal and any impact could be mitigated by ensuring appropriate enclosure and planting.

As regards the highway issues it is noted that the Council's Highway Engineer has no objections in principle, subject to the provision of passing bays along the existing track and parking and manoeuvring space. It is considered that this should not have any adverse visual impact on the surrounding countryside and that in terms of sustainability and Council's Strategic Policies 2 – The Environment and 8 – Transportation it is considered that the location of the site, close to Llantwit Major with public transport and footpath links is sustainable.

Both Welsh Water and the Environment Agency have no objections to the proposed development.

Finally on the issue of wildlife it is noted that the submitted survey has found no evidence of the use of the buildings by bat or barn owl. The Countryside Council for Wales and the Council's Ecologist are both satisfied with the scheme, however the Council's Ecologist has requested a number of conditions and informatives be attached to any consent.

In view of the above the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions, ENV16 - Protected Species, and ENV27 - Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance on The Conversion of Rural Buildings and Amenity Standards, it is considered that the proposal will serve to retain the original character and appearance of these attractive traditional barns without have an unacceptable adverse impact of the surrounding rural landscape.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following plans and documents:

- Site location plan received 10 August 2006;
- Existing ground floor, Drawing. No. 0605/001, amended plan received 15 February 2007.
- Existing first floor, Drawing. No. 0605/002, amended plan received 15 February 2007.
- Existing elevations, Drawing. No. 0605/003, amended plan received 15 February 2007.
- Existing elevations, Drawing. No. 0605/004, amended plan received 15 February 2007.
- Proposed ground floor, Drawing. No. 0605/005, amended plan received 15 February 2007.
- Proposed first floor, Drawing. No. 0605/006, amended plan received 15 February 2007.
- Proposed elevations, Drawing. No. 0605/007, amended plan received 15 February 2007.
- Proposed elevations, Drawing. No. 0605/008, amended plan received 15 February 2007.
- Demolition plan, Drawing. No. 0605/009, amended plan received 10 April 2007.
- Proposed parking and curtilage plan, Drawing. No. 0605/010, amended plan received 10 April 2007.
- Proposed parking and curtilage plan, Drawing No. 0605/010A, amended plan received 30 May 2007.
- Passing bays, amended plan received 10 April 2007.
- Owl and Bat Survey dated April 2005; and
- Steve Morgan Associates Structural Report received 16 November 2006.

Reason:

For the avoidance of doubt as to the approved details.

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

Reason:

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

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

Reason:

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

5. Notwithstanding the submitted plans further details of the proposed car parking and manoeuvring area for the dwellings hereby permitted, which shall provide for a communal area in the vicinity of the existing access track, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the first beneficial occupation of either one of the dwellings and shall thereafter be retained and maintained for the parking and manoeuvring of private motor vehicles associated with the dwellings hereby permitted.

Reason:

In the interests of highway safety and residential amenity in accord with Policy ENV27 - Design of New Development of the Unitary Development Plan.

6. Before the commencement of development further details of the proposed passing bays, indicated on the Amended Plan - Passing Bays received on 10 April 2007, shall be submitted to and approved in writing with the Local Planning Authority. The passing bays shall be implemented in accordance with the agreed details before the first beneficial occupation of either one of the dwellings hereby permitted and shall be retained and maintained thereafter to serve Moorlands Farm and the dwellings hereby permitted.

Reason:

In the interests of highway safety in accord with Policy ENV27 - Design of New Development of the Unitary Development Plan.

7. The southern barn shown retained on Drg. No. 0605/009 shall be utilised by the two dwellings hereby permitted for ancillary domestic storage purposes only. No other use or external alterations to the building shall be undertaken unless agreed in writing with the Local Planning Authority.

Reason:

In the interests of the rural character of the area in accord with Policy ENV8 - Small Scale Rural Conversions of the Unitary Development Plan.

8. The proposed works of demolition, as indicated on Drg. No. 0605/009, amended plan received 10 April 2007, shall be completed and all material removed from the site before the first beneficial occupation of either one of the dwellings hereby permitted.

Reason:

In the interests of the rural character of the area and to ensure no conflict between residential and agricultural use in accord with Policy ENV8 - Small Scale Rural Conversions of the Unitary Development Plan.

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

Reason:

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

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the first beneficial occupation of either one 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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Before the commencement of development full details of the means of enclosure of the residential curtilage for each dwelling, as defined on Drawing. No. 0605/010A, amended plan received 30 May 2007, which shall be appropriate to its rural location, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosure shall be fully implemented before the beneficial occupation of the dwelling with which it is associated and shall thereafter be retained and maintained at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of the rural character of the area in accord with Policy ENV8 - Small Scale Rural Conversions of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

3. You are advised that should any species protected under the Wildlife and Countryside Act 1981 be discovered on site the developer should contact the Countryside Council for Wales on 02920 772400 for specific advice. In particular it is possible that great crested newts may be found on the site and care should be taken when disturbing materials/dense vegetation at ground level which could be used by sheltering or hibernating great crested newts.

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

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

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

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

2006/01419/FUL Received on 12 October 2006

Dr. Jemmett & Partners and Dr. Jones & Partners, C/o Agent.
Brackley Investments Limited, 6, Lower Farm Barns, Bainton Road, Bucknell,
Bicester, Oxon., OX27 7LT

The Bear Field, The Broadshoard, Cowbridge

Erection of two storey medical centre with associated access, parking and landscaping

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

The application was advertised on 26 October 2006.

SITE DESCRIPTION

The site relates to an open, undeveloped area of land situated to the east of the Local Authority Leisure Centre.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent for a Medical Centre. The Centre will include 2,534 sq.m. of new build serving a total of 86 staff possibly rising to 90 with predicted 28 staff on site at any one time. A total of 116 parking spaces (6 disabled) and 2 ambulance drop off points are indicated.

Access to the site will be via the Broadshoard and through the Leisure Centre Car Park. The external finishes of the two storey Medical Centre will be facing brickwork and render, flat composite metal wall cladding panel (silver/grey), standing seam profiled colour coated metal roof covering (slate grey). A brise soleil will be incorporated into the building. The maximum height of the building is indicated as 8.13 metres.

An Archaeological Assessment, Ecological Assessment, Sustainability Statement, Planning Statement, Flood Consequences Assessment, site investigation and Traffic Impact Assessment have been submitted in support of the application.

PLANNING HISTORY

None.

CONSULTATIONS

Cowbridge with Llanblethian Town Council has no objections, however, the Committee wishes to put forward the following comments:

- (i) The proposed design and materials do not improve or enhance the Conservation Area – better quality materials and a more imaginative design would have been preferred.
- (ii) Concerns over vehicular access to and from the Health Centre via Broadshoard onto Westgate.
- (iii) Despite approval by the Environment Agency, the Committee is concerned with treated water being allowed to enter the waterway and to be linked to a future mains system in North Road.

Further comments state:

“No objections, however, the Committee have concerns with the proposed boundary wall and would prefer to see the hedgerow retained. In relation to the footpath link, the proposed Health Centre to North Road, the Committee would request provision of lighting along North Road which is currently unlit and which is extremely dark particularly during the winter months.”

“And the Community Council’s additional comments are: “That the design and construction of the building do not conform to the Vale of Glamorgan’s document “Sustainable Development a Developer’s Guide” which states that the Vale Council shall encourage all development to be carried out in ways that minimise.

Vale of Glamorgan Conservation Advisory Group comment that whilst the Group had no objection in principle to the construction of a Medical Centre on the site, the Group recommended refusal on the grounds that the scale, form, design and materials of construction would neither preserve nor enhance the character of the Conservation Area.

The Head of Economic Development and Leisure (Footpaths Officer) no comments to date.

Environment Agency see Appendices A1 and A2.

The Head of Visible Services (Highway Development) see Appendix B. In response to neighbours comments regarding the Traffic Impact Assessments base data comments are:

"I have just received the traffic comments which are summarised as follows:

The T/A refers in Section 5 to the results of an automatic traffic counter laid outside the police station on Westgate in July 1997. The results of this traffic counter have, however, only been used to demonstrate the tidal characteristics of the traffic flows along Westgate and to indicate the approximate times of the morning and evening peak traffic periods.

The above traffic information has been supplemented with 12 hour classified turning counts at the junctions of:

- (1) The Broadshoard/High Street/Westgate.
- (2) The Broadshoard/Leisure Centre Access.

Both of these surveys were undertaken in November 2005 and it is the results of these latter counts that have been used to undertake the assessment of the performance of the above junctions with and without the proposed development traffic. It is therefore considered that this element of the T/A is sufficiently up to date and that no further information on traffic flow need be requested from the applicant."

The Head of Economic Development and Leisure : See Appendix C and has further advised that "any scheme of works would need to specify that the reconfiguration of the Leisure Centre Car Park should be undertaken to the Council's satisfaction, before any development takes place."

The Head of Visible Services (Engineering Design) see Appendix D.

The Director of Legal and Regulatory Services (Pollution Control) see Appendix E. No adverse comments have been received following receipt of the site investigation report.

Head of Economic Development and Leisure (Ecology) See Appendices F1 and F2. In respect of further surveys regarding Great Crested Newts the report is acceptable.

Glamorgan Gwent Archaeological Trust see Appendix G.

The Head of Visible Services (Parks and Grounds Maintenance) has no comments to date.

Dwr Cymru/Welsh Water has no comments to date.

The Director of Social Services and the Director of Learning and Development have no comments to date.

Colwinston Community Council “has become aware of delays in progressing planning permission for the proposed new Health Centre in Cowbridge. Whilst we appreciate that a project of this nature requires a number of complex issues to be taken into account, we would emphasise that overall social benefits which will accrue, not least of all health care, accessibility and parking, mean that matters should be expedited as soon as possible. Needless to say this initiative has our full support.”

REPRESENTATIONS

The application was advertised on site and in the press and neighbour notification letters sent. Eighteen letters of representation have been received. The comments relate to concerns regarding:

- (1) The adequacy of the highway network to cope with the likely traffic generation.
- (2) The impact on parking in the vicinity.
- (3) Possible light pollution.
- (4) Effects on health from fumes.
- (5) The sustainability of the development.
- (6) The appropriateness of the site for the development and consideration should be given to other sites.

