

05/00592 /me 'A'

The Old Police Station, Hill Head, Llantwit Major, South Glamorgan, CF61 1SF  
Telephone 01446 794818

Mr R. Thomas,  
Head of Planning and Transportation  
Vale of Glamorgan Council,  
Dock Office, Barry Docks,  
Barry, CF63 4RT.

6th June 2005

Dear Sir,

Town and Country Planning Act, 1990 (as amended)  
Application No. 05/00592/FUL Church Lane (Old Builders Yard) Llantwit Major  
New House.

With reference to the above planning application I wish to make the following comments.

- 1) This site is immediately adjoined by seven listed buildings, one of which is grade 1 and another a scheduled ancient monument. Given the nature of the site one might expect any new development to "reflect the scale, design, layout, character, materials and setting of those traditional buildings, which establish the character of the area".  
In particular for any new development the "mass of any new building ..... must be in scale and harmony with adjoining buildings and the area as a whole".  
I consider the proposed development fails in this respect. It has been recognised that essential features of the conservation area "are modesty of scale and simplicity of design". Whilst the proposed development may claim simplicity of design it cannot be regarded as exhibiting modesty of scale. The proposed development exceeds the scale of all adjoining domestic buildings.  
In support of the planning application mention is made of the archaeological evaluation, which identifies the presence of a domestic dwelling on this site. The original dwelling was identified as a Welsh long house. Typically a Welsh long house was a single storey structure, or if an upper floor existed in part of the building it would be located within the roof with dormer windows. In addition, judging from the depth of excavation, the ground floor of the previous building was much lower than the present ground level. The proposed development deviates significantly from the nature of the original dwelling by proposing a much larger two-storey dwelling.
- 2) Previous studies of Llantwit Major have emphasised the need to protect views where "various elements of its inherent charm come together to form a satisfying visual composition". The view towards St. Illtyds, Hill Head and the Gate House from the area of the Town Hall is an example. The new property will replace existing single storey buildings, which at the moment have little visual impact on this view. Because there is no intention to excavate the site the proposed two-storey building will be considerably higher than the existing buildings and will therefore intrude upon these views. From Hill Head the size and height of the proposed building will reduce the feeling of open space characteristic of this part of the Conservation Area.
- 3) The planning application, whilst providing an abundance of detailed information concerning the height of practically everything on the site, fails to demonstrate the visual impact the building will have. A single photograph is included but this does not illustrate the position of the building nor its impact on other buildings. Previous applications for sensitive sites have

05/00592/FUA<sup>1</sup><sub>2</sub>

them. Such photographs would illustrate the visual impact the proposed buildings would have on the surrounding environment.

- 4) The proposed development is to be commended for its use of lime based render but the use of lime wash does not conform to the pattern of buildings immediately adjacent to this site. St. Illtyds, The Gatehouse, The Old Police Station, Remains of Former Chantry Priests House, The Chantry House, and the East Face of Hill Head Houses are predominantly stone or grey roughcast render.
- 4) The size of this proposed development (four bedrooms) offers the potential for an increase in the number of vehicles. It is noted that no garaging is provided in the proposed development and this omission could result in further development of the site in the future.

The site of the proposed development has suffered from a long period of neglect and the area would benefit from the removal of the existing derelict buildings. However, I do not believe the development as proposed serves to enhance the character and appearance of the Llantwit Major Conservation Area. Although some features of the proposed building conform to desired planning criteria for the Conservation Area the main aim appears to be one of maximising development/profit. I believe the development as proposed is inappropriate.

Yours faithfully,



Philip Worsfold

cc. Llantwit Major Town Council

05/00592/FUL 'A'<sub>3</sub>

The Old Police Station, Hill Head, Llantwit Major, Vale of Glamorgan, CF61 1SF  
Telephone 01446 794818

Mr R. Thomas,  
Head of Planning and Transportation  
The Vale of Glamorgan Council,  
Dock Office, Barry Docks,  
Barry, CF63 4RT.

29<sup>th</sup> March 2007

Your ref: P/DC/YP/2005/00592/FUL

Dear Sir,

Town and Country Planning Act, 1990 (as amended)  
Application No. 2005/00592/FUL Church Lane (Old Builders Yard) Llantwit Major  
Proposal: New House.

Thank you for your letter of the 20<sup>th</sup> March 2007, informing me of the amended plans and documents in respect of the above application. With reference to the amended plans I wish to make the following comments.

I note with some dismay that amended plans for the new house are essentially unchanged from the previous submission and continue to include inconsistent information. **Bearing this in mind, many of the comments presented in my letter of 17<sup>th</sup> October 2006 remain pertinent, and I would ask that they be considered in relation to the revised submission.** In particular I wish to draw attention to the following:-

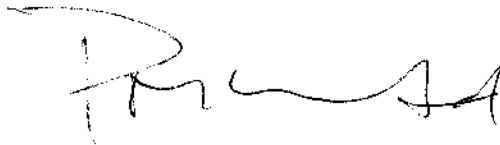
- 1) I note that in Sheet (PA)1005, dated February 2007 the section attempts to show the height of the new building in relation to the adjacent Hill Head Cottages. Unfortunately no dimensions are provided for the new building. However, taking measurements from the drawing we can obtain an approximate ridge height of 2.75 metres below the ridge of Hill Head Cottages and 3.15 metres above road height. This height appears to be achieved by a) partially levelling the site and b) by reducing the height of the building to 6.6 metres. You may recall in a previous version of this application the height was given as 7.1 metres. Perhaps the new building will have lower ceilings typical of a Welsh longhouse. It must surely be possible to give an accurate and definitive dimension to the height of the building in relation to the height of the road.
- 2) I previously protested at the inappropriate size of the new development compared to "the modesty of scale and simplicity of design" of houses in the conservation area. I continue to believe the scale of this development is inappropriate. For example The Old Police Station, which is the nearest detached property, has an internal floor area of approximately 100 square metres (including outhouse). The proposed development will have an internal floor area of approximately 185 square metres, significantly larger than all adjacent domestic properties.
- 5) The present application (drawing P2754 (99) 1001) describes the north elevation as being painted farmhouse render. I previously expressed concern that a painted render would not be in keeping with adjacent buildings and would increase the adverse visual impact of the building. Adjacent buildings are predominantly stone. The new drawing submitted (Sheet (PA)1005) shows the south, east and west elevations with a textured surface. If this is supposed to indicate random stone walls it would be a welcome development. Unfortunately I cannot find written confirmation that this is the architect's intention.

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- 6) If I read the plan correctly Bedroom No. 2 appears to lack a window. Is this intentional or an error? If a window is added I believe this will adversely affect the balance of the north elevation.

I am concerned that the applications for this site have consistently failed to provide an accurate representation of the information. This amended application is little changed from the previous application. Therefore, I can only reiterate that I believe this development plan has given insufficient consideration to the sensitivity of the site. It will create an unwelcome intrusion and destroy the harmony of the existing environment. In addition the extent of the development will reduce the feeling of open space characteristic of this part of the Conservation Area. **I do not believe the development as proposed serves to enhance either the character or the appearance of the Conservation Area and should be rejected.**

Yours faithfully,



Philip Worsfold

cc. Llantwit Major Town Council

creu lle gwell  
creating a better place

Appendix A2



Astiantaeth yr  
Amgylchedd Cymru  
Environment  
Agency Wales

06/01419/FUL

Mr Rob Thomas  
The Vale Of Glamorgan Council  
Development Control Section  
Docks Office Subway Road  
Barry  
South Glamorgan  
CF63 4RT

Our ref: SE/2006/100005/02-L01

Your ref: 2006/01419/FUL

Date: 09 January 2007

Dear Mr Thomas

**Erection of two-storey medical centre with associated access, parking and landscaping at the Bear Field, The Broadshoard, Cowbridge.**

Thank you for referring a Flood Consequence Assessment (FCA) in support of the above planning application, which was received on 27 December 2006.

We have considered this FCA produced by Austin Partnership, Reference 05.1622 dated August 2005 submitted in support of the above planning application. Based upon the information submitted, the assessment shows that the risks and consequences of flooding could be acceptably managed in accordance with criteria set out in TAN15. We therefore have no objection to the development subject to inclusion of the following recommendations and conditions in any planning permission: -

With regard to surface water, due to downstream restricting structure(s) and/or inadequate capacity of the receiving watercourses, we object to any development taking place which generates flows greater than 6.1 litres/sec/hectare being discharged to any watercourse in the vicinity of the proposed development. Whatever regulation method is adopted to control the rate of surface water runoff from the development, it is essential that the developer makes suitable provision to ensure satisfactory long-term maintenance of the system/structure installed.

The site is located on Blue Lias (Jurassic), which under the Policy and Practice for the Protection of Groundwater has been classified as being Major aquifer. There are no Source Protection Zones at the site, but the closest is 500 m to the North of the site.

We note that use of a new private treatment plant for foul water and a direct discharge to watercourse for surface water drainage. Given the location within

Environment Agency  
Rivers House (St. Mellons Business Park) Fortran Road, St. Mellons, Cardiff, CF3 0EY.  
Customer services line: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Cont/d..



Cowbridge, we request that all drainage from the site be disposed of to mains sewer as our preferred option. If connection to mains sewer were not a viable option, then a site investigation would be required to determine the site suitability, as the site is located on a Major aquifer. The site would also require a Discharge Consent and our local Regulatory Water Quality team should be consulted.

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

**REASON:** To prevent pollution of the water environment and prevent the increased risk of flooding.

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

**REASON:** To prevent pollution of the water environment.

We note that the site is a playing field and that the existing building will be replaced, therefore in case any contamination is found during the development we request inclusion of the following condition.

**CONDITION:** Should contaminated material be observed (visual or olfactory) then the Environment Agency Wales must be contacted and a site investigation to determine the nature and extent of contamination will be required. In the event that contamination is confirmed the developer must liaise with the Environment Agency Wales on measures required to protect surface water and groundwater interests. This may include undertaking a risk assessment and derivation of appropriate remedial targets.

**REASON:** To protect the quality of controlled waters in the area.

The following comments should also be considered;

The applicant should be aware that pursuant to Section 23 of Land Drainage Act 1991, the prior formal Flood Defence Consent (formerly land drainage consent) of the Environment Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936. We resist culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

The responsibility for the maintenance and good order of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

The Local Authority should be satisfied, that on completion of the development, watercourse(s) including the riverbank, structures such as outfalls, footpaths etc., and other open spaces adjacent to the watercourse, have the necessary agreement(s) in place to ensure that they are maintained in perpetuity.