Copies of 4 No. letters received, being generally representative of the views expressed, are attached as Appendix F. All copies of letters received are retained on file should members wish to view them.

REPORT

The site lies within the defined settlement boundary for Cowbridge and within the Cowbridge Conservation Area. The site is also within flood zones B and C2. The relevant policy context is therefore:

ENV16 – PROTECTED SPECIES.

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS.

ENV20 – DEVELOPMENT IN CONSERVATION AREAS.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

ENV28 – ACCESS FOR DISABLED PEOPLE.

TRAN10 – PARKING.

Also of relevance is Policy ENV7 – Water Resources. With reference to “Development will be permitted where it would not: (ii) be potentially at risk from flooding, or increase the risk of flooding locally or elsewhere to an unacceptable level.” The Local Planning Authority’s Adopted Supplementary Planning Guidance re. Sustainable Development, is also relevant.

Issues

The development seeks to replace and enlarge the provision of health care facilities in Cowbridge by creating a purpose built Centre.

The development is sited within the settlement boundary defined for Cowbridge and can therefore be considered acceptable in principle. The issues relating to the schemes acceptability fall into the following broad categories:

- (1) Traffic Impacts and associated transportation issues.
- (2) Sustainability of the development.
- (3) Design issues.
- (4) Archaeology.
- (5) Ecology.

Traffic and Transportation

In relation to traffic and transportation impacts, the development relies on the access which currently services the Tennis Club and Leisure Centre served off the Broadboard. The Impact Assessment submitted with the proposal has been fully assessed by the Highways Development team, including the Traffic Section and no objections are raised.

The Highway Development Section require that the applicant enter into a Section 278/38 Agreement including appropriate bond and fees.

The issue of public transportation contributions has been considered and improvements to public service vehicle customers through the provision of improved bus shelters are required. This necessitates the signing of a Section 106 Legal Agreement.

The provision on site of bicycle parking as well as 116 car parking spaces, including disabled parking is considered acceptable.

To create the access to the site the car parking and servicing areas for the Leisure Centre will be disrupted and reconfigured. It is reasonable to ensure that this is kept to a minimum and thus as a consequence, a condition should be imposed if the application is approved to require that these works be implemented at the commencement of development.

Sustainability

The development is located close to the centre of Cowbridge and is served by a public bus route. The developers have submitted a Sustainability Statement which has been assessed and subject to the development according with the aims of that statement the issues set out in the Local Planning Authority's Adopted Supplementary Planning Guidance are met. The development includes bicycle parking, high performance low energy fittings. Solar water heating is being considered (albeit not a definite inclusion), a comprehensive thermal modelling assessment has been undertaken reducing the need for air conditioning and minimising mechanical ventilation. Energy efficiency and materials of construction have also been considered and whilst it is contended that sustainable construction techniques are not considered viable yet, recycling will be considered.

Design

Whilst the building is large, the Design Statement submitted with the application details how the scale has been reduced by carefully laying out the plan to produce a division of floor space with wings around a central hub. The elevations combine single and two storey development which, due to their composition, visually serve to reduce the scale and thus the impact on the local environment.

The building is of contemporary style with a low pitched, cladded roof further controlling its scale.

The site itself is considered to be a secondary one in terms of the Conservation Area. The development would have a minimal impact on the important east/west historic frontages of High Street. The site lies in a low lying area in the landscape context of the historic town between the By-pass and North Road. The area already has a building of modern construction and scale not historic to the Conservation Area in the Leisure Centre and the area is further seen in the context of the commercial development of poor design quality between North Road and the site. It is considered that the building, being of some design merit, will improve the standard of built development in the locale.

Archaeology

The study undertaken indicates that in the area there may be potential for significant archaeological features. However, from the geophysical survey and watching brief conducted at that time, there were no archaeological features identified. Glamorgan Gwent Archaeological Trust, as the Council's advisors on archaeology, therefore request a programme of archaeological work be conditioned if the scheme is approved.

Ecology

The site lies close to water and given the overgrown nature of the land nearby and the presence of hedgerows on the site, survey works have been required. The studies have been examined by the Council's Ecologist and Countryside Council for Wales and are accepted. The development should not derogate the habitats of, nor affect protected species and appropriate conditions to ensure that works are carried out as indicated, would be required on any approval.

Other issues

Issues of general impacts on the environmental quality of the area and the need to ensure that the site is not contaminated, have all been considered. The Environment Agency are required to be contacted if any contamination is discovered and an informative to this effect is suggested on any approval. A series of conditions requiring landscaping, lighting details (for visual design reasons and to mitigate against light pollution) in addition to those referred to above, are required. The Environment Agency have also considered issues of drainage and flooding and confirmed their views at Appendix B2.

CONCLUSION

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

Having regard to Strategic Policies 1 and 2 and Policies ENV7 – Water Resources Species; ENV18 – Archaeological Field Evaluation; ENV19 – Preservation of Archaeological Remains; ENV20 – Development in Conservation Areas; ENV27 – Design of New Developments; ENV28 – Access for Disabled People and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 and the Local Planning Authority's Adopted Supplementary Planning Guidance "Sustainable Developments", the development is considered to be of an acceptable scale and design in this part of the Conservation Area which will not adversely affect the environment in general nor the amenities of nearby users including residential occupiers. Acceptable and safe access and on-site parking can be provided and therefore there will be no adverse impact on the highway network nor on vehicular or pedestrian safety.

RECOMMENDATION

That subject to the applicants first entering into a Section 106 Legal Agreement to:

- (a) provide contributions to public transport in the form of bus shelters;
- (b) meet the Council's standing charge set at 20% of the planning application fee;

- (c) upgrade the footpath, including surfacing, lighting access gates and safety fencing measures, between the Leisure Centre/site and North Road in accordance with a scheme and details to be agreed by the Local Planning Authority;
- (d) and subject to the applicants also entering into a Legal Agreement under Section 278/38 with the Highway Authority for the construction of the access road and its subsequent adoption;

planning consent be granted subject to the following conditions:

APPROVE subject to the following condition(s):

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

Reason:

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

2. Prior to works for the construction of the building, full details of the proposed method of foul drainage shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied or brought into beneficial use until the approved scheme of foul drainage has been fully installed.

Reason:

To safeguard the water environment and prevent the risk of flooding and to meet the requirements of Policies ENV7 and ENV25.

3. Prior to being discharged to any watercourse, surface water sewer or soakaway, all surface water drainage from the parking areas and hardstandings only shall be passed through an oil interceptor designed and constructed on site with a capacity and details compatible with the site being drained.

Reason:

To safeguard the water environment and prevent the risk of flooding and to meet the requirements of Policies ENV7 and ENV25.

4. Notwithstanding the submitted plans and prior to the commencement of work on site, full engineering details of the access road and parking for the Leisure Centre, including cross-sections, alignment, street lighting, surface water drainage, lining, signage, traffic calming and paths shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and no development shall take place on the construction of the building until such time as the approved access road and associated works and Leisure Centre parking have been undertaken in accordance with the approved details.

Reason:

To safeguard access to and pedestrian and highway safety at the Leisure Centre and in the area in general and to meet the requirements of Policy ENV27.

5. Prior to the commencement of any development works on site details of wheel washing facilities and dust suppression measures shall be submitted to and approved in writing and such facilities and measures shall be provided on site at the commencement of development works and shall be so retained on site for the duration of the development.

Reason:

To safeguard the amenities of nearby occupiers and highway safety and to meet the requirements of Policy ENV27.

6. Prior to the commencement of development on site, details of the delivery times and haul routes to the proposed site shall be submitted to and approved in writing by the Local Planning Authority and deliveries and haul routes shall be in accordance with the agreed details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To safeguard the amenities of nearby occupiers and highway safety and to meet the requirements of Policy ENV27.

7. Prior to the occupation or first beneficial use of the site details for the provision of secure bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site before beneficial use and thereafter so maintained at all times.

Reason:

To meet the requirements of TRAN10 by ensuring acceptable on-site parking.

8. The approved scheme of parking and turning areas including disabled parking and ambulance parking/drop off areas to serve the Medical Centre shall be fully provided on site prior to the first beneficial occupation of the building hereby approved and shall thereafter be so retained at all times unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To meet the requirements of TRAN10 by ensuring acceptable on-site parking.

9. Notwithstanding the submitted plans, full details of any retaining walls and works, including cross sections through the site and the finished level of the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to their construction or provision on site and the development shall thereafter be carried out in accordance with the agreed details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

For the avoidance of doubt and to ensure a visually acceptable and safe development and to meet the requirements of Policy ENV27.

10. Prior to their installation on site, details of all external lighting, including details of measures to control light pollution, other than street lighting as referred to in Condition No. 4 above, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and shall thereafter be so retained unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To safeguard the visual amenities and ecology of the area and to meet the requirements of Policies ENV16 and ENV27.

11. The development shall be carried out in full compliance with the recommendations and findings of the ecological surveys.

Reason:

To safeguard the ecology of the area and to meet the requirements of Policy ENV19.

12. The development shall be carried out in full accordance with the submitted Sustainability Appraisal.

Reason:

To ensure an environmentally acceptable development and to meet the aims of Strategic Policy 2 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

15. Notwithstanding the submitted plans, the area shown cross-hatched in green on the plan attached to the Decision Notice shall be incorporated within the area for landscaping and shall be so retained at all times unless the Local Planning Authority gives prior written consent to any variation.

Reason:

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

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

Reason:

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

17. This consent shall relate to the plans registered on 12 October 2006 other than where amended by plans reference G2074(05)01 'A' received on 24 May 2007.

Reason:

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

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
3. **This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**
4. **Please note that this site lies within a Conservation Area. Under the Town and Country Planning Act 1990 a person who wishes to carry out work to trees must give the Local Planning Authority six weeks notice in writing of their intentions. Work to the trees must not be carried out during this period without permission, if you do you could be liable to prosecution. You may also be required to plant a replacement tree. There are exceptions to this rule and it would be advisable to check with the Local Planning Authority before undertaking works to trees within the Conservation Area.**
5. **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.**

6. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
7. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.

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

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

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

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

2006/01715/OUT Received on 9 February 2007

The Representative Body of the Church in Wales, 39, Cathedral Road, Cardiff.,
CF11 9XF
Cooke and Arkwright, Bayer Lodge, Western Avenue, Bridgend., CF31 3TZ

Site of St. Lukes Church, Elfed Avenue, Penarth

Demolition of redundant church building and redevelopment for 4 No. houses

SITE DESCRIPTION

The site comprises an area of land, approximately 0.17ha, which is occupied by a detached church building that is currently vacant. The existing church is located on the north west boundary of the site with vehicular access in the southern corner onto Elfed Avenue.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the demolition of the church and the redevelopment of the site for residential purposes. The application was submitted with all matters reserved for subsequent approval, however, details of siting, means of access and number of units were formally requested under Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995. The submitted information indicates the provision of 4 No. two storey houses, provided as two pairs of semi-detached properties. They will be sited in a northwest to southeast line continuing the existing row of housing on that side of Elfed Avenue. A new access road, approximately 5.5m wide, will be constructed off Elfed Avenue in a similar position to the existing vehicular access.

The application is supported by a Sustainability Check List.

PLANNING HISTORY

None.

CONSULTATIONS

Penarth Town Council – Comments on initial submission:- “That the application should be approved subject to scale form and design in keeping with the surrounding residential area with no more than two storeys in height; and car parking and amenity in accord with Council’s guidelines. “

Comments on additional information – “The Town Council maintains its support for the application although it is noted that the layout indicated would suggest that off-street parking cannot be provided in respect of houses 4 and 5.”

Comments on revised scheme – “That the application should be approved on the basis of the further amended plans.”

Environment Agency Wales has no objection in principle subject to comments relating to waste from demolition; provisions for any hazardous waste or contaminated material; construction in line with industry best environmental practise; any fuel or polluting substances stored in secure bunded location; and sustainable drainage.

Dwr Cymru/Welsh Water- Comments on initial submission have requested their standard advice and conditions be attached to any consent.

Glamorgan Gwent Archaeological Trust comment that due to the modern nature of the building there is no necessity for any recording of the structure prior to demolition. No other recorded archaeological sites and therefore no objection.

The Director of Legal and Regulatory Services (Environmental Health) has no comment.

The Head of Visible Services (Highway Engineer) comments on initial submission that there is no objection in principle but further details required at this stage.

Comments on additional information – “The existing vehicular access is required to be formalised and upgraded. The Highway Authority has no objection subject to conditions including engineering details, maintenance of visibility, and parking provided in accordance with the approved parking guidelines.”

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 19 December 2006 and renotified on 21 February and 16 April 2007. In addition a site notice was posted on 18 December 2006. Letters of objection/representation have been received from the occupiers of Nos. 16 and 33 Elfed Avenue and 131 Westbourne Road. Whilst all the representations are available on file for Committee Members inspection the letter from the neighbouring occupier at No. 33 Elfed Avenue, along with the third letter from the occupier of 131 Westbourne Road are reproduced at Appendix A as being generally indicative of the issues raised. In summary the main points raised relate to the existing building could be re-used; whether the proposed dwellings would be in keeping; who will occupy the properties; alterations to vehicular access and parking provision; density; privacy; and boundary treatment.

REPORT

Members will be aware that this application was deferred at the 24 May 2007 meeting of Planning Committee to allow Members to undertake a site visit.

The proposal entails the demolition of an existing church and the redevelopment of the site for 4 No. residential units and new access drive. The site is located within the residential settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011(UDP). As such the following policy background is relevant.

Planning Policies

Policy HOUS2 of the UDP allows for housing infill, small-scale development and redevelopment within Penarth subject to the residential development criteria set out in Policy HOUS8.

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;

- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iv) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET;
- (v) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vi) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy ENV27 refers to the Design of New Developments and is also a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

- (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

HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy TRAN10 relates to Parking and requires the provision of parking facilities in accordance with the approved parking guidelines, related to the type of land use, its density and location; accessibility to existing and potential public transport; and the capacity of the highway network.

The Council also has Supplementary Planning Guidance on Sustainable Development and Amenity Standards.

National guidance is contained in Planning Policy Wales March 2002. Paragraph 2.7 indicates a preference for the re-use of land in relation to sustainable objectives, particularly previously developed or brownfield land.

Issues

The application was reported to Planning Committee in May and consideration was deferred for a site visit which will take place on 12 June 2007.

It will be noted from the representations received that one of the concerns raised relates to the loss of the existing church which is structurally sound and capable of re-use for community benefit. Unfortunately, however, whilst Policy COMM5 of the Unitary Development Plan seeks the retention of community facilities this is in rural settlements and villages and does not relate to the main urban areas. In addition planning permission is not required for the demolition of the building. Thus whilst the Council may prefer to see the church retained for community use this would not be justifiable grounds to reject an alternative development that may be acceptable, especially given the fact that consent is not required for the demolition of the existing structure.

In assessing the current proposal against the above policies, therefore, the following points are noted.

Details of the siting and means of access of the proposed new housing have been submitted for consideration with this application with matters of design, external appearance, and landscaping reserved for subsequent approval. It is considered that the proposed siting in line with the existing houses along the eastern side of Elfed Avenue is acceptable, and the indication that the houses will be two storey, semi-detached, means that the scale and form of the development will be in keeping with the surrounding properties. It is noted that the neighbouring occupier at No. 33 Elfed Avenue has objected, amongst other things, on the grounds of privacy and increased noise and disturbance. There is some justification for these objections as the proposed driveway is sited alongside this boundary and the position of the houses is such that they will face towards the rear garden of that property. It is noted however that the distance from the nearest proposed house to the existing garden boundary is approximately 17m. This is not considered unacceptable particularly as there is scope for screening. In respect of noise and disturbance it is considered that the existing use of the site would entail the movement of people and cars via the same access point to attend the church and whilst this may have been less frequent, nevertheless, it could potentially be in greater numbers at any one time.

As regards any likely impact on the remainder of the surrounding properties it is considered that the submitted details should allow for a neighbourly form of development that should have no adverse impact on the level of residential amenities currently enjoyed by the neighbouring occupiers. The proposal itself should be capable of providing the necessary amenity space to meet the requirements of the SPG on Amenity Standards.

On the issue of highways it is noted that the Council's Highway Engineer has no objections to the proposal subject to the agreement of full engineering details, maintenance of visibility and on-site car parking in accord with the approved guidelines. The submitted details of siting and access should allow for on-site parking to serve the development that would meet the Council's guidelines.

It is also noted that neither the Environment Agency nor Welsh Water have any objections to the proposal.

CONCLUSION

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

Having regard to Policies HOUS2 and HOUS8 - Residential Development Criteria, ENV27 - Design of New Development and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance on Amenity Standards, it is considered that the principle of the redevelopment of the site for four residential units is acceptable in planning terms.

RECOMMENDATION

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

4. This consent shall relate to the amended plans received on 12 April 2007 which indicates the provision of 4 No. two storey, semi-detached houses, with vehicular access off Elfed Avenue.

Reason:

For the avoidance of doubt as to the approved plans.

5. Notwithstanding the submitted plans full engineering details of the proposed new access onto Elfed Avenue shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of work. The development shall be implemented thereafter in accordance with the approved details and before the first beneficial occupation of any one of the dwellings hereby permitted.

Reason:

In the interests of highway safety in accord with Policies HOUS8 - Residential Development Criteria and ENV27 - Design of New Development of the Unitary Development Plan.

6. The detailed plans shall provide parking facilities to meet the standards of the Local Planning Authority.

Reason:

To ensure adequate on-site parking in the interests of highway safety in accord with Policy TRAN10 - Parking of the Unitary Development Plan.

7. Details of the proposed finished floor levels in relation to the existing ground levels of the site, including cross-sections, shall be submitted to and approved in writing with the Local Planning Authority before development commences on the proposed dwellings.

Reason:

In the interest of visual and neighbouring amenities in accord with Policies HOUS8 - Residential Development Criteria and ENV27 - Design of New Development of the Unitary Development Plan.

8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use. The details shall pay particular regard to the screening of the rear garden to No. 33 Elfed Avenue.

Reason:

To safeguard local visual amenities and neighbouring privacy in accord with Policies HOUS8-Residential Development Criteria and ENV27-Design of New Development of the Unitary Development Plan and Supplementary Planning Guidance on Amenity Standards.

9. The proposed dwellings shall be designed so that no main windows of habitable rooms shall directly overlook the main windows of habitable rooms of other dwellings at a distance of less than 21.3 metres, with consideration also given to possible overlooking of private rear gardens, in particular No. 33 Elfed Avenue.

Reason:

To safeguard the privacy of neighbouring occupiers in accord with Policies HOUS8 - Residential Development Criteria and ENV27 - Design of New Development of the Unitary Development Plan and Supplementary Planning Guidance on Amenity Standards.

10. Plans and particulars of the reserved matters referred to in condition 1 above relating to the design and external appearance of the buildings 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 Section 92 of the Town and Country Planning Act, 1990.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **The attention of the applicant is drawn to the fact that a public sewer may be affected by the development and you are advised to contact Dwr Cymru/Welsh Water for further advice on Tel: 01443 331155.**

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

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

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

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

2006/01739/FUL Received on 5 December 2006

Norton Property Company, Kiln House, Poole Road, Lytchett Matravers, Dorset.,
BH16 6AF
Russell Lee Young, 6, Caebach Close, Culverhouse Cross, Cardiff., CF5 4TU

Ham Woods, Ham Manor Park, Llantwit Major

Seven Holiday Chalets and associated works - revised chalet type 05/01048/FUL

SITE DESCRIPTION

The site relates to an area of land situated adjacent to a residential park. The land is generally flat with some trees but is generally cleared. There is a woodland to the north of the site with the Hoddnant running through. Access to the site is via the residential park.