Cont/d..

Appendix B2 06/01/49/KU

There are no water abstraction licence within 1 km of the nation grid reference SS 9940 7486. You need to be satisfied that the search covers your area of interest. It is the responsibility of the applicant to ensure that the development will not affect any existing legal water interests in the area.

There is no mention of the applicant using mains or private water supply. If the applicant intends to abstract water an Abstraction Licence may be required. The applicant should contact the Water Resources team 02920245124 to discuss if water is required during the development stage or beyond for any purpose. The same applies if the applicant is thinking of impounding any watercourse.

Under the terms of the Water Resources Act 1991, an Impounding Licence may be required from the Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc.) and an Abstraction Licence may be required from the Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

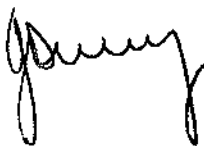
There are no Conservation objections in principle to this proposal, however we would make the following comments;

Water vole and/or great crested newts may inhabit the adjacent Silver Well ponds. Should the proposed works affect these ponds, connecting watercourses, hedgerows or scrub vegetation, we would advise the Local Planning Authority to request that these species are surveyed for prior to any development. Should any protected species be found adequate measures must be put in place to prevent damage to the animals or their habitat. CCW and the county ecologist should be contacted in this regard.

The proposed development creates an opportunity for incorporating space for bats within the new building's roof, and the advice of the Countryside Council for Wales and the Bat Conservation Trust should be sought as to the most appropriate way to incorporate it in the development.

Should you wish to discuss any of the above issues further please do not hesitate to contact me.

Yours sincerely



**Jon Goldsworthy**  
**Planning Liaison Officer**

Direct dial 029 2024 5039

Direct fax 029 2036 2920

Direct e-mail [jonathan.goldsworthy@environment-agency.gov.uk](mailto:jonathan.goldsworthy@environment-agency.gov.uk)

cc Brackley Investments

End

Appendix B

06/01419/FUL

2006/01419/FUL

**Erection of two storey medical centre with associated access, parking and landscaping at The Bear Field, The Broadshoard, Cowbridge.**

There are no highway objections in principle to this proposed development subject to the following Highway requirements being fully satisfied :-

- 1) Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the access road and alterations to the adopted highway including cross sections, alignment, street-lighting, construction, surface water drainage, lining, signing, traffic calming etc. have satisfied a Stage 2 Safety Audit and have been submitted and approved by the LPA to enable possible adoption of the areas considered suitable for maintenance at the public expense.
- 2) The Developer to enter into a legal agreement with Local Authority to enable alterations to the existing adopted highway and construction of the proposed access road to be completed to adoptable standards.

**NOTE**

The Developer will require written consent from the Local Authority to enable him to travel over land that is in the control of The Authority in order to gain access to the site. The Authority in return shall require the Developer to enter into a legal agreement with The Authority to ensure the construction to the appropriate standard and subsequent adoption of the access road. ( S278/38 including appropriate bond and fees)

- 3) No works to commence on the medical centre until the alteration works to the adopted highway have been completed to the satisfaction of the Highway Authority.
- 4) Parking provision to be in accordance with the addendum to the South Wales Parking Guidelines 1993 dated September 2001 and be laid out in accordance with the Council's design criteria and approved by the LPA prior to the beneficial use of the development.
- 5) Unobstructed, safe vehicular/pedestrian access to the leisure centre must be maintained at all times.
- 6) Wheel washing and sweeping facilities to be provided within the boundary of the development site to ensure mud and debris is not dragged onto access road and adopted highway to the detriment of highway safety. Positioning of wheel wash to be agreed with the Highway Authority.
- 7) Delivery times and haul routes to the proposed site to be agreed with the Highway Authority prior to commencing work on site.

Appendix B 06/01419/TU

- 8) Surface water run-off to be dealt with within the confines of the medical centre site.

Tom Bevan  
30<sup>th</sup> November 2006.

Planning Officer :- Jane Crofts.

# MEMORANDUM / COFNOD

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

Appendix C



06/01419/FUL

To / I:	Jane Crofts
Dept / Adran:	Development Control
Date / Dyddiad:	28 <sup>th</sup> November 2006
Your Ref / Eich Cyf:	

From / Oddi Wrth:	Chris Fray Head of Economic Development & Leisure
My Ref / Fy Cyf:	HED&L/CF/lje10
Tel / Ffôn:	(01446) 704630
Fax / Ffacs:	(01446) 704622

Subject / Testyn: **Planning Application Ref. 2006/01419/FUL**  
**Proposed Two-Storey Medical Centre at the Bear Field,**  
**Cowbridge**

With reference to the above planning application I am restricting my comments in this memorandum to issues relating to the effect of the proposal on the adjoining Leisure Centre.

The proposal will result in changes to the car park for the Leisure Centre. Although the number of spaces remains similar there will be a reconfiguration of spaces and the loss of soft landscaping. Vehicles accessing the Medical Centre will be able to cross in front of the main Leisure Centre entrance. Traffic calming measures have been introduced but there will always be element of risk arising from the additional traffic.

In the event of the proposal being recommended for approval, I suggest that a condition is attached to the consent to the effect that a scheme of works will be agreed prior to commencement of construction in order to minimise disruption to the Cowbridge Leisure Centre and to ensure the safety of Leisure Centre customers and users of the playing fields. In this respect a "crossing point" from the Mother and Baby car park spaces would assist in improving safety. The existing number of mother and baby car park spaces should also be the same as existing.

Chris Fray  
Head of Economic Development and Leisure

c.c. Dave Knevett, Operational Manager Leisure & Tourism  
Jamie Morgans, Leisure Centre Manager  
Simon Jones, Cowbridge Leisure Centre  
Phil Beaman, Operational Manager Parks & Grounds Maintenance

Appendix B

# MEMORANDUM / COFNOD

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

06/01419/FUL



To / I:	Head of Planning and Transportation
Depl / Adran:	
Date / Dyddiad:	8 November 2006
Your Ref / Eich Cyf:	

From / Oddi Wrth:	Operational Manager Engineering Design
My Ref / Fy Cyf:	ED/SP/APB/L5/1
Tel / Ffôn:	(029) 20673107
Fax / Ffacs:	(029) 20673114

Subject / Testyn: Planning Applications Registered from 6 October 2006

With reference to the above list, I would comment as follows on land drainage and coast protection matters where my officers are aware of such implications.

06/01419/FUL

**The Bear Field, The Broad shoard, Cowbridge  
Erection of two storey medical centre with associated  
access, parking and landscaping**

The submitted details indicate that surface water run-off from the proposed development is to discharge to a watercourse, with flows being attenuated. It is noted that the rate of discharge of surface water run-off to the watercourse has been agreed with the Environment Agency.

The Applicant should therefore be requested to provide full details, including hydraulic flow and storage calculations, of the proposals for the disposal of surface water run-off, for the approval of the Local Planning Authority, prior to the commencement of any works on site. The Applicant should also be requested to provide copies of relevant correspondence with the Environment Agency relating to the discharge to the watercourse.

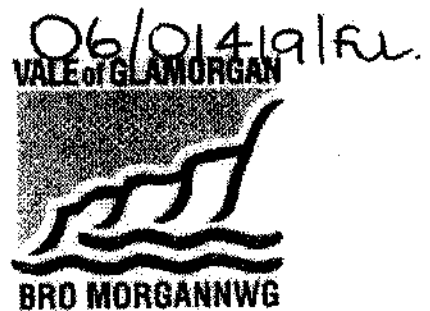
The watercourse to which a connection is to be made is located on land in the ownership of this Council. It is recommended that you seek the comments of the Client Department, the Operational Manager Parks and Ground Maintenance.

A. P. Bosley  
for Operational Manager Engineering Design  
ar ran Rheolwr Gweithredol Dylunio Peirianeg

# MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
Regulatory Services  
Legal & Regulatory Services Directorate  
Civic Offices, Holton Road  
BARRY, CF63 4RU

Appendix E



To:	Head of Planning and Transportation
Dept / Adran:	
Date/Dyddiad	19th December 2006
Your Ref / Eich Cyf:	P/DC/JMC/2006/01419/FUL

From /	Jon Bailes
Oddi Wrth:	Pollution Section
My Ref/Cyf	JMB/203889
Tel / Ffôn:	01446 709105
Fax /	01446 709449
Ffacs:	

Subject / Testyn: **Re: Planning Application No - 2006/01419/FUL  
The Bear Field, The Broadshoard, Cowbridge.  
Erection of two storey medical centre with associated access, parking and landscaping.**

I refer to your memorandum received by this department on 11th December 2006 regarding the above development.

The information submitted regarding ground contamination is sufficient. We have no further comment to make on this subject.

However, we would recommend that the following standard planning condition be inserted into any Planning Permission granted:

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

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

I also note that the proposal references the need for shrub clearance and would recommend that the areas in question be assessed for the presence of Japanese Knotweed prior to this work being carried out.

If you require any further information please do not hesitate to contact me.

Regards,

Jon Bailes  
Pollution Control Officer (Contaminated Land)

# MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
Regulatory Services  
Legal & Regulatory Services Directorate  
Civic Offices, Holton Road  
BARRY, CF63 4RU

Appendix F

06/01419/FUL



To: Head of Planning and  
Transportation

Dept / Adran:  
Date/Dyddiad 14th November 2006

Your Ref /  
Eich Cyf: P/DC/JMC/06/01419/FUL

From / Kristian James  
Oddi Wrth: Pollution Section  
For Steve Pye

My Ref/Cyf KDJ/200235  
Tel / Ffôn: 01446 709105

Fax /  
Ffacs:

Subject / Re: Planning Application No - 06/01419/FUL  
Testyn: The Bear Field, The Broadshoard, Cowbridge.  
Erection of two storey medical centre with associated access, parking and landscaping

I refer to your memorandum received by this department on 25th October 2006, this department has Contaminated Land Actions to make regarding the above application

Records held by this Authority give no indication that the proposed development land has been subject to any historical or contemporary use of a type that might have resulted in ground strata becoming contaminated. The site does not appear to be either former landfill/area of infill nor situated close to any such land resulting in a potential risk of gas migration. Therefore there would be no definite requirement to undertake a formal contaminated land risk assessment to identify potential risks to long term occupants, the local environment or to the integrity of buildings.

However a Planning Statement has been issued which addresses Archaeology, Ecology and Flooding and that a geotechnical report has also been produced that contains information on ground conditions. Therefore it would be in the interest of the developers/site owners to provide proof and evidence that the land is not contaminated and which could be achieved through compiling a Desk Top Study Report incorporating historical land use information together with the existing geotechnical data.

As such it is recommended that a Condition be included to the following effect:

This department has no objection to the proposed development with respect to contaminated land. However,

1). No development shall take place until a study to determine whether the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will encompass:

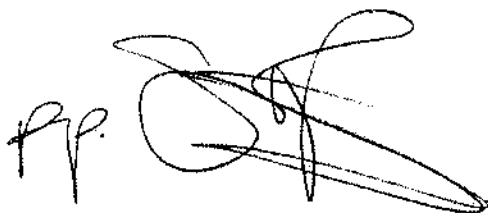
A desktop study of the area of the proposed development.

Appendix E

06/01/19/FUL

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

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

A handwritten signature in black ink, appearing to be 'K. James', written over a large, faint circular stamp or watermark.

Kristian James  
Team Leader

Consultation response: Head of Economic Development & Leisure (Ecology)

Application reference: 06/01419/FUL

Application site: The Bear Field, The Broadshoard, Cowbridge

06/01419/FUL

#### \*Otter

The application site lies within 200m of the River Thaw where otters are known to be present and the network of drains and ponds to the north and east of the application site have the potential to contain otter. It is therefore possible that the hedge and scrub surrounding the field at the east end of the application site may provide resting up places for otters.

- It is therefore recommended that an otter survey be conducted prior to any consent being granted, to include recommendations for mitigation as appropriate.

#### \*Great crested newt

It is noted that several ponds and wetland areas lie within 500m of the application site, which is the recognised foraging range for a great crested newt. Should any of these wetlands support breeding populations of great crested newt, there is the possibility that great crested newt could be using the application site as terrestrial habitat.

- It is recommended that the developer be made aware that great crested newts and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). This legislation makes it an offence to damage or destroy a breeding site or resting place, to either intentionally or recklessly damage, destroy or obstruct access to a place used for shelter and protection, or to intentionally or recklessly disturb great crested newts within a place used for shelter or protection.
- It is recommended that a great crested newt habitat assessment and survey of the application site be conducted prior to consent being granted, to include recommendations for mitigation, as appropriate.

#### Reptiles

The application site includes habitat which could potentially be used by reptiles.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.
- It is recommended that a condition of consent be that a reptile clearance methodology for the field and surrounding hedgerow/scrub at the east end of the application site be undertaken, and that this is submitted to the local authority for approval prior to the commencement of works.

#### Boundary hedgerows

The planning statement states that cutting back of boundary scrub will be required which will be followed by reinforcement shrub planting, but it is not clear what the extent of the cutting back will be and whether or not the proposals will be detrimental to the boundary hedgerows.

- It is recommended that further information be submitted on the proposals for treatment of boundary hedgerows. Proposals should demonstrate retention and future management

of existing boundary hedgerows and show on a plan the extent of proposed cutting back and replanting. Any proposals for replanting should contain a mix of indigenous, locally sourced species and should be sufficient to ensure no net loss of hedgerows / trees.

### Landscaping

Given the rural location of the application site on the edge of Cowbridge it is recommended that any landscaping scheme includes indigenous, locally sourced species.

### Nesting birds

The vegetation on this application site may be used by nesting birds.

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

**\*N.B.** A developer will require a development licence from the National Assembly Wales government for any development that would contravene the protection afforded to European protected species (which include otter and great crested newt) under the Habitats Directive. Before such a licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied:

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

Although derogations are currently granted by a licence issued to the developer by the National Assembly Wales government, local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied.

**Consultation response: Head of Economic Development & Leisure  
(Ecology)**

**Application reference: 06/01419/FUL**

**Application site: The Bear Field, The Broadshoard, Cowbridge**

**Further comments following submission of Ecological Overview  
submitted in respect of this application**

An Ecological Overview was conducted based on a site visit in February 2006. The overview identified actual or potential ecological issues. However it states that the assessment overview has not taken the form of a full ecological survey due in part to seasonal constraints.

The ecology comments and recommendations made previously in respect of this application still apply.

In addition to these, the following recommendations are made based on the findings, recommendations and conclusions made in the Overview report.

Phase 1 habitat survey

- As recommended in the overview report, a phase 1 habitat survey is recommended, to be undertaken at an appropriate season and to include an assessment of impact, to identify flora present and the potential for any protected species or other surveys that may be required.

The Ecological Overview recommends a number of additional surveys in the event that vegetation removal will be required. A phase 1 survey will enable the potential for protected species to be established. Where potential for European Protected Species is identified, surveys will be required prior to the granting of consent. It is therefore essential that the phase 1 survey be undertaken before a consent is granted.

Hedgerow

Previous comments submitted by the Ecology team requested further information on the proposals to cut back hedgerow / boundary scrub. The Ecological Overview considers that some of the hedgerows on site will qualify as Important under the Hedgerow Regulations 1997 due to their ancient and/or species rich nature.

- It is therefore now recommended that where proposals will result in a reduction in boundary hedgerow/scrub, a full hedgerow survey be conducted prior to the granting of consent, to include an assessment of impact.

Appendix G 06/01419/FUL

Our ref: VOG0764/CNM

CURATORIAL DIVISION

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

17<sup>th</sup> January 2006

FAO Jane Crofts

Dear Sir

**Re: Proposed Medical Centre: Bear Field, Cowbridge:**  
**PL.App.No. 06/01419/FUL**

Thank you for your letter of the 8<sup>th</sup> December, the attached letter from Andy Marshall of Brackley Investments and the accompanying archaeological desk-based assessment for the site prepared by GGAT Contracts.

When we responded to your original consultation for this application (our letter of the 20<sup>th</sup> November 2006) we were unaware that the archaeological desk-based assessment for the site had been prepared, it is not mentioned at all in the planning statement prepared by Brackley Investments accompanying the application, Consequently its contents were not considered when we made our response and we therefore noted the conclusions of the report on the watching brief conducted during the geotechnical works undertaken on the site (which was mentioned in the planning statement) that clearly stated that there was a potential for important archaeological feature to be present in the application area. However, now that the applicant's agent has presented a copy of the archaeological desk-based assessment we can now review the contents of that work along with the results of the archaeological watching brief.

The desk-based assessment clearly indicates the high possibility that significant archaeological features may be located in the application area, given that a Roman bath house was discovered and excavated immediately to the southeast of the application area and an extensive area of Roman agricultural and industrial activity was excavated to the west. However, a geophysical survey conducted in the application area only identified two liners anomalies and the watching brief conducted on the geotechnical work identified no archaeological features and surprisingly recovered no Roman material (although medieval and post-medieval artefacts were identified). Therefore having reviewed all of the presented evidence we can conclude that it is unlikely that any archaeological features of sufficient importance for the current planning application to be refused on archaeological grounds survive in the application area. We therefore do not now object to the positive determination of the current application.

GLAMORGAN  
G WENT  
ARCHAEOLOGICAL  
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06/01419/FUL

The conclusions given above however have been made following a limited archaeological investigation of the site. It remains possible that archaeological features, albeit not of national importance, could be revealed during the construction works required for the medical centre. It will therefore be necessary for an archaeologist to monitor the groundworks required for the development and for procedures ensuring that any archaeological features identified are fully investigated and recorded are agreed. Consequently we recommend that a condition recommend that a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource prior to the development commencing should be attached to any consent granted by your Members.

We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

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

*Reason - In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.*

If you or the applicants have any questions or require further advice please do not hesitate to contact us.

Yours faithfully



Neil Maylan BA MIFA  
Archaeological Planning Manager

Appendix 'H'

06/01419/ku

Mr Rob Thomas,  
Head of Planning and Transportation,  
Vale of Glamorgan Council,  
Barry.

18<sup>th</sup> November 2006

Dear Mr Thomas,

**Application No 2006/01419/FUL The Bear Field, The Broadshoard, Cowbridge.**

I wish to express my concern involving two impending planning decisions on the part of the Vale of Glamorgan Council – a) the proposal to construct a two storey medical centre adjacent to Cowbridge Leisure Centre and b) the council's decision to sell off the cattle market site for unspecified redevelopment.

While I have no objection to the relocation of the medical centre and understand the need for it, I have to point out that there is deep concern on the part of residents of The Broadshoard regarding access, the poor state of the road surface, parking and congestion, which are already aggravated and can only be made infinitely worse by an enormous increase in traffic into this zone by the council's proposals. Furthermore, ingress and egress on to Westgate from The Broadshoard is both difficult and dangerous.

The medical centre itself is in use constantly; between the two practices currently existing there, doctors cope with more than 400 appointments per week; additionally there are clinics for babies and children, for nursing care, chiropody, phlebotomy and other conditions.

As many of these patients arrive by their own transport, the impact on The Broadshoard will be massive. Several traders and office workers already park their vehicles at the entrance to the Broadshoard, where they are left all day – a situation further aggravated by the presence of the nursery school at Ramoth church, which generates a constant in-and-out flow throughout the day and even during school holidays when the facility offers playschool services.

It is clear from this that people who take advantage of the current "free" parking in the Broadshoard will simply move further into the residential zone, making it impossible for householders to park or gain access to their driveways.

The mooted decision by the Council's cabinet to dispose of the cattle market site bodes further ill for The Broadshoard and for parking generally in the town unless further provision is made for parking.

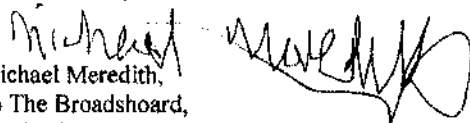
If the Council were to revert to the proposal to sell the cattle market to a developer for a supermarket, the prospects for the town in terms of traffic and trade would be injurious beyond measure.

Four years ago, the local community voted by a majority of four to one to oppose the development of a large supermarket on the part of Waitrose, which would have been ruinous for Cowbridge and its High-street.