DESCRIPTION OF DEVELOPMENT

To amend a scheme for 7 No. Holiday Chalets and on which development has commenced. The amendments broadly entail:

- Drainage works including pipe and sewer connection to the north of the site (work undertaken).
- To amend the design/footprint of the Chalets from 6096mm x 10973mm (approx) to 6100mm x 9750mm approx. Chalets to be timber clad.
- Details of bin storage.

- Minor reposition of Chalet No. 4.
- Landscaping details.
- Timber boarding fence to define rear (northern boundary with woodland) 1.2m high.

PLANNING HISTORY

Most relevant, recent history is planning application 05/01048/FUL for 7 No. Holiday Chalets approved 15 December 2005 subject to conditions including limitation on occupancy. Previously application ref: 03/01548/OUT for 7 No. Holiday Chalets was allowed on appeal.

CONSULTATIONS

Llantwit Major Town Council object as the original planning permission stated log cabins and they advise that U-pvc cabins with 'log effect' cladding are to be used which will detract from the area.

The Head of Visible Services (Engineering Design and Procurement): Developer should consider floor/threshold levels to Flood Maps and comments of the Environment Agent are recommended.

Environment Agency: Standard advice applies.

The Director of Legal and Regulatory Services (Environmental Health Officer) no comment.

Countryside Council for Wales comments awaited.

The Head of Economic Development and Leisure (Ecology) see Appendices A1 and A2.

Jane Hutt (A.M.) see Appendix B. In general she is concerned that the scheme now before the Council is a departure from the previous scheme in that the bases are incorrectly located and it is proposed that the units will not be log cabins.

REPRESENTATIONS

Comments received are attached as Appendix C. In summary the main concerns relate to the following points:

1. The design of the chalets, being upvc clad.
2. Changes in the positions of the slabs for the chalets.
3. The establishment of a precedent for future development which has commenced without approval.

REPORT

Planning Policies

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE.

ENV16 – PROTECTED SPECIES.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

TOUR4 – CARAVAN, CHALET AND TENT SITES.

Issues

Comments received on behalf of the applicant are attached at Appendix D. Planning consent was granted in 2005 for the principle of 7 No. Chalets and the details of that scheme in terms of scale, design and layout reflect the general arrangement of that scheme.

The footprint of the units is slightly smaller than that previously indicated. The site will be landscaped including a mix of decorative planting and indigenous planting (including Sycamore, Ash, Silver Birch, Alder Buckthorn and Horse Chestnut).

The development of the site will not be materially different from that approved and extant, under application ref: 05/01048/FUL. The Chalets will be approximately 4.3m high. The siting of the Chalets has been fully assessed. Having regard to the comments made by the residents, the layout does not materially affect or differ from the effect of the extant consent, on their amenities. The submitted plans indicate timber cladding to the walls externally.

The Ecology report findings indicate that CCW's advice be sought are recommended and therefore appropriate conditions will be added.

CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV27 – Design of New Developments, ENV16 – Protected Species and TOUR4 – Caravan, Chalet and Tent Sites and the planning consent ref: 05/01048/FUL, it is considered that the details of the amendments to the scheme do not detract from the visual amenities of the area nor the privacy and amenities of nearby occupiers and the development therefore meets the aims of these policies.

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

Reason:

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

3. 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 073/02/101A and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

4. The lighting, means of enclosure and bin store as detailed on Drawing No. 073/02/101A shall be fully implemented on site prior to the first beneficial occupation of any one of the Chalets hereby approved and shall thereafter be so maintained unless the Local Planning Application gives written consent to any variation.

Reason:

In the interests of visual amenity and protection of the environment and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

5. The Chalets hereby approved shall only be used for holiday accommodation and shall not be occupied as a sole or main residence or any other use falling within Class C3 of the Town and Country Planning (UCO) 1987 as amended.

Reason:

The site is not one which is considered suitable for residential development other than as tourist accommodation and to meet the requirements of Policies ENV1 and TOUR4 of the Unitary Development Plan.

6. The development and any successors in title shall keep a register of all occupiers of the Chalets, their names and main residential address and the period of occupancy of the Chalets and the register shall be made available for inspection by the Local Planning Authority within one week of the Local Planning Authority's written request to inspect the register.

Reason:

The site is not one which is considered suitable for residential development other than as tourist accommodation and to meet the requirements of Policies ENV1 and TOUR4 of the Unitary Development Plan.

7. Any soils or similar materials brought to the site 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 Code of Practice and Guidance notes.

Reason:

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

8. Full details of a scheme for the eradication and/or control of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented on site prior to the occupation of any one of the Chalets.

Reason:

To secure the removal/eradication of the Japanese Knotweed.

9. The development shall be undertaken in full accordance with the recommendations contained in the Ecology Survey by David Clements Ecology Limited 2007.

Reason:

To safeguard the ecology of the site and surrounding area and to meet the requirements of Policy EN16 of Unitary Development Plan.

NOTE:

1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
2. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.

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

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

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

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

2007/00309/FUL Received on 26 April 2007

Mrs. J, Rendell, Crows Nest, 48, Redbrink Crescent, Barry Island, Vale of Glamorgan

Mrs. J, Rendell, Crows Nest, 48, Redbrink Crescent, Barry Island, Vale of Glamorgan

Crows Nest, 48, Redbrink Crescent, Barry Island

Retention of extension with modifications as identified on plans i.e. cut back at first floor level and provision of light tube.

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission to retain unauthorised works including lengthening of a previously approved rear extension by 1.3 metres, to accommodate a sewer pipe, altering the roof profile, lengthening the side wall of the extension, replacing tile hanging on rear dormer with white uPVC, and in the addition of an extra rooflight and large picture window. The development also includes the provision of a light tube to the ground floor side wall in an attempt to provide natural light to the occupier of the ground floor flat. It is also proposed to reduce the length of part of the extension as constructed to 2.9 metres where it adjoins the neighbouring property No. 46 Redbrink Crescent.

The works which were originally approved on this property entailed:

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

PLANNING HISTORY

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

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

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

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

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

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

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

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

06/01045/FUL – Extension to front and rear with modifications. Refused 14 December 2006.

CONSULTATIONS

Barry Town Council comments on the scheme:

“These latest amendments to the approved scheme do little to overcome this Council’s Strong Objection submitted in respect of refused application ref: 2006/01045/FUL.

Continued serious concern is expressed in relation to overdevelopment, un-neighbourliness and adverse impact on local visual amenity”.

REPRESENTATIONS

The occupiers of neighbouring properties – Were notified on the 8 March 2007 and again following amendments on 30 April 2007. The occupier of No. 46 Redbrink Crescent has objected to the development on the basis that the development is unneighbourly and obtrusive (Appendix A). The occupier of the ground floor flat No. 49 has also objected to the development, on the grounds of the effect of enclosing a shower room window and extractor fan within the proposed extension and the detrimental effect on the amenities of the property (Appendix B). The neighbours have also responded further by reiterating their objections (Appendix C).

Finally a letter has been received from the applicant in respect of the proposal in which it is requested that the letter itself is circulated to Members (Appendix D).

REPORT

Members will be aware that this application was deferred at the 24 May 2007 meeting of Planning Committee to allow the applicant to submit an amended plan. A meeting is to be held on the 13 June 2007, on-site with the applicant’s agent and Members will be updated at the Committee meeting itself.

Members will recall that this application follows the unauthorised erection of an extension at the property following the discovery of a main sewer which prevented a previous approval from being implemented. A previous application which attempted to resolve the situation was refused last December and subsequently an Enforcement Notice was served requiring the demolition of the extension as constructed. The applicant has submitted this application in an attempt to resolve the issue of the loss of light suffered by the occupier of the ground floor flat through the use of a 'light tube'. This is a steel tube with a round glass protrusion at either end which would be inserted in the exterior side wall of the extension and through the utility room wall of the neighbours property. In addition the proposal includes some further amendments including reducing the length of the first floor element of the extension back to that approved as part of the original proposals. However it is considered that the development, as built will continue to have a significant effect on the neighbouring properties.

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

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

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

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

The extension as constructed, encloses a rear obscure glazed window belonging to the owner of the ground floor flat. This occupier has objected strongly to the development on grounds of its effect on the property. It is considered that whilst this is not an ideal situation, the originally approved scheme did include glass block walling to allow light to the otherwise enclosed window. However in contrast, the current development has removed the large glass block element from its side wall and inserted a smaller window. This, in addition to the size of the extension further reduces the light available to the enclosed window, to the detriment of the occupiers of the flat. Finally it should be noted that the retention of an obscure glazed window internally to the neighbours flat did not meet Building Regulation requirements and this window had to be further blocked by the use internally of glass blocks (which was never part of the original scheme).

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

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

In addition the proposed addition of a light tube will not over come the issues of loss of natural daylight which the occupier of the ground floor flat will continue to suffer.

CONCLUSION

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

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

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

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

2007/00387/FUL Received on 19 March 2007

Mr. David Hitt, 29, St Lythans Close, Dinas Powys, Vale of Glamorgan., CF64 4UB

Mr. David Hitt, 29, St Lythans Close, Dinas Powys, Vale of Glamorgan., CF64 4UB

29, St Lythan Close, Dinas Powys

Dormer loft conversion

SITE DESCRIPTION

The application site relates to a 1970's end of terrace three bedroom dwelling located in St. Lythan Close, Dinas Powys. The dwelling is constructed from brown facing brick with interlocking roof tiles.

DESCRIPTION OF DEVELOPMENT

This application seeks retrospective planning permission for the retention of a flat roof dormer on the rear facing roof plane of the dwelling.

The dormer has been constructed the full width of the dwelling being 5.5 metres in width and has been constructed off the wall plate to a height of 2.2 metres from eaves level with a flat roof adjoining the ridge line of the dwelling. The side cheeks of the dormer are constructed in facing brick and forms a vertical continuation of the side elevation of the dwelling. The rear elevation of the dormer is constructed with hanging tiles. The second floor accommodation within the extended roof will provide an additional bedroom.