Subsequently the District Planning Inspector ordained that there had been inadequate public consultation and that the matter should not be considered afresh until the year 2011 – and that even then there should be proper public consultation on the part of the Vale Council in so doing.

May we be assured that these proper measures will be put in place and that the community as a whole will have the opportunity to influence planning decisions over these matters, which otherwise promise to be deeply damaging for the town and its residents?

Yours sincerely,

  
Michael Meredith,  
26 The Broadshoard,  
Cowbridge CF 71 7DB. 01446-774765

H

06/01419/FUL

Your reference: P/DC/JMC/2006/01419/FUL

18 THE BROAD SHOARD  
COWBRIDGE  
VALE OF GLAMORGAN  
CF71 7DB  
Thursday 26<sup>th</sup> October 2006

Dear Mr. Thomas,

Town and Country Planning Act, 1990 (as amended)

Application No. 2006/01419/FUL

Location : The Bear field, The Broad Shoard, Cowbridge

**Proposal : Erection of two story medical centre with associated access, parking and landscaping**

Thank you for your letter dated 20 October 2006 regarding the above. We have examined the application and would comment as follows.

We agree with the principals laid down for the need of a new medical centre and do not object to this in any way. However the traffic evaluation given in the application for The Bear Field does not accord with the practical experience of ourselves as regards the frequency and levels of traffic experienced and the periods over which this is encountered. The date given in the application is that of July 1997 which is hardly relevant to 2006, especially as it was in the school holiday period. The term "gridlock" or "near gridlock" is often used in the vicinity of the junction of The Broad Shoard and Westgate on school days from 8.00am to 9.00am and 3.00pm to 4.00pm with the associated volume of school bus traffic entering Westgate from The Butts road, leading from the cattle market, to Westgate.

We would suggest that a more relevant and current analysis of traffic flows be established. On Wednesday 25<sup>th</sup> October 2006 there was a gridlock situation at or about 11.45 am with the X2 bus service ( Cardiff-Swansea) in both directions stuck in the jam, with cars and lorries from the newly opened quarry at Pontylcun/Miskin area. This extended all along the High Street from the Bear Hotel to the end of Westgate. The queues from the Leisure centre amounted to 6 cars, and larger vehicles, trying to get out on to Westgate

The proposed traffic scheme for the new Medical Centre has The Broad Shoard as the only access point to the new facility. That traffic which enters The Broad Shoard must leave by The Broad Shoard. We do not find this acceptable because at the moment the residential part of The Broad Shoard encounters many days when access up The Broad Shoard is often very difficult and on some occasions impossible. Vehicles delivering have had to abandon their journeys because of double parking caused in the main by daily activities at The Ramoth Chapel and parking of vehicles used by people visiting Cowbridge Town - not necessarily visiting the residents of The Broad Shoard. The practice of parking and shopping in Cowbridge encroaches even further up The Broad Shoard than it has ever done before. It is clearly evident that the approaches to the Leisure Centre are being used even more for this as again was witnessed on Wednesday 25<sup>th</sup> October 2006.

It is suggested that it would be better if another access/egress point were established from the proposed Medical Centre to join Eagle Lane and the out by way of the Town Hall area. This would create a one way system for the Medical centre and Leisure Centre.

H 06/01419/FUL

From appendix E in the documentation it is felt that some of the reasons given for not proceeding with certain sites are questionable.

1. The present location of the health centre was erected upon a site of an Historical nature. That has not changed.
2. The former cattle market is not listed or destined for a supermarket according to information in the public domain. The site is large with plenty of space for both vertical and lateral expansion and has no flooding problems.
3. With the flood alleviation works being carried out in Cowbridge the Old Brewery site becomes an option.
4. With the proposed closure of Cowbridge fire station this site becomes an option. This site does not have any flood plain issues.

When The Broad Shoard was constructed some 35 years ago it was residential development with access to the Cowbridge Sports and Athletic Club only. Since that date there has been the addition of the Leisure centre, the Tennis club and latterly the Bowls Club. In addition there has been a substantial increase in the daily and evening activities at The Ramoth Chapel, whereby the The Broad Shoard is used as the main access point. All of these have impacted upon the residential aspect of The Broad Shoard.

Progress and improvement of the infrastructure must go hand in hand. I cannot see this in the way in which the new Medical Centre is being portrayed and projected.

There is also the issue is of **DEMOCRATIC PARTICIPATION** but we find that upon talking to some residents that only a select few have been sent the attached letter possibly only 11 properties on The Broad Shoard out of a total of possible 48 or more; all of whom pay rates and the vast majority have one or more motor vehicles. It is also understood that contact with the named person on the letter attached is not satisfactory either in the response from the Vale of Glamorgan or being able to talk to someone who can answer questions.

Yours faithfully



Mr. and Mrs. P.G.W. FRANCE

MR. THOMAS  
HEAD OF PLANNING AND TRANSPORTATION  
THE VALE OF GLAMORGAN COUNCIL  
BARRY DOCKS  
BARRY CF63 4RT

cc

H' 06/01419/FUL

**UNITED FREE CHURCH, COWBRIDGE**  
WESTGATE, COWBRIDGE, VALE OF GLAMORGAN CF71 7AR  
Web site: www.cowbridgeunitedfreechurch.org.uk

*Secretary:*  
Mrs. M. Weavers  
20 Geraint's Way  
Cowbridge  
Vale of Glamorgan  
CF71 7AY  
Tel: 01446 773494

*Minister:*  
Heather Barton Jones  
23 Geraint's Way  
Cowbridge  
Vale of Glamorgan  
CF71 7AY  
Tel: 01446 771021

*Treasurer:*  
Mr. A. Pearce  
68 The Verlands  
Cowbridge  
Vale of Glamorgan  
CF71 7BY  
Tel: 01446 771883

9 November 2006

Your ref: P/DC/JMC/2006/01419/FUL

Mr. Rob Thomas  
Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

Dear Sir

**Town and Country Planning Act 1990 (as amended)**

**Application No.2006/10419/FUL**

**Location: The Bear Field, The Broadshoard, Cowbridge**

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

One of the users of our premises has passed your letter to us, and I am writing on behalf of United Free Church and our users. We allow our premises to be used by various groups in the Community such as a ballet group, Welsh Nursery School, Welsh Play Group, St. John's Ambulance Group, Guides and the Cowbridge Choral Society.

We use the access to our buildings on the Broadshoard (although our postal address is Westgate) and this is especially vital for disabled visitors and children. The main use is in afternoons and early evenings. We are very concerned that the parking arrangements planned for the new medical centre will not be large enough to cope and that cars may overspill onto the Broadshoard, thus making our access very difficult if not impossible. This overspill already happens when the Leisure Centre car park is very busy. We are very conscious that our neighbours find parking outside their houses quite difficult already, and any extra traffic is going to be chaotic.

We would be pleased to have your comments on this worrying state of affairs.

Yours faithfully,

*Margaret Weavers*

Margaret Weavers  
Secretary, United Free Church

'H'

06/01419/PL

Linda Adams  
10 THE LIMES COWBRIDGE VALE OF GLAMORGAN CF71 7BJ  
Tel: 01446 771 309. e-mail: adamsl@onetel.com

12-12-06  
Mr. Rob Thomas  
Head of Planning and Transportation  
Dock Office  
Barry CF63 4RT

Dear Mr. Thomas,

**Cowbridge Medical Centre, Bear Field.**

I am writing to object to the above planning application on grounds of its design and materials and lack of sustainability.

Although not in the Cowbridge Conservation area, it will be visible from it and will not complement, improve or enhance the area in any way. As a building it is more in keeping with an industrial estate than with a historic town centre dense with listed buildings and features. It is true that the Leisure Centre will be its closest neighbour but one ugly building cannot excuse the perpetration of another.

The lack of sustainability in its design and construction also gives cause for concern and certainly does not accord with the advice contained in the VOG document, Sustainable Development: a Developer's Guide. As a very big building of 2534 square metres occupying a site of 3.25 acres, this counts as a major development and should have the most stringent criteria of sustainability applied to it, so that its environmental impact is minimised and it fits better into a site which is midway between a heritage street scene and a natural landscape. What the developers describe as sustainability seems to relate to the fact that it can be reached by public transport, and it has opening and louvred windows to counteract what will undoubtedly be a problem with overheating.

The materials used do not do not include energy efficient natural materials such as wood and stone, but rely on a heavy use of metal in the roof, windows, curtain walling and doors which is very heat-conductive. Instead of being covered in metal, the roof would benefit from being a green roof i.e. with plants that retain rainfall, reducing run off, and providing good thermal properties, reducing both heating and cooling costs. This would be particularly valuable as the area behind is wetland the year round, and part of the Thaw flood plain. The use of renewable energy resources such as photovoltaic arrays or solar water heating would also be a significant advantage on a building this size.

The corner of the proposed site next to the ambulance drop-off, bin store and four reserved parking places adjoins the ancient Silver Well. The well has a stone surround and still contains clear water which used to be piped to the

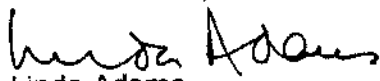
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06/01419 FW

High Street area and was still drinkable when last tested in the 1990s. That corner is surrounded by a thicket which is partly in the proposed site and partly on the well side. The well is in a secluded part of the family nature reserve established by Mr. and Mrs. David John, which won second prize in the Vale Biodiversity Partnership awards in 2005. The developers propose a radical cutting back of vegetation surrounding the site and I would urge your department to impose a condition ensuring that the boundaries which are at the back of the site, comprising an ancient wall and hedgerows, should be protected so that this tranquil area, in which Cowbridge residents and visitors are welcome to walk, receives maximum protection from the impact of a very big development.

In conclusion, while a new Health Centre will be a major benefit to the town, it should be one in which the principles of good health should be symbolized by a building that fits better with its surroundings and accords with the principles of sustainability advocated by the WAG and by the Vale Council.

Yours sincerely

  
Linda Adams

06/01491/FUL

Appendix A.

Mr Rob Thomas  
Head of Planning & Transportation  
The Vale Of Glamorgan Council  
Development Control Section  
Docks Office Subway Road  
Barry  
South Glamorgan  
CF63 4RT

Our ref: SE/2006/100023/01-L01  
Your ref: 2006/01491/FUL  
Date: 06 November 2006

Dear Sir/Madam

**Proposed agricultural dwelling (resubmission of App. No. 2005/01712/FUL) at Land formerly part of Rectory Farm, Llandough, Cowbridge, Vale of Glamorgan.**

Thank you for referring the above application, which was received on 03 November 2006.

The Environment Agency does not accept the promotion or proliferation of cesspools as a viable long-term sewerage option, in view of the potential environmental, amenity or public health problems arising from inadequate operation and maintenance. The DETR Circular 03/99 / Welsh Office Circular 10/99 "In Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development" also discourages the use of cesspools and provides a hierarchy of drainage options that should be considered before the use of cesspools is considered. The use of the public foul sewer, private sewage treatment plant (which can be offered up for adoption to the Sewerage Undertaker) or septic tank should be considered as a more sustainable method of foul drainage disposal. The applicant must complete a full foul drainage assessment which proves to the planning authority's satisfaction that the use of cesspools is unavoidable.

If a cesspool is considered as the only viable option by the Planning Authority the Agency requests that the following condition be applied:

**CONDITION:** All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works including emptying has been submitted to and approved in writing by the Local Planning Authority. The scheme

Environment Agency  
Rivers House (St. Mellons Business Park) Fortran Road, St. Mellons, Cardiff, CF3 0EY.  
Customer services line: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
Cont/d..

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06/01491/FU

shall be completed in accordance with the approved plans before the development is occupied.

REASON: To prevent pollution of groundwater.

In addition, we make the following advisory comments.

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

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

Carriers transporting waste from the site must be registered waste carriers.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licencing Regulations 1994.

I have sent a copy of this letter to the agent.

Yours faithfully

**Jon Goldsworthy**  
**Planning Liaison Officer**

Direct dial 029 2024 5039

Direct fax 029 2036 2920

Direct e-mail [jonathan.goldsworthy@environment-agency.gov.uk](mailto:jonathan.goldsworthy@environment-agency.gov.uk)

cc Mr Christopher Morgan

ENVIRONMENTAL  
AND ECONOMIC  
REGISTRATION

5 7 NOV 2006

Handwritten initials and a circular stamp.

End **RECEIVED**

Appendix B1

06/01491/FUL

**PLANNING APPRAISAL**

for

**VALE OF GLAMORGAN COUNCIL**

of

06/01491/FUL.

An application to erect a farm worker's dwelling  
at  
Part Rectory Farm, Llandough, Cowbridge

Applicant: P Llewellyn  
Agent: C Morgan  
Advocate: A Roberts (ADAS)

**Prepared By**

**RICHARD ANSTIS MRICS**

**Pryor House  
Snuggs Lane  
East Hanney  
Wantage  
OX12 0HU  
01235 868233  
richard@nstis.com**

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

FAO: Mrs J M Crofts  
DATE: November 2006

B1 06/0/491/FUL

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		2.3	Dwellings
		2.4	Buildings
		2.5	Land
		2.6	Enterprises
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4.0	FINANCIAL TEST		
5.0	OTHER TESTS		
6.0	CONCLUSION		

## 1.0 INTRODUCTION

- 1.1 Mr Llewellyn has applied to the Vale of Glamorgan Council for consent to erect a farm worker's dwelling at part Rectory Farm, Llandough.
- 1.2 This appraisal was requested by the Vale of Glamorgan Council to examine the proposal in accordance with relevant planning policy. The property has been inspected from the roadside and the air. No further inspection has been carried out.
- 1.3 A yard plan provided as part of the previous application has been referred to.

## 2.0 DETAILS OF THE HOLDING

### 2.1 Location

The site of the proposed house is in open countryside about 300m to the north west of The Herberts (a hamlet of dwellings) and 900m from the village of St Mary Church.

### 2.2 Tenure

The holding is part owned and part held under tenancies and is run as one holding. There is some discrepancy over the exact extent of the land, between the previous submissions and the latest, but from the analysis of the plans, the farm is assumed to be as follows:

The application site at Rectory Farm and 20ha is owned. 1km to the east (Ty'n y Caeau) is a further block of 20ha, also owned. 1.25km to the south east (St Mary's Church) is a single field of 3.6ha, also owned, with the last block of owned land some 1.75km to the east (St Hilary), comprising 6.9ha.

The farming partnership then rents 16ha at Fishweir Farm, some way from the central holding, on a periodic FBT, 2.2ha at Rectory Farm, under a short term FBT and the historic nucleus for the holding at Old Beaupre Farm, comprising 57ha, held under a secure AHA tenancy.

15 years ago, Rectory Farm was sold and the land was split from the house, which was sold to an unconnected party. Old Beaupre Castle, including the adjacent house, is included in the area edged in blue on the application map, but in fact is not part of the holding.

### 2.3 Dwellings

The applicant lives with his parents in a dwelling on the holding at Old Beaupre Farm, occupied under the AHA secure tenancy. The position of the house is shown filled black to the east of field number 7243 on the application plan. There are no other dwellings on the holding.

### 2.4 Buildings

B<sub>1</sub>

06/01/49/FUL

There are two principle yards at the holding, the first being adjacent to the dwelling at Old Beaupre Farm, comprising a collection of livestock and storage buildings and the second being adjacent to the proposed dwelling, on the land at part Rectory Farm.

Other buildings include a cattle house at OS7922, below the application site, a machinery shed adjacent to Old Beaupre Castle and a period Tythe barn to the south of that in OS 9394. This last building may or may not be appropriate for conversion.

## 2.5 Land

The land is predominantly laid to permanent pasture, but with around 20ha dedicated to feed corn production.

## 2.6 Enterprises

The farming system is described in the supporting report and in essence comprises a sheep and cattle farm, producing finished lambs and cattle for sale.

To expand, there is a suckler herd of 27 cows and one bull. 90-100 store cattle are bought and finished each year, together with the suckler progeny not kept as followers. 330 lambing ewes are also kept with their followers.

The two holdings are run together and the yards are used for different aspects of the mutual enterprise, but specifically the calving appears to occur at the buildings at Rectory Farm from November to April (paragraph 3 at 4.3.1 ADAS report), with rearing and finishing at Beaupre Farm. The sheep appear to be lambed at Rectory Farm between February and April (paragraph 3 at 4.3.2).

## 3.0 FUNCTIONAL TEST

- 3.1 The functional test is required to show that there is a proven agricultural need for a farm worker to be present *on site most times out of necessity* at the proposed location. Given that a dwelling already exists on the holding and the holding is run as one unit, the test must show that a second dwelling is required.
- 3.2 There is compelling evidence that a need exists for a dwelling on the holding, but one already exists at Beaupre Farm.
- 3.3 If the proposal had been for a second dwelling at Beaupre Farm, the evidence would have had to have been assessed in terms of the additional need, over and above that satisfied by the first house. This is not the proposal.
- 3.4 If the enterprises were run entirely separately, the need that related to Rectory Farm would have to have been assessed separately. This is not the fact.

06/01/491/FUL B1

3.5 As it is, the proposal is for a second dwelling to serve the whole holding, but located at Rectory Farm, rather than at Beaupre Farm. The first part of the assessment therefore is an analysis of whether there is an overriding reason why the applicant can *not* use the buildings at Beaupre Farm, where there is already provision for a full time worker to be on site, for the part of the enterprise that requires such attendance – the source of the need.

3.6 The submitted evidence on this issue comprises three points:

A. That the buildings at Beaupre Farm are unsuitable. This point has not actually been made in such obvious terms, but at paragraph 11 of section 5, the traditional buildings (that make up some of the buildings at Beaupre Farm) are described as being more labour intensive than the more modern ones.

Section 4.4 of the ADAS report describes the structure and current use of both sets of buildings. There are substantial buildings at Beaupre Farm and many of these are not used for a part of the enterprise that creates the agricultural need which requires a worker to be on site.

There is no submitted evidence that shows why the existing buildings at Beaupre Farm can not be used for the part of the enterprise that creates the need, nor why new buildings could not be erected for this purpose at that location.

B. That to prevent disease, the breeding stock should ideally be kept separate from purchased stock (paragraph 10, section 5). No evidence has been submitted as to why such separation as is necessary could not be achieved at Beaupre Farm.

C. That a caravan has already been permitted at Rectory Farm, as temporary accommodation (paragraph 2, section 4.7). This is not accurate. In fact, the caravan at Rectory Farm is wholly unauthorised and enforcement has been held in abeyance until December 2006, pending the outcome of other planning matters. This is not the same as granting planning permission for a limited time.

3.7 Since there is insufficient evidence to show an overriding reason why the need could not be both based and satisfied at Beaupre Farm, it follows that there is no proven need at Rectory Farm and the functional test is not satisfied.

#### 4.0 FINANCIAL TEST

The financial test is unnecessary where the functional test is not passed.

B<sup>1</sup> 06/01491/FUL

## 5.0 OTHER TESTS

In line with considerations given in the recent Welsh Assembly Government Research findings, the parts of the functional test that have already been analysed in the functional test have been extracted here, for clarity:

1. Full-time Test: We are satisfied that there is sufficient evidence that a second farm worker is required full time on the holding (as a whole) in terms of labour requirement.
2. Other Dwelling Test: We are satisfied that from the evidence provided and our limited research, there are no neighbouring dwellings which would satisfy the need, had it been shown.
3. Other Planning Requirements: We have considered commensurate size and location of the dwelling, but all other planning issues are outside our brief.

## 6.0 CONCLUSION

- 6.1 In our opinion, the application fails the functional test and does not prove an overriding need for a second farm worker's dwelling at Rectory Farm.
- 6.2 Size – We consider that a dwelling of no more than 150m<sup>2</sup> would be commensurate with the needs of a second farm worker, were a need to have been shown.
- 6.3 Location – Were an overriding need to have been shown to exist at the yard adjacent to the proposal, then the position of the proposed house would have met that need.

Signed .....

Dated .....

19<sup>th</sup> January 2007

Re: 06/01491/FUL – Rectory Farm, Llandough  
Response to letter 9<sup>th</sup> January 2007 - Aled Roberts to Jane Crofts:

The letter refers to our earlier appraisal and specifically to section 3.1.