PLANNING HISTORY

None.

CONSULTATIONS

Dinas Powys Community Council raised no objection in principle, but consider the design of the conversion to be aesthetically unpleasing.

REPRESENTATIONS

Adjacent occupiers were notified and to date no letters of representation have been received.

REPORT

Planning Policies

The relevant policies and guidance in assessing this application are those contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, in relation to the following policies:

ENV27 - Design of New Developments

TRAN 10 - Parking

Also of relevance are the Amenity Standards Supplementary Planning Guidance, Planning Policy Wales March 2000 and TAN12 on Design.

Issues

The property is an end of terrace dwelling which is separated from the adjacent terrace of St. Paul's Close by a footpath which links to a public footpath which runs along the rear of the terraced dwellings of both St. Lythan Close and St. Paul's Close, which provides a footpath link to Cardiff Road to the south.

As the property is bounded by footpath to the side and rear, the dormer is therefore visible from public viewpoints. Moreover the rear roof plane is also partly visible from Wellwood Drive which is located to the east and at a higher level. Whilst the dormer would be partly obscured by trees which are located between these two roads, during the winter months, the absence of leaf coverage would increase the prominence of the dormer. It should be noted that the rear roof planes of this terrace and the adjacent terrace remain unaltered. The overall appearance of the rear elevations of these dwellings is one of a uniform and well presented terraced dwellings with no alterations.

In relation to the impact on the street scene, as stated above the dormer as built would be visible from both the adjacent side and rear lane and from an elevated position from Wellwod Drive. The dormer as built, is the full width of the dwelling and where its ridge height matches that of the main dwelling. Furthermore the use brick for the side elevation of dormer which forms an extension of the gable end of the terrace, further increase the prominence and scale of the development. Therefore it is argued that the form of development does not actually constitute a dormer, but the construction of a flat roof extension on the rear roof plane, where no part of the original sloping roof plane has been retained. As such the dwelling as extended when viewed from the side and rear now appears as a three storey flat roof dwelling.

The scale, form and massing of the dormer is considered to be excessive and constitutes a poorly designed and wholly incongruous feature within the street scene. Furthermore it is considered that such an approval of this dormer would set an undesirable precedent within the street scene.

CONCLUSION

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

It is considered that the proposal is contrary Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, in that it is of a poor design that fails to respect the character of the street scene within which it has been built.

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse this planning application, it is also recommended that the Director of Legal, Public Property and Housing Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure that the unauthorised dormer is removed and the roof plane reinstated.

REFUSE

1. The dormer as built, by virtue of its size, scale and design, would represent an overly dominant and inappropriate form of development which would adversely affect the visual amenity of the area and would create an incongruous element on the rear terrace elevation. As such, the proposal is contrary to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within the Councils 'Amenity Standards' Supplementary Planning Guidance.

Mr. Richard Hayward, Richard Hayward Properties, Castleton Baptist Church,
Newport Road, Castleton, Cardiff., CF3 2UR
Mr. John Wootton, John Wootton Architects, Greyfriars House, Greyfriars Road,
Cardiff., CF10 3AG

38, John Street, Penarth

Proposed three storey C3 residential block with a 2 bedroom house linked to 3 units of 1 bedroom flats

SITE DESCRIPTION

The application site relates to a vacant open fronted parcel of land site, located on the corner of John Street and Maughan Terrace in Penarth. The site is some 150 square metres in area.

The character of the area is residential, where John Street comprises of terraced two storey dwellings with rendered elevations and slate roofs, and the dwellings on Maughan Terrace are larger three storey terraces.

DESCRIPTION OF DEVELOPMENT

This is an outline application with all matters reserved except for siting, for the construction of a three storey building to accommodate three one bedroom flats and a two bedroom house.

The footprint of the building is shown to cover the whole of the site some 20.3 metres in length by a depth of 6.7 metres and the building comprises of two distinct elements. The Maughan Terrace elevation has a flat roof with a maximum ridge height of 10.4 metres which links to a smaller scale element on the John Street elevation with a ridge height of 8.8 metres.

Whilst the external appearance of the building is indicative, the details a contemporary 'box style' building with modern details, constructed with a mix of materials, mainly through coloured render on the principal elevations with white render on the secondary elevations. Other details include powder-coated window and door frames with reconstituted stone window surrounds. The roof will be standing seam zinc. The proposed building will sit on a stone rubble plinth.

The John Street elevation contains the dwelling which is accessed at street level and served by two off-street parking spaces, leading to first floor accommodation comprising of a living /dining room, bedroom, kitchen and bathroom with a master bedroom on the second floor and open roof terrace.

The flatted accommodation is also shown to be accessed from John Street with stairs a lift serving the three one bedroom flats.

PLANNING HISTORY

None.

CONSULTATIONS

Penarth Town Council raised an objection to the application on the following grounds :

- Gross overdevelopment of a restricted site with inadequate amenity space provision for the number of units proposed.
- Inadequacy of off-street parking.
- Development would have an adverse impact on the character and appearance of the street scene by virtue of its design and position at the back edge of the pavement fronting John Street and the development will be overly dominant within the street scene despite its corner location.

The Head of Visible Services (Highway Development):

Further to the recent site visit undertaken in relation to the above application, I would comment that the development site will require the provision of five parking spaces to be provided within the boundary of the site.

As only two parking spaces are provided to serve the proposed house, the development would be deficient in parking by three vehicle spaces.

Therefore, as the development does not provide adequate parking facilities to serve the needs of residents, the Highway Authority object to the above proposals.

The Director of Legal, Public Property and Housing Services (Environmental Health) has raised concern in respect of the potential impact on the occupants of the adjacent occupiers of Maughan Terrace and access issues for the occupiers in relation to refuse storage.

REPRESENTATIONS

Adjacent and nearby occupiers were notified and a site notice was also posted. To date two letters of representation have been received which raise an objection to the application, one of which is attached as Appendix A. The objections raised are summarised below:

- Additional traffic generation and on street parking.
- Design and scale of building would be out of character with the area.
- Loss of privacy.
- Overdevelopment of the site based on the number of dwellings proposed, and

- Loss of the side access for the adjacent occupier at No. 37 John Street.

REPORT

Planning Policies

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 supports the principle of housing infill, small-scale development and redevelopment within the settlement boundary of Penarth, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

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

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.

Furthermore consideration should also be given to the policies and guidance set out in the adopted Amenity Standards and Sustainable Development Supplementary Planning Guidance.

Also considered relevant is national planning policy guidance contained in Planning Policy Wales (March 2002). Paragraph 9.3.3 states that “Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.”

Paragraph 9.3.4 “In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity....”

Issues

The application site is located in a residential area in the north of Penarth, characterised by Victorian and Edwardian terraces. The site is currently vacant and it is not known whether the site was originally occupied by a building. The application site is of the same width and depth as the plots of the adjacent dwellings in Maughan Terrace. Therefore whilst the site could be considered appropriate to accommodate a dwelling, the principal consideration is whether the number of units proposed can be adequately served by off-street parking and amenity space and the appropriateness of the scale, massing and design of the extension and its impact on the street scene. However it should be noted that in the assessment of this application, only siting has been submitted for formal consideration.

With regards to siting, the proposed plans show the development of the entire plot, where the building is shown to adjoin No. 17 Maughan Terrace, with accommodation over three floors, to a height of 8.8 metres. The construction of such a large scale building directly on the boundary along the full length of the adjoining occupiers rear garden will result in a significant level of overbearing impact, particularly as the garden is located to the north of the application site.

The Maughan Terrace elevation comprises of a three storey frontage and whilst the adjacent terraces step down from the application site, the proposed building (whilst shown indicatively), would nevertheless fail to replicate the existing building pattern of the adjoining terrace. Whilst the ridge height of the elevation follows that of the stepped terrace, the use of a flat roof has resulted in a much taller façade, some 1.5 metres above that of the adjacent dwelling.

In relation to the John Street elevation, the building steps down in height approximately half way along the John Street frontage. However the form and scale of the building is considered to be at total variance to the character and scale of the smaller scale two storey detached dwellings on John Street. Moreover the existing terrace is set back from the pavement by some 2.5-3 metres and enclosed by low level boundary wall, whereas the proposal is sited directly abutting the pavement and therefore fails to respect the building line of the terraces on this part of John Street. In terms of the facade detail, the window position and height, (principally those at second floor level) fail to reflect the pattern of fenestration of the adjacent n the terrace.

In terms of the overall design and materials used, (whilst indicative) the design appears to be deliberately modern, to contrast with the traditional terraced dwellings and reflect the modern developments found within Penarth Marina. Whilst there is no objection to the principle of a building with modern design element and materials, its overall form and scale should still reflect the character of the area rather than that of the submitted scheme which results in an incongruous form of development on a prominent corner position which fails to make a successful transition between the Maughan Terrace and John Street elevations.

In relation to highway considerations, the proposal will accommodate three one bedroom apartments and a two bedroom dwelling. Whilst the dwelling is shown to be served by 2 off street spaces, the flatted accommodation does not have any provision for off street parking. On this basis the highway engineer has stated that the development site will require the provision of five parking spaces and is therefore deficient by three vehicle spaces. Accordingly the development fails to provide adequate parking facilities to serve the needs of residents.

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on 'amenity standards', which includes guidelines for such, within which Policy 2 in particular states that "the Council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development". The supporting text to this policy states that "The provision of adequate and usable private amenity space is extremely important to meet the requirements of residents for functional and relaxation space", with standards established for flatted developments stating that developers should aim to provide a minimum of 20m² private amenity space per person. In relation to the proposed dwelling, the standards require a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape.

The proposed flats could accommodate a maximum of six people which would require some 120 square metres of amenity space. However, there is no provision for any amenity space on site, although it is acknowledged that a bin store is provided at ground floor level. Based on the indicative plans the proposed gross floorspace of the dwelling is some 125 square metres, although the amenity space provision is limited to a small roof terrace of 12 square metres. Accordingly the development as a whole would fail to provide adequate provision of usable amenity space in accordance with the adopted standards.