Extract from November 2006 Appraisal:

3.1 *The submitted evidence on this issue comprises three points:*

A. *That the buildings at Beaupre Farm are unsuitable. This point has not actually been made in such obvious terms, but at paragraph 11 of section 5, the traditional buildings (that make up some of the buildings at Beaupre Farm) are described as being more labour intensive than the more modern ones.*

*Section 4.4 of the ADAS report describes the structure and current use of both sets of buildings. There are substantial buildings at Beaupre Farm and many of these are not used for a part of the enterprise that creates the agricultural need which requires a worker to be on site.*

*There is no submitted evidence that shows why the existing buildings at Beaupre Farm can not be used for the part of the enterprise that creates the need, nor why new buildings could not be erected for this purpose at that location.*

B. *That to prevent disease, the breeding stock should ideally be kept separate from purchased stock (paragraph 10, section 5). No evidence has been submitted as to why such separation as is necessary could not be achieved at Beaupre Farm.*

C. *That a caravan has already been permitted at Rectory Farm, as temporary accommodation (paragraph 2, section 4.7). This is not accurate. In fact, the caravan at Rectory Farm is wholly unauthorised and enforcement has been held in abeyance until December 2006, pending the outcome of other planning matters. This is not the same as granting planning permission for a limited time.*

3.2 *Since there is insufficient evidence to show an overriding reason why the need could not be both based and satisfied at Beaupre Farm, it follows that there is no proven need at Rectory Farm and the functional test is not satisfied.*

In reply to 3.1A above, Mr Roberts states that some of the buildings at Beaupre Farm are used for storage of barley and silage as feed for the fattening stock, which occupy the remainder and that these are unsuitable for housing breeding stock.

Even if there were sufficient evidence to show that the existing buildings could not be adapted, there is no explanation as to why further buildings could not be erected at Beaupre Farm.

06/01491/FWL  
Appendix B2.

In reply to 3.1B above, Mr Roberts sites the need to keep breeding and fattening stock separate to prevent the transfer of disease and states that this is not possible at Beaupre Farm.

No evidence is submitted to support this claim. It is too easy to simply state that since isolation of livestock groups is obviously a factor in preventing the spread of disease, it necessarily follows that the separation needs to be into two yards, in entirely different locations. Indeed, in assessing the evidence, we have interviewed representatives from DEFRA, FAWC, The Welsh Assembly and both English and Welsh Vets, as senior representatives of the AHV, all of whom have indicated that there is no such guidance, nor anything that would negate the possibility of housing both the breeding and fattening cattle in one yard.

In short, the letter provides little substantial evidence to support the assertion that there is an overriding need to split the enterprise and therefore to create two pockets of need for on site presence.

**Richard Anstis MRICS**

Appendix C.

06/01491/FUL



Head of Planning  
C/o Mrs J M Crofts  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Henstaff Court Business Centre  
Grosfaen, Cardiff  
CF72 8NG

Canolfan Ffurfes Cwrt Henstaff  
Y Grosfaen, Caerdydd  
CF72 8NG

Tel/Ffôn: 02920 899100  
Fax/Ffacs: 02920 890054  
[www.adas.co.uk](http://www.adas.co.uk)

9/1/07

Your reference P/DC/JMC/006/01491FUL

Dear sir

Re Town and Planning Act 1990 Rectory Farm Llandough

I reply to the points raised by Mr Anstis and his interpretation of the Dwelling house appraisal report for a key agricultural worker undertaken by ADAS in August 2006 for Messrs TD Llewelyn and son.

Points 3.6 A and B refer to the source of the need.

The farming system comprises of breeding stock and finishing animals of which the finishing stock are mostly purchased in to the farming system. In terms of biosecurity the suckler cows are kept completely separate from the beef stores/fattening animals as advised by the state veterinary service and agricultural advisers to prevent any transfer of disease such as TB, Bovine viral diarrhoea, Infectious Bovine rhinotracheitis, Leptospirosis, etc which will have severe effects on herd health, welfare and productivity.

This is considered a good code of Agricultural practice which the Welsh Assembly Government is promoting to the Industry in attempts to mitigate disease spread and any potential Zoonosis spread to humans.

The greater the distance which is placed between the breeding stock and the finishing animals improves biosecurity together with the fact that faeces/urine which can carry some of these infectious diseases can be kept completely separate. This cannot be undertaken at Beaupre farm buildings due to their close proximity and hence risk of disease spread. Finishing cattle are bought and sold during the year hence new animals are constantly entering the holding which need to be kept entirely separate to prevent any infectious diseases from spreading.

C

06/01491/KL

The old buildings at Beaupre farm are used by the finishing cattle which are fed on barley and silage which is stored in other buildings close to the cattle buildings. The buildings are utilised at Beaupre by the finishing stock and there is no room for housing additional animals. These buildings are constructed of steel/concrete block walls which have low headroom and no outer yards, with denser internal stocking rates. The quantity of feed needed to be fed and carted around the livestock buildings is substantial with the barley and silage kept close to the housing quarters, which is a practical feeding and management system.

The buildings at Rectory are used to house the breeding cows have an open yard in front which gives better ventilation and access to the cows and calves as well as more room which is required under the good code of Agricultural practice for cows and calves and meets welfare standards and cross compliance visits undertaken by WAG officials. This could not be practised at Beaupre buildings. The ventilation aspect of the buildings is important in preventing viral and respiratory diseases in the young calves as well as room for preventing bullying which goes on within the herd infrastructure. The Rectory farm buildings have a self feed silage system which is self contained where the quality of the silage made for the cows can be targeted to suit the ration required by making more mature silage as opposed to younger quality silage for the finishing cattle at Beaupre.

Thus the feeding system at Rectory allows more time to manage and look after the breeding stock which require close supervisory attention around calving/lambing. There is a purpose built cow handling and crush system at Rectory which is used to handle and restrain the cows which is essential around calving time when cows can get agitated and aggressive. This is not the case at Beaupre. Health and safety of both man and beast is paramount in avoiding any accidents as well as providing the facilities required to supervise the management of the breeding stock.

The buildings at Beaupre were built for the purpose of housing/feeding the breeding stock as a self contained unit and the capital cost incurred for this purpose. It must be borne in mind that biosecurity and welfare issues are very important factors which can help determine the profitability of livestock units, by preventing disease spread and to provide the facilities which allows the animals to display their normal behavioural characteristics.

The silage feeding and storage system means that no silage is carted back and forth between the farms which minimises traffic as well as reducing congestion and deposition of mud on the road. It is totally impractical to think that silage could be transported back and forth between farms to feed to different classes of livestock before considering the factors such as cost, time, nuisance, wear and tear etc etc.

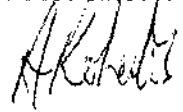
It follows from the above facts that the buildings at Beaupre cannot be used for the enterprise that creates the need which requires a worker to be on site. Thus as written in the original report there is an overriding need for a

'C' 06/01491/ku

worker to be based at Rectory farm and to be based within sight and sound of the animals.

The financial loss within breeding stock which can occur from disease outbreaks and from being unsupervised can be substantial eg a loss of one calf would result in a loss of up to £200/cow , before additional work and costs are taken into account. Thus farm profitability and viability can be eroded without the proper supervision which is required to maintain a well managed farming system.

Yours sincerely



Aled Roberts Senior Consultant

06/01715/OUT 'A'

Mr D J Ward  
33 Elfed Avenue  
Penarth  
Vale of Glamorgan  
CF64 3LY

02920331064

2<sup>nd</sup> March 2007

Mrs Y.J.Prichard  
Planning and Transportation  
Vale of Glamorgan Council  
Dock Office  
Barry Dock  
Barry.  
CF63 4RT.

Dear Mrs Prichard,

**ST. LUKES CHURCH, ELFED AVENUE, PENARTH – 2006/01715/OUT**

I am in receipt of your letter regarding the proposal for demolition and residential development of the above site. I wish to make the following observations/objections to the proposal as I believe this development would adversely affect my current standard of life:

***Buildings***

- 1) I consider that five houses is an overdevelopment on this site and all five houses will directly overlook my property diminishing my privacy considerably.
- 2) Has any thought been considered in locating these properties in a mixture of some north to south facing and some west to east facing. This would limit the affect on my privacy.
- 3) What is the proposed style and finish to these properties – will they blend in with current properties in the area (there are no three house link properties in this area).

***Occupancy***

What type of housing is proposed on this site – is this Housing Association, sheltered accommodation, social housing, privately owned residences?

06/01715/OUT 'A'<sub>2</sub>

### *Access*

Is the proposed new access road going to be adopted by the Vale of Glamorgan Council or is it to remain a private road?

This road will be a matter of feet from my front door and my four-year-old daughters' bedroom with the possibility of between 5 and 10 cars in and out many times a day, unlike the usage of the church at my time of purchase of this house.

Are these proposed new properties going to have their own driveways/parking spaces or are they to be parked outside my property – again causing extra noise, inconvenience and further diminish my privacy.

Do the developers have any proposals to build a new wall or fence between my property and this new development? My current fence is adequate for the boundary with a church but not for this development.

### *Road Alterations*

- 1) I note that the proposed alterations to the road layout will mean the removal of grass verges on which my children, and those of neighbours, currently play.
- 2) The proposed new road layout also affects the drives of both my neighbours and I, and constitute an additional hazard for both local residents – particularly children – and schoolchildren attending St. Cyres School.
- 3) There is very limited parking on Elfed Avenue at present, which is also a bus route, which will doubtlessly increase with this proposed development
- 4) The only access to the main road network is via Redlands Road and any increase in traffic from this estate will only exacerbate what is already a bottleneck at main commuter hours.

### *Privacy*

My property currently has approximate 80 metres between it and properties on Redlands Road to the east. These new, proposed properties will be no more than 15 to 20 metres away directly overlooking my house and garden, again adversely affecting privacy and peace and quiet currently experienced.

If this development goes ahead the noise, mess and continual building work will create a significant nuisance and inconvenience for all properties in the vicinity.

### *Future Plans*

Will this development adversely affect any future house extension plans that I may have as more space is currently needed in my house as I have 4 children and only a three bedroom house?

I assume that any observations or objections contained in this letter, or any other residents observations will be taken into account before any decision is made on this development by your planning department.

I also assume after your decision and/or final plans are submitted to you, all current and future observations/objections will be entertained before any work on this development takes place.