In terms of impact on the privacy and amenity of adjacent occupiers, as stated above the amenities of the occupiers of No. 17 Maughan Terrace would be significantly compromised. Furthermore the indicative layout plan also details windows in the bathroom and stairwell of the dwelling which would be directly on the boundary overlooking the small rear garden of the adjacent dwelling. Whilst these windows are not classified as habitable, their placement on the boundary would nevertheless result in a perceived loss of privacy, if not an actual loss of privacy. The proposed accommodation will be sited within 15 metres of the nearest dwelling located opposite the application site on Maughan Terrace and John Street. Whilst the Amenity Standards Supplementary Planning Guidance requires habitable windows between dwellings to be a minimum of 21 metres (depending on the angle of overlooking), the existing dwellings along the street are the same distance away. However, the introduction of four residential units into the site over three floors of accommodation would no doubt intensify the level of overlooking for opposing residential occupiers, over that which already exists.

In accordance with the requirements of the Sustainable Development Supplementary Planning Guidance, a Sustainability Statement has been submitted, to demonstrate that issues of sustainability have been considered at the planning and design stage.

CONCLUSION

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

Whilst the application is submitted in outline with all matters reserved except for siting, the number of residential units proposed would result in an overdevelopment of the site, on the grounds of insufficient private and usable amenity space and provision for off street parking to serve the development proposed. Furthermore the proposed level of accommodation over three floors would result in an incongruous form of development at variance with the character of the area where its scale and massing would adversely impact on the amenities of adjacent occupiers by virtue of an overbearing form of development and one that would result in an increased loss of privacy to adjacent occupiers.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed form and scale of residential accommodation would result in an overdevelopment of the site, on the grounds of insufficient private and usable amenity space and provision for off street parking. Furthermore the proposed level of accommodation over three floors would result in an incongruous form of development at variance with the character of the area where its scale and massing would adversely impact on the amenities of adjacent occupiers by virtue of an overbearing form of development and one that would result in an increased loss of privacy to adjacent occupiers. The proposal is therefore considered contrary to Policies HOUS 2 - Additional Residential Development, HOUS 8 - Residential Development Criteria, HOUS 2 - Settlements, HOUS 11 - Residential Privacy and Space and ENV 27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the policies and guidance contained within the adopted 'Amenity Standards' Supplementary Planning Guidance and Planning Policy Wales (March 2002).

2006/01829/RG3 Received on 20 December 2006

Director of Learning and Development, Civic Offices, Holton Road, Barry, Vale of Glamorgan., CF63 4RU
Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry., CF63 4RU

Rhws Primary School, Fontygary Road, Rhoose

Phased development of a two storey teaching block with 12 classrooms, hall, kitchen, admin offices, stores and toilets linked to existing building by means of a link corridor. Also demolition of one demountable unit, removal of another, relocation of two others and siting of a new demountable unit.

SITE DESCRIPTION

The application site is located within the grounds of an existing primary school on the south side of Fontygary Road, Rhoose. In addition to the planning history, the Rhws Primary School has recently been classified as a Grade II Listed Building.

DESCRIPTION OF DEVELOPMENT

This is an application under Regulation 3 of the Town and Country Planning General Regulations 1992 (Minute No. 1979, May 2002) for an extension to the existing Rhws Primary School, Fontygary Road, Rhoose.

The development will be split into two phases. Phase 1 consists of 4 classrooms, toilets, staircase and lift. This will be in conjunction with the recently approved 2007/00323/REG3 to demolish, remove and relocate the existing demountable units and installing a new demountable classroom on the existing hard play area to the side of the existing school.

The second phase will involve the construction of the remainder of the school extension which will provide a two storey teaching block with 12 classrooms, hall, kitchen, admin offices, stores and toilets linked the existing building by means of a link corridor. The new teaching block will be 2,224m², increasing the staff from 30 to 45 and the existing pupils from 425 to a possible 570. There are no plans to increase the number of parking spaces on site but there are traffic management proposals involving 'Walking Bus' schemes submitted to form part of a green travel initiative.

The teaching block will measure 82.4m length x 16.8m wide and 10.55m at highest point in the mid section. In the main the school height will measure approximately 8.5m. The materials include:

- External Walls; - Buff colour facing bricks to classrooms, hall and kitchen. Blue curtain wall to staircase, lift and toilet areas. This will be glass' look a like panels'.
- Windows and External Doors- White Powder coated aluminium. All south facing windows are to be fitted with solar shading.
- Roof - Will be insulated metal deck for the main roof with continuous Solar Panel and Photovoltaic cells.

PLANNING HISTORY

99/01294/REG3 – Demountable classroom unit. Approved 5 January 2000.

00/00008/REG3 – Retention of single demountable nursery unit. Approved 23 March 2000.

00/00638/REG3 – Single storey detached classroom. Approved 26 July 2000 subject to conditions including window obscure glazing and landscaping. A subsequently amended scheme for a second classroom was agreed on 5 September 2000.

03/00438/REG3 - Installation of demountable unit. Approved 5 June 2003.

05/01866/RG3 – Initial refurbishment of an existing classroom unit and proposed soft play area. Approved 13 February 2006.

05/01708/FUL – Installation of pre-fab classroom, assorted site works and safety facing. Approved 17 October 2006.

05/00872/REG3 – Installation of demountable classroom and associated site works. Approved 25 July 2005.

06/01636/REG3-Retention of single storey double demountable classroom-
Approved. 3 January 2007

2007/00323/REG3- Demolish, remove and relocate existing demountable
classrooms. Approved 24 May 2007.

CONSULTATIONS

The Civil Aviation Authority were consulted on 24 January 2007. The department does not have an objection to this development.

Environment Agency Wales were consulted on 24 January 2007. No objection to the proposals and our generic information note for developers applies.

The Head of Visible Services (Highway Development) were consulted on 24 January 2007. Further to the site visit undertaken in relation to the above development proposals, The Highways Authority would comment as follows:

“From site observations during the AM and PM peak arrival and departure times at Rhoose school, it has been observed that the adjacent highway network is over capacity in terms of parking due the dropping off/picking up of children attending the school.

It is noted that vehicles park within the surrounding residential and commercial areas along Stewart Road, Kem Eys Road, Wesley Road and Fontygary Road, often double parking to the detriment of highway safety and adding to congestion. Furthermore, it is noted that private car parks at the Rhoose Social Club and the Spar retail store are also being unofficially used by parents for the dropping off/picking up of children and short stay parking.

Under the development proposals, the number of children that will attend the school will be increased by 145, from 425 to 570 children alongside 15 additional members of staff. However, in real terms the proposed development will provide capacity for an additional 200 children to attend the school based on the floor area of individual classrooms.

As there are no proposals to provide facilities for the dropping off/picking up of children, or staff parking, the existing on street parking demand will be increased, exasperating the existing demand for short stay parking within the area to the detriment of highway safety.

It is noted that the application also proposes a “Walking Bus” scheme to assist in transporting children to and from the school, in an attempt to reduce the increased on street parking demand. However, the “Walking Bus” scheme is voluntary and cannot be controlled under planning legislation and is only operated on a seasonal basis.

Furthermore, it is considered that the routes identified under the development proposals for the "Walking Bus" are unsafe and would put children and operators at risk, particularly as one of the routes would be over the level crossing to the south of the school, linking the Rhose Point residential settlement to Station Road.

These concerns are supported by an independent Road Safety Audit, undertaken in 2006 in relation to the level crossing, which has advised that consideration should be given to the provision of a grade separated crossing facility over the level crossing due to pedestrian traffic.

Additionally, the proposed pedestrian route into the school grounds from South View Terrace is also unsuitable due to the lack of street lighting and the secluded nature of the route.

Finally, the assembly point, within the car park of the Stewart Road Community Centre will have no effect in reducing traffic congestion and parking demand, as parents will still drive to the assembly point, which is already heavily congested. Therefore, based on the above, the Highway Authority objects to the development proposals."

The Head of Economic Development and Leisure (Public Rights of Way Officer) was consulted on 24 January 2007. No formal comments have been made to date.

The Director of Legal, Public Property and Housing Services (Environmental Health) was consulted on 24 January 2007. No objections to the proposals.

Cadw were consulted on 24 January 2007. No objections to the proposals.

Hyder Consults were consulted on 24 January 2007. No objections subject to a number of conditions. As follows:

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

Sewerage

Conditions

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

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

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

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

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matters likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

Reason: to protect the integrity of the public sewerage system, and sustain an essential and effective service to existing residents.

National Playing Fields Association Cymru, were consulted on 24 January 2007. The NPFA is of the opinion that the proposals do not accord with the development plan and therefore objects to the proposed development and recommends that the council refuses to grant planning permission.

REPRESENTATIONS

Nos. 1-28 South View, No. 1 Wesley Avenue, Nos. 1-5 Halley Court, Nos. 20, 22, 24, 26, 28, 30, 32, 33a, 33b, 33c, 34, 36, 36a, 36b, 37, 38 and 40 Fontygary Road, Rhoose Library, Nos. 14, 16, 18, 19, 21 – 27 Havant Close, were consulted on 24 January 2007

South View Nos. 1-28, and Havant Close Nos. 14, 16, 18, 19, 21, 22, 23, 24, 25, were consulted on 24 May 2007.

Nos. 13-18 and 7-12 Havant Close were consulted on 24 May 2007.

A Major Site Notice and Setting of a Listed Building Notice were put up on 6 February 2007.

Seven letters of objection have been received and one small petition with 14 names from the South View residents. The main areas of contention relate to:

- Parking and Highways concerns to Fontygary Road.
- Impact upon the existing Listed School Building.
- The Possibly Pedestrian accesses from the side and rear at Havant Close and South View respectively creating harm to highway safety, privacy, noise and litter.
- Restricted site- Alternatives should be looked at in Rhoose Point.

REPORT

The application site is located within the grounds of an existing primary school on the south side of Fontygary Road, Rhoose. In addition to the planning history, the Rhws Primary School has recently been classified as a Grade II Listed Building.

Committee Members will note from the planning history that there have been a considerable number of demountable classroom units erected within the school grounds in recent years. In planning terms this has an impact in terms of the intensity of use of the school plus the visual impact within the area and any subsequent impact on neighbouring occupiers.

It should be noted that the Council identifies within the Adopted Unitary Development Plan 1996-2011 three areas for major residential development, including Rhoose, where the council have looked at the impact upon community facilities and education. At the two other sites the Council have requested that land be preserved for primary schools, however, the council is of the opinion that 'the development at Rhoose Point can be served by an extension to the existing Rhws Primary School' (Para 11.4.12- Community & Utility Services).

Furthermore, the Draft Development Brief for the Land to the North of Railway Line addresses future educational needs and provision within Rhoose arising from the development of the site. It states that with the additional housing at Rhoose Point the primary school would need to be extended in order to accommodate for the additional pupils arising from the land to the north of the Railway Line Development.

Planning Policies

The application must be assessed under the national guidance of Planning Policy Wales (March 2002), Technical Advice Note 12- Design and the relevant local policies as defined within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policies ENV27 - Design of New Developments, ENV17 - Protection of Built and Historic Environment, REC1 - Protection of Existing Recreational Facilities, TRAN10 - Parking and ENV28 - Access for Disabled People of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Policy ENV27 states that developments must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES;
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING;
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES 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.

Policy ENV17 clearly aims to protect the environmental qualities of the built and historic environment, including Listed Buildings. Policy ENV17 states;

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

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND / OR HISTORIC INTEREST;
- (iii) DESIGNED LANDSCAPES, PARKS OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE WILL NOT BE PERMITTED.

Further consideration should be given the advice and guidance contained within the council's Adopted Sustainable Development Supplementary Planning Guidance and the Public Arts Supplementary Planning Guidance.

Issues

The main issues of the school development relate to its design, scale and impact upon the existing Listed Building. The impact upon the amount of useable recreational playing fields is also an issue to be considered along with parking and highway safety and the amenity of the adjoining residential occupiers.

Policy ENV17 aims to protect the environmental qualities of the Built and Historic Environment and does not permit development that has a detrimental effect on the special character, appearance or setting of a building or group of buildings, structure or site of architectural or historic interest, including Listed Buildings and Conservation Areas. The building is large in scale and form and linked to the Grade II Listed Building by a small linked corridor extending from the rear of the existing school. The proposed link corridor will necessitate the removal of only one window on the existing building's rear (south elevation) and the materials have been chosen to reduce the visual impact of the development on the Listed Building and its setting.

The school extension will be predominantly screened by the existing Listed Building to the front and concealed further by surrounding residential dwellings to the side and rear. The school will be visible from the adjoining residential properties, however, it is a significant enough distance not to cause any harm to the residential amenities. Therefore, although the school development is large in scale and form it would not adversely affect the character or setting of the existing school building as a building of special character or historic interest or the amenities of the surrounding residential occupiers.

Furthermore, it is considered that the continued use of demountable classrooms to accommodate for rising numbers of pupils is not a suitable solution and the removal of the demountables on completion of the scheme would, in any event, improve the setting of the Listed Building. A condition will be included with consent to remove the demountables once the development is complete or within three years, whichever is sooner.

The new school building also looks to provide sustainable energy use in the building by incorporating passive solar design. Simply by orientating the building on an east-west axis with the longest wall facing south the design allows the building to take advantage of the benefits of passive solar heat, natural shading, and natural lighting, thus reducing energy consumption. The school extension has also benefited from large areas of south facing roof on the school and the proposal is to install Solar Photovoltaic cells, which convert sunlight into electricity. These proposals make the building very sustainable, complying with advice contained within the councils Adopted Sustainable Development Supplementary Planning Guidance.

In relation to parking, Policy TRAN10 states that parking provision will be related to the type of land, its location and accessibility to public transport. It is understood that the Highways Authority together with a number of the residents have raised concerns over parking, congestion and highway safety within the area of Fontygary Road and Wesley Avenue and the constant difficulty with the roads during the peak drop off and pick up times at the School.

The application has looked to overcome the concerns raised by the neighbouring residents and the Highways Department by outlining a traffic management proposal that includes a Walking Bus scheme from Stewart Road up to Fontygary and to the school through the front entrance. This scheme is being considered along with other alternatives from Havant Close and South View. The routes will be looked at in conjunction with Traffic and Highways Officer and the Road Safety Officer, from within the Planning and Transportation Division.

On highway issues, it must be noted that the school is also an established community facility and located within the heart of Rhose, therefore being accessible via alternative modes of transport i.e. walking, cycling and public transport. As a community facility the development does not look to bring in more private vehicle traffic to the area but to accommodate for the growing demand within an established school facility. Although there are no extra parking spaces it is proposed to set up green travel initiatives and to work closely with the school to provide a comprehensive Green Travel Plan to promote alternative modes of transport for the staff, pupils and parents. Furthermore, with the rising number of pupils from the Rhose Point Development and the possible development at the land to the north of the Railway Line the need for a community facility to be located in the heart of that community outweighs the highways concerns. A condition will be included with the consent to have a comprehensive Green Travel Plan that will be implemented and promoted jointly by the school and the councils Road Safety Team.

In consideration of the extension on the existing site playing fields it is necessary to look at REC1- Protection of Existing Recreational facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the comments received by Rhodri Edwards of the National Playing Fields Association. (NPFA)

REC1 states that Development involving the loss of existing recreational facilities, whether in public or private ownership, will be permitted if:

- (i) Alternative provision of equivalent community benefit is made available.
- (ii) There is an excess of such provision in the area and,
- (iii) The facilities are not important to the character of a conservation area of the setting of the town or village.

The NPFA argue that the proposal does not accord with the policy because it does not provide an equivalent playing field locally. However, it is the Council's opinion that the school extension does provide alternative provision for community benefit in the form of the hall proposed within the school extension. Moreover, the demountables currently use up most of the playing fields area in any event and do not provide the alternative provision of a hall, that will be present on the new scheme.

The N.P.F.A state that the school extension can be thought of in isolation and the council should look to the School Premises Regulations 1999 to determine whether or not it has sufficient playing fields provision. The School Premises Regulations 1999 states that if there are 501 to 600 pupils (as proposed at Rhose) attending the school that have attained the age of 8 the regulations require a minimum of 25, 000m² of playing fields.(See File for School Premises Regulations 1999)

With regard to the existing school site it is considered that the playing fields (beyond the existing demountables) are approximately 6000m² and consequently, the existing school already falls considerably short of the minimum standards as stated above. The submitted plans and the proposed siting of the school extension show that the development will not be extend much further than the demountables it is replacing, producing only a minimal loss to the playing fields. Furthermore, the school will be located near to a steep bank slope in the field which is considered to be unusable space in the form of team playing fields and not a detrimental loss to the site. Therefore, it is considered that with only a minimal loss to the playing field to the rear and the provision of the hall facility the proposal complies with REC1 and the substandard playing fields in isolation is not a reason to object to the proposal.

The development is 2,224m² in area and therefore accords with major development that should involve Public Art. The Public Art Supplementary Planning Guidance states that 'the council will seek to negotiate a minimum of 1% of the building costs for Public Art within Major Developments.....therefore the policy extends to development on public land or land owned by the Vale of Glamorgan Council. The issue was discussed with the property division who agreed to comply with the Public Art Supplementary Planning Guidance; however, they would like to incorporate the Public Art works during the second phase of the development.

As such, conditions will be included with the consent to ensure the applicant provides the Local Planning Authority with comprehensive details of the building costs and that at least 1% of the overall will be put forward to Public Art as part of the scheme.

Therefore, subject to conditions, the recommendation is for approval.

CONCLUSION

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

Having regard to Policies ENV28, ENV27, ENV17, REC1 and TRAN10 the school proposal will have no unacceptable effect upon the setting or features of the Grade II Listed Building and will provide a necessary extension to a community facility without causing a detrimental impact upon the residential amenity of the surrounding residential occupiers. As such, the proposal complies with ENV27 - Design of New Developments and ENV17 - Protection of Built and Historic Environment, REC1- Protection of Existing Recreational Facilities, TRAN10- Parking and ENV28 - Access for Disabled People of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice and guidance contained within the Council's Adopted Sustainable Development Supplementary Planning Guidance and the Public Arts Supplementary Planning Guidance.

RECOMMENDATION

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

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

Reason:

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

2. This consent shall relate to the plans registered on 20 December 2006 other than where amended by plans reference AL(00)30 A, AL (00)42 A, AL(00)034, AL(01)035, AL(02)035 A, AL(01)36, AL(00)36 A, AL (00)37 A received on 24 May 2007.

Reason:

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

3. Full details of a scheme for foul sewerage and surface water run-off, including the discharge point of the existing drains, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To protect the surrounding residential amenity, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the second phase of the 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, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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 to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

6. Samples of the elevation and roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the school extension and the development shall thereafter be carried out in accordance with agreed samples and thereafter maintained at all times unless the Local Planning Authority gives prior written consent to any variation

Reason:

To protect the visual amenities of the area and the connected Listed Building, complying with Policies ENV27 and ENV17 of the Unitary Development Plan.

7. The submitted plans AL (00)42 for 'Traffic Management Proposals' should be implemented prior to the first beneficial use of the extension hereby approved in so far as the proposals relate to the 'on-site' management of traffic and parking.

Reason:

To protect highway safety and to promote sustainable development complying with Policy ENV27 of the Unitary Development Plan.

8. Notwithstanding the submitted traffic management proposals on Drawing No. AL (00) 42 the applicant will expand the green travel initiatives by submitting a full travel plan to encourage sustainable modes of transport (walking, cycling, public transport) to the Local Planning Authority prior to the first beneficial use of the completed teaching block.