06/01715/OUT 'A'<sub>3</sub>

Please note that all above observations/objections contained in this letter are made on the basis of the very limited information provided by yourselves. One sheet of A4 paper with the outline plan for five houses does not afford any real information on what these properties will look like, who will occupy them, proposed timescale of work, affect on the current householders i.e. overdevelopment, increase in traffic as this is an estate with only one entrance/exit to Redlands Road; invasion of privacy, security of property and safety of children.

Please note that I would like official confirmation of receipt of this letter. I would also like answers to the questions raised in this document. If it is possible to attend planning committee meetings then I would like to be informed when this proposal comes before committee so that I can attend to fully appreciate its impact and assure myself that observations/objections raised are taken fully into consideration.

At some stage I assume you or someone from your department will come to look at this site, with or without the developers, to peruse these proposals. I think it would be beneficial to all concerned that any objectors, including myself, could be invited to attend this site meeting to further discuss the proposed development.

Yours sincerely

D J Ward

p.s. I have also sent a copy of this document by post today.

06/01715/OUT 'A'  
Diana Gregory

131 Westbourne Road  
Penarth  
Vale of Glamorgan  
CF64 5BR  
Tel: 029 2070 7678

The Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry CF63 4RT

24 April 2007

Dear Madam/Sir,  
**Town and Country Planning Act 1990 (as amended)**  
**Application No: 2006/01715/OUT**  
**Location: Site of St.Luke's Church, Elfed Avenue,  
Penarth**  
**Proposal: Demolition of redundant church building  
and residential development on the site**

Thank you for your letters, (two), of 16<sup>th</sup> April 2007,  
advising me of the amended plans and documents in  
respect of the above planning application. I would like to  
make representation about this application as follows:

1. The disposal of totally unnecessary waste constitutes an environmental problem which can easily be prevented by turning this planning application down. St Luke's church building is in good structural condition. It is not dilapidated nor is it located in an isolated rural area, as are many redundant churches. It is not old, having been built in the 1960s. The roof is sound. There is no damp or leakage and whilst some modernisation is required, the interior is in good decorative condition. The East and West walls have been painted in the last two years. The building contains a large hall with polished wood block floor, particularly good for dancing, kitchen, toilets, various adjacent rooms, stage and disabled access through the fire door. There is plenty of room for parking and/or extension. To demolish this sound building with so much potential for community use, is, in my view, little short of vandalism and surely is not consistent with the Council's policy on the care of the environment.

2. This property is ideally suited for use as a community/youth centre or church. It is in considerably

06/01715/OUT 'A'<sub>5</sub>

better condition than some other community centres that I have seen in Penarth, and in particular, to Glyndwr Hall, which is on the same estate. There is no youth centre in Penarth and a youth club was formerly based in this building. The Vale of Glamorgan or Penarth Town Councils might consider buying it and, perhaps, pulling down Glyndwr Hall. In addition, a church which is without its own building and which has been holding services at St. Luke's periodically over a year or so, is interested in buying it.

3. The planning permission is neither needed nor wanted by any purchaser who wishes to use the building. It serves only to grossly inflate the price well above the market value for a church/hall. A buyer wishing to use the building does not want to pay for its demolition!. Inevitably, planning permission for residential development will make it a lot more difficult, if not impossible for the property to be used for community and/or church purposes by making it too expensive.

I have no personal interest in the potential buyers mentioned above. I have attended St. Luke's church for the last 12 years, so I know the building very well. I have written to the Representative Body of the Church in Wales to express my views and I very much hope that you will reject this planning application to allow sale at the 'normal' price to a buyer who would benefit the community here in Penarth. I write in a personal capacity but I am by no means alone in this view.

Further to paragraph 4 of your advisory note, I would like to attend the Planning Committee if possible, and I would like to be informed of the decision.

Yours faithfully,

*Diana J. Gregory*  
Diana J. Gregory

Appendix A

07/00309/FUL

Mr M Goldsworthy.  
Planning & Transportation Dept.  
Vale of Glamorgan Council.  
Dock Offices,  
Barry Docks.  
Barry.  
CF63 4RT.

46 Redbrink Crescent,  
Barry Island.  
Vale of Glamorgan.  
CF62 5TU.

26<sup>TH</sup> March 2007.

Dear Sir,

Your Ref; P/DC/MG/2007/00309/FUL.  
48 Redbrink Crescent, Barry Island.

Thank you for your letter dated 8<sup>th</sup> March 2007. You advise that a further application has been received to retain an extension subject to enforcement notice P/DC/SJB/ENF/2006/0337/PC. Issued on 7<sup>th</sup> March 2007 effective date 7<sup>th</sup> June 2007.

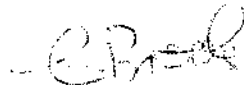
Despite a minor alteration to the roof area, the extension will still retain its overbearing height and length. This will have very little impact on the scale of the development and its detrimental effect on my property.

I have previously written to you on 16<sup>th</sup> November 2006 (Ref 2006/01045/FUL). Where I advised that earlier 2 similar but **smaller** schemes had been rejected by the Vale Council Planning Department and subsequently refused on appeal to the Welsh Office.

These smaller schemes were both rejected due to the amenity area being grossly inadequate. This decision was made before the property was converted into 3 flats without planning permission which would of course reduce the amenity area even further.

I would therefore register my strong objection to the current application due to the way it affects my property in an overbearing manner. In addition having taken professional advice I would suggest that any planning applications relating to this property should be revoked and the current enforcement notice implemented.

Yours faithfully,



C.Brooks.

Appendix B

07/00309/FUL

*Corral Raven*

26 March 2007

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

Dear Sir

**Application No: 2007/00309/FUL**  
**Location: 48 Redbrink Crescent, Barry Island**

With reference to the above planning application, I hereby put forward my objections and comments concerning the extension at the rear of No 48.

As you know, your Council has already permitted a rear extension to No 48 without consulting me (application No 05/01759/FUL). However, that permission was given based on false information, as listed below, and I consider that it should, therefore, be revoked. I note you sent a letter to Mrs Rendell dated 28 June 2006 pointing out to her that, "all works are now unauthorised", and that she should, "cease all further development forthwith". However, she took no heed whatsoever of your instruction and has carried on the building work regardless.

There are a number of significant points arising:

1. In connection with the first application, the applicant should have served notice upon me but this did not occur. I am advised that this means that **both the application and the permission are invalid, which is established by a consistent body of cases, the most recent of which is R (on the application of Pridmore and Dodd) -v- Salisbury DC and Docking (2005) J.P.L. 655.**
2. In that case the Council's decision to grant planning permission was quashed because of the failure of the applicant to serve the requisite notice. The Court held that s.65(5) of the Town and Country Planning Act 1990 and articles 6 and 20 of the Town and Country Planning (General Development Procedure) Order 1995 were mandatory and **the applicant's failure to serve the requisite notice invalidated the application and the permission;**
3. It should be noted that the Court held that it was a **criminal offence** not to adhere to these procedural requirements. Further, the conduct of the applicant was material to the decision as to whether to quash the decision. I understand that the reason I was not notified was that the Planning Officer was led to believe, on site, that the shower room and utility room were owned by the applicant: I was told this

07/00309/FUL

'B'

verbally by the Planning Officer concerned who has now retired, and your correspondence to me confirms this understanding. In my view the fact that the Planning Officer was deliberately misled confirms that the permission is voidable insofar as there was a wilful failure to serve the ownership certificate;

4. I understand that Mrs Rendell signed a Certificate A for the first application, in other words she categorically asserted that nobody else except her (the applicant) had any interest in the land. That is clearly quite wrong and confirms my view that the permission does not stand and cannot be fallen back on in any event.
5. There can be no dispute that the extension that now stands has not been built in accordance with the approved plans, neither in size nor materials used.
6. You have confirmed in correspondence sent to me that **the consent has "fallen in-total"** because, amongst other things, the applicant did not discharge a condition precedent.
7. I also note, having seen the completed application form for the first permission, that Mrs Rendell claimed that the planning permission would not involve any demolition. That is clearly not true, as she has demolished the sloping roof which was over my shower, causing internal damage to my ceiling and leakages which still occur. In fact whenever I attempt to put the light on in the shower and utility room the circuit trips. This is very dangerous and Mrs Rendell should be aware that this is potentially a fire hazard. I have written to Mrs Rendell informing her of this and the only response I had was telling me to 'have a bath' instead.

In the light of the above, you should be absolutely clear that the extant permission is voidable and does not represent a fallback position for the applicant. **The existence of a voidable planning permission is not, therefore, a material consideration in the determination of the planning application.** If you proceed to take the voidable planning permission into account I put you on notice that I intend to take legal advice with a view to challenging any decision to grant planning permission on the current application.

Another point I would like to make is that in 1989 and 1990 almost identical plans were refused and thrown out on appeal. Those plans showed a structure smaller but very similar to the present plans.

Turning to a consideration of the application on its individual merits, I strongly object to the extension being built around and above, completely enclosing the window of my shower/utility room, which is seriously darkening and obstructing my light. The suggestion in the new plans to provide an additional window would make no difference whatsoever, as it would still be enclosed **inside** Mrs Rendell's property. The proposal of a window opposite that window and an internal wall makes no sense whatsoever and would certainly not improve nor rectify the situation. **Both the first plans and these amended plans are unacceptable and would make my property unsaleable and decrease it's value.**

I would also like to point out that Clause 5.9 of the Lease specifies that lessees are: *"Not to stop up darken or obstruct any windows or light belonging to the Buildings"*; and Clause 6.5: *'To observe and perform all conditions contained in any planning permission affecting the Estate.'*

I set out below my other concerns about the proposal, although I accept that not all of these are planning considerations, but in my view you should be aware of these facts in considering the application:

07/00309/FUL 'B'

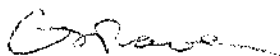
1. I object to the fact that my drain is going to be inside Mrs Rendell's property and, therefore, inaccessible. I am extremely worried about the consequences of my drain being blocked. My extractor fan will also be enclosed. How am I suppose to maintain my property in these circumstances?
2. I strongly object to the fact that my shower roof, a recently built slate room, has been completely removed.
3. I object to the fact that the boundary wall was partly knocked down, recently rebuilt very roughly, is much higher and unfinished.
4. I object to the fact that damage has been caused inside my shower and utility room, plasterwork has cracked and water leakage has left damp marks and smell.
5. I very strongly object to the fact that my property is now unsaleable and has also decreased in value.