Reason:

To protect Highway Safety and to Promote Sustainable Development complying with Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the submitted plans details of the existing and proposed levels of the ground floor of the site at a scale of 1:200 shall be submitted to the Local Planning Authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with the agreed details and maintained thereafter.

Reason:

To safeguard the visual amenities of the site and the Setting of the Listed Building, in compliance with Policies ENV17 and ENV27 of the Unitary Development Plan.

10. Notwithstanding the submitted details the Council will require the developer to provide a detailed written estimate of the building costs of the proposal through the application of a nationally recognised building price index prior the construction of Phase 1 of the school extension.

Reason:

To comply with the details outlined within the Public Art Supplementary Planning Guidance.

11. The developer will set aside 1% of the building costs and submit details of a Public Art contribution to be approved in writing to the Local Planning Authority prior to the second phase of the extension scheme. The Public Art Contribution shall be constructed in accordance with the agreed details and be implemented during the Second Phase and retained and maintained thereafter.

Reason:

In the interests of Visual amenities and to be in accordance with the Public Art Supplementary Planning Guidance.

12. Within three years from the date of this consent or three months after the completion of the second phase of the development, whichever is sooner, the demountable classrooms as shown on Drawing No. AL (00)31 will be completely removed from the land.

Reason:

In order to clarify the demountables temporary status and to protect the character and setting of a Grade II Listed Building and to comply with Policies ENV27 and ENV17 of the Unitary Development Plan.

NOTE:

1. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**

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Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU
Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry., CF63 4RU

Barry Leisure Centre, Greenwood Street, Barry

Conversion of unallocated space in leisure centre into a call facility

SITE DESCRIPTION

The application site comprises part of the existing Barry Leisure Centre building located on the northern side of Dock View Road.

DESCRIPTION OF DEVELOPMENT

This is an application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the change of use of part of the leisure centre to provide for a Local Authority Call Centre. The proposed works include the following:

- (a) Change of use of the first floor of an existing annexe on the eastern side of the building, last used as a temporary library, for a Call Centre with internal partitions to provide for training room, managers office and toilet facilities.
- (b) Alterations to the external elevations, including the introduction of new window openings at first floor on all three existing elevations.

The two-storey, flat-roofed extension on the south eastern elevation, previously-proposed by application 2007/00159/RG3, has not been included within this new submission.

PLANNING HISTORY

There is a considerable history of applications at the site, including:

2007/00159/RG3 – Conversion of unallocated space in leisure centre into call centre for the vale of Glamorgan Council. Refused 29 March 2007 on grounds that: -

- 1. The proposed conversion of floor space to an office use will result in the loss of existing leisure facilities, contrary to the terms of Policy REC1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.
- 2. The proposal does not provide adequate car parking to meet the proposed use of the building to the detriment of free-flow of traffic and highway safety contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

99/00542/REG3 - Change of use from internal bowls rink to temporary library. Approved 14 July 1999.

02/00609/REG3 - Enclosure of open ground floor below first floor building to provide storage space. Approved 24 July 2002.

03/00058/REG3 - Renewal of temporary consent for library. Approved 3 April 2003.

CONSULTATIONS

Barry Town Council were notified on 8 May 2007 and wish to submit the following observations in respect of this application:

“The minor changes to refused planning application ref: 2007/00159 (REG3) do nothing to overcome this Council's reasons for objection to the originally submitted scheme. Those reasons are therefore reiterated in respect of the latest proposals.

Very strong objection - The Town Council is totally opposed to this proposal which is considered to be contrary to Policies REC1 and TRAN10 of the Adopted Vale of Glamorgan Unitary Development Plan.

These plans for the provision of a Call Centre in the Barry Leisure Centre would result in:

1. The permanent loss of a large part of Barry's major indoor leisure facility to an office use which could easily be located elsewhere. This Council is of the opinion that the provision of appropriate good quality leisure and recreational facilities is of great importance to the improvement of the health and quality of the life of local residents and can also assist in promoting tourism which is so important to the future success of the town of Barry.
2. Increased demand for long-term staff car parking. The existing car park which serves the Leisure Centre and the Civic Offices is already operating well above capacity. Vehicles which overspill from the site create serious congestion and the potential for traffic hazard in the surrounding streets.

The Call Centre should, therefore, be located at an alternative site where the appropriate levels of on-site car parking can be made readily available instead of adding to the existing serious problems regularly experienced at the Vale of Glamorgan Councils' principal office site.

This would enable the whole of the Barry Leisure Centre to be retained and developed for Leisure purposes.

It is hoped that this latest application will be similarly refused and that the whole concept of reutilising a large part of Barry Leisure Centre for Call Centre purposes will be abandoned.”

The Director of Legal, Public Property and Housing Services (Pollution Control) has no comment to make regarding this application.

The Head of Economic Development and Leisure comments as follows:

“I have no objection to the use of the former temporary library subject to continued investment taking place at Barry Leisure Centre to enable a full range of accessible activities taking place there, including expansion of the Lifestyle Gym.

On the issue of car parking it is my view that additional space between the Leisure Centre and the Dairy could be utilised to provide both parking space for the Call Centre and a one system to enable Leisure users to better access parking space designated for them.”

Dwr Cymru/Welsh Water were notified on 8 May 2007. Their comments are awaited.

The Head of Visible Services (Highway Engineer) comments that, based on the previous use at the site, alongside the addendum to the Council's parking guidelines, there is no requirement to provide additional parking in relation to the development proposals. Furthermore, he notes that the development site is located within walking distance of all public transport facilities including bus and rail, which will serve the needs of employees. However, due to the high demand for on street parking within the immediate area of the site, particularly along Dock View Road and Greenwood Street, it is strongly recommended that the travel plan, adopted by the Vale of Glamorgan Council is extended to include the above development proposals and is maintained and annually reviewed to ensure that its aims and objectives are achieved.

REPRESENTATIONS

A site notice was posted on 15 May 2007. No representations have been received to date.

REPORT

The site comprises part of an existing leisure centre located within the residential settlement of Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The proposal entails the use of a former indoor bowls rink, itself previously approved for a temporary period as home to the library, as a Local Authority Call Centre. As such the following policy background is relevant.

Planning Policies

Strategic Policy 14 of the Unitary Development Plan refers to Community and Utility Services and allows for such development subject to no unacceptable impact on interests that include residential amenity.

Policy REC1 - Protection of Existing Recreational Facilities permits the loss of existing facilities subject to criteria, including the provision of alternative or equivalent community benefit; where there is an excess in an area; and the facilities are not important to the character of a Conservation Area or the setting of a town or village.

TRAN9 - Cycling Development of the Unitary Development Plan seeks to protect land and make provision for cycle routes and includes a requirement to seek the provision of cycle parking facilities.

Issues

Members will recall that application Ref. 2007/00159/RG3 for the change of use of part of the leisure facility to a call centre was previously refused permission at Planning Committee of 28 March 2007, following my positive recommendation. That application was refused on grounds relating to the loss of leisure facilities (Policy REC1 refers) and the absence of sufficient parking, and implications for highway safety (Policy ENV27 refers).

Leisure Facilities

The provision of the Call Centre comprises part of the One Vale initiative which is an objective of the Council's Corporate Plan. Its aim is to enhance the level of service to the people of the Vale. As such the proposal will have a community benefit that is considered to offset the loss of any recreational use.

In support of this element of the proposal, the applicant has advised that "there is an opportunity to extend the leisure facilities (fitness suite) into the area currently occupied by the restaurant/ kitchen area should the conclusion of the review into Vale Leisure services functions include such a recommendation". They also note that the area in question was previously used as a bowls rink, but the Bowls Club relocated to Sully, following which the space was left unused for approximately six months before the temporary library moved in. Therefore, they consider that, as the space was not used, it was not required for leisure purposes so could it not be said that there was or is a loss of leisure facilities.

To conclude on this issue, it is noted that the floor space has not been used for recreational purposes for a number of years, and was redundant as a bowls rink when first granted temporary consent for use as a library. In light of the community benefit relating to the call centre use, it is considered that the proposal is an acceptable and sustainable use of existing, currently vacant, floor space. The prospective opportunity for an extension of the fitness suite is also noted, albeit not required to be specifically conditioned given the uncertainty over such provision and the Council's ongoing commitment to providing improved leisure facilities within the centre.

Visual Amenity

The introduction of new window openings will serve to give interest to currently bland, blank walls. The position and orientation of the building is such that the new windows should have no adverse impact on any neighbouring properties.

Parking

In support of this element, the applicant emphasises that planning permission was previously granted in July 2005 (ref: 05/01062/REG 3) for the establishment of a Call Centre /One Stop shop at the Civic Offices for 100 Staff. Both the previous application, and the current one, now propose only 50 staff for the call centre, while they add that both sites (Civic/Leisure centre) share the same car park. Accordingly, it is argued that if permission was previously granted for an increase of 100 staff at this location, then an application for half that number cannot raise new safety/parking issues. The previous use of the library would also, it is stated, have had many people using the facility, including permanent staff.

Finally, they also consider there is an opportunity to increase car parking provision at the side of the leisure centre, although no plans have been provided to demonstrate such provision.

The Council's Highway Engineer has no objections to the development, albeit noting the importance of the Council's Green Travel Plan. To this end, it is further noted that Planning Policy Wales specifically states that there should no longer be minimum parking standards.

As part of the Council, the call centre staff will come within the remit of the Green Travel Plan, while additional cycle provision for staff working within the Call Centre should be provided to encourage staff to use alternative means of travel.

Taking account each of the above, including the applicants submissions regarding the previous consent for the call centre in the civic offices, it remains the conclusion that the proposal would not unacceptably affect parking or highway safety in the locality.

CONCLUSION

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

Having regard to Strategic Policy 14 - Community and Utility Services, and Policies REC1 - Protection of Existing Recreational Facilities and TRAN9 - Cycling Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposal represents a sustainable and acceptable use of redundant floor space that meets the Council's Corporate objective of improving customer service.

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. Details of additional cycle parking to serve the use hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such approved scheme of parking for cycles shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy TRAN9 - Cycling Development of the Unitary Development Plan.

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