I also believe that the failure by Mrs Rendell to sign the correct Ownership Certificate and her failure to inform you of my occupation of the ground floor flat was wilful and premeditated. The following background would suggest that: When I first bought the property she wished to block up the window in question, to give me a few feet of land, knock down a wall, build another with a window in that wall. (I have that request in writing). I refused the proposal at the time because it would have meant considerable disruption with no guarantee of satisfactory completion (based on the applicant's history). Since then she has again asked me whether she could build around the window, and absurdly assured me that she would put the light on for me (ie in her property). When I refused she said she would do so anyway, ie build around my window.

**I, therefore, reiterate my request in my previous objections, that you exercise your powers of Enforcement to instruct Mrs Rendell to demolish the existing extension, and also that you revoke the initial planning permission, taking into account that the conduct of the applicant is material to the decision as to whether to quash the decision, and that your own Planning Officer allowed himself to be duped by her. That is the only way of resolving this matter for all those concerned. Demolition, revocation and refusal of the current planning application is the only solution to this problem.**

I look forward to your response to my comments and objections.

Yours faithfully



C S Raven

MG

*Coral Raven*

07/00309/FUL

'B'

15 April 2007

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT  
For the attention of Mr Rob Thomas

Dear Sir

**Extension at Rear of 49 Redbrink Crescent, Barry Island**

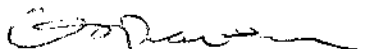
*I am writing with reference to the illegally built extension at the rear of my property and my letter of objections dated 26 March 2007.*

*I wish to add to my objections regarding this extension. As I point out on page two of my letter, (Point 7), there has been an intermittent leak for some time from the extension above, seeping through my shower ceiling and around the spotlight which has been tripping. **However, this week it was discovered that the fuse box above the light had melted and wiring had burnt and smouldered and was sparking and shorting.** I want to stress that this is a very dangerous situation and a serious fire hazard. In fact, it is a miracle, as I myself saw the wire sparking, that there has not been a fire at the property. I suspect it is a problem with the plumbing above as it has not been raining for some time.*

*I wrote a note (attached) to Mrs Rendell recently pointing out the danger and her reply is attached which completely misses the point, by telling me to 'have a bath' instead.*

*This situation is causing a lot of stress and is affecting my health. Please could I urge the Council to draw this whole problem to a swift conclusion.*

*Yours faithfully*



07/00309/FUL

'B'

"Crow's Nest"  
48 Redbrink Crescent  
Barry Island

19 March '07

Dear Mrs Raven

You complain of droplets of water leaking through my roof.  
This is the consequences of your action - it might get worse  
if you succeed in getting the place PULLED DOWN!

You will have to do what I have to do wait and see. Use your bath.

Hopefully, in spite of efforts to the contrary, my Builders  
will be given permission to return and complete their work on the  
house.

As the Freeholder of this building please give me a report on  
the work you have carried out on the chimneys. I hope you have  
not endangered us by blocking any of the chimneys.

Yours faithfully

Mrs Rendell.



07/00309/FUL 'B'

19.3.07

Joyce

Please note there is a leak either in your bathroom plumbing or your roof.

I had droplets of water coming through the ceiling and around the spotlight inside my shower on Saturday.

This is very dangerous and needs urgent attention.

Carol Raven  
(Flat 49)

07/00309/FUL

B

*Council House*

49 Redbrink Crescent  
Barry Island  
Vale of Glamorgan  
CF62 5TU  
Tel: 01446 737602  
Ravengreenways@aol.com

8 May 2007

Mr D R Thomas  
Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

Dear Sir

**Application No: 2007/00309/FUL**  
**Location: The Crow's Nest, 48 Redbrink Crescent, Barry Island**  
**Further amendment**

With reference to the above modified planning application, I have viewed the plans and I can see no radical alterations to them. In no way do these plans address the problems associated with this extension which is subject to an Enforcement Notice.

I reiterate, I cannot see any sense nor purpose in the addition of a 'Sunpipe' running horizontally. Such a contraption may be suitable in some circumstances running vertically but would certainly not be appropriate nor effective in this case.

I again hereby register my strong objections to these proposals which remain the same as in all of my previous letters.

Yours faithfully



C S Raven (Mrs)

*Coral Raven*

07/00309/FUL

30 April 2007

*Mr Rob Thomas  
Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT*

*Dear Sir*

**Application Nos 2007/01045/FUL & 00309/FUL and  
Amendments - 48 Redbrink Crescent, Barry Island**

*I am writing concerning the above planning applications and amendments, the latest being the addition of a 'Sunpipe'. I cannot see how this amendment will resolve all the problems associated with this extension, nor do I see any sense in it running horizontal anyway. Such a contraption may be suitable in some circumstances running vertically but would not be appropriate nor effective in this case. And so for these reasons my objections remain the same as previous letters of objection.*

*Yours faithfully*



*C S Raven (Mrs)*

07/00309/FUL 'C'

Mr M Goldsworthy.  
Planning & Transportation Dept.  
Vale of Glamorgan Council.  
Dock Offices,  
Barry Docks,  
Barry.  
CF63 4RT.

46 Redbrink Crescent,  
Barry Island.  
Vale of Glamorgan.  
CF62 5TU.

5<sup>th</sup> May 2007.

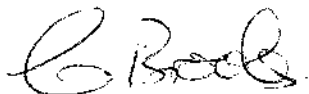
Dear Sir,

Your Ref; P/DC/MG/2007/00309/FUL.  
48, Redbrink Crescent, Barry Island.

Thank you for your letter dated 30<sup>th</sup> April 2007. You advise that further modifications to plans have been put forward to yourselves relating to the above application. This of course refers to retention of planning for an extension subject to an enforcement notice.

Having viewed this latest proposed minor modification, nothing has changed relating to my property. My letter to your department dated 26<sup>th</sup> March (copy enclosed) and previous letters confirms my strong objection to this scheme.

Yours faithfully,



C. Brooks.

'Appendix D'

MG

07/00309/FUL

"Crow's Nest"  
48 Redbrink Crescent  
Barry Island  
Vale of Glamorgan  
CF62 5TU

7th May '07

R. Thomas, Esq  
Head of Planning  
Vale of Glam Council

BY HAND

Dear Mr Thomas

From '02 I have done everything you required of me throughout '03, '04 and '05 there were detailed discussions between my Architect Mr Nick Renwick, Mr Ewart Parkinson, Mr Dunning and myself ending in December '05 with Planning Permission.

What I do not understand, because I followed the instructions of the Welsh Water Authority, I am being punished. The only alteration made was at the behest of the Building Regulations Officer who condemned the wall of glass bricks against the stairs. I realise you have to consult the neighbours but can you tell me why you are allowing them to dictate. This is not a rhetorical question I would like an answer.

I have asked in writing a few times and also verbally to see my file. The last time was at the meeting on 2nd February I was told only three days before Planning Committee. Yet on the 20 November '06 in a letter addressed Dear Marcus Peter Drew thanked "for the time and trouble that you took in both meetings and permitting me to examine your files and take copies of relevant plans and documents." He went on to say he could not give assurance that they would not go to the Ombudsman. Just as well as they did.

I was only able to read this letter as it was copied and distributed at Planning Committee. I again ask why cannot I have the same help you are extending to these people. Talking of letters I enclose copies of letters which I hope you will recognise as clearing my name with regard to the missing notification from your department. Obviously she had to write to me as she would have been aware that I had not received your letter. Surely her actions demonstrate her reliability.

May I request a meeting with you or Mr Goldsworthy once you have completed discussions with my good neighbours. There are not many like them around. According to the lease I am entitled to access to her flat although of course I would never avail myself of that normally this is not normal. It was intimated that usually the decision would be Officer delegated - why not in my

07/00309/FUL -2-

D'

case. Am I allowed to know why I am being treated so harshly. The Ombudsman said your consultation period last year was excessive and I could have complained. Mrs Raven is the only one who should have been consulted. You have been trying to force me to give her land for no apparent reason. Why?


Mr Marcus Goldsworthy said you were trying to get the application to 24th May Planning Committee because the Enforcement comes into effect on 7th June. Does it make any difference that your plan is wrong attached to the Enforcement notice?

I do feel if Mrs Raven has tampered with the Ventaxia there should be a site meeting this is important. I am drawing your attention to this in good time. You might remember my Planning Consultant was supposed to arrange one before you failed my last application. Perhaps if you had been aware visually as well as in writing I might have had planning permission. Why is it you believe them and not me?

I will be in Stratford upon Avon on 23rd to see "King Lear"  
I will drive back on 24th.

All through the last six stressful years I have asked myself why, at last I realise it is because they can.

Yours faithfully



Joyce Rendell

I WOULD LIKE THIS LETTER CIRCULATED TO THE PLANNING COMMITTEE PLEASE. I BELIEVE IT IS MY RIGHT. IT WAS FOR MY GOOD NEIGHBOURS.

MG

"Crow's Nest"  
48 Redbrink Crescent  
Barry Island  
Vale of Glamorgan  
CF62 5TU

07/00309/FUL

D

10th MaY '07

R. Thomas, Esq  
Head of Planning  
Vale of Glamorgan Council

BY HAND

Dear Mr Thomas

I realise my health is failing now as I forgot to enclose a copy of Passmore's letter which would clarify the situation to a certain extent. I feel all this additional correspondence helps prove my case. Of course I am not allowed to know what is said about me which makes it impossible to defend myself. Now Mrs Raven is attacking me at home as well as through your office I have some knowledge. Her help is all free and well planned in advance with the benefit of the young student planner who was in your office, a girl friend of one of the Browns at 50 Redbrink Crescent.

One thing I feel very guilty about is Mrs Pritchard, then Miss Lee. When she told my Architect Nick Renwick of Noel Architects that I did not stand a cat in hell's chance of getting planning permission, I took it as a threat not a warning. I would have saved myself a lot of distress and stress and may be retained my illusions of my vicious neighbours. Their jealousy is beyond anything I have experienced I must have been blind. I must write and apologise to her.

I feel I have proved my case and I should get planning permission providing a light tube. Mrs Raven is pushing for land stating the ventaxia is blocked. She covered it up for the Ferret T.V. programme which she organised to attack me. If you are prepared to take her word against me and my Builder and also your Building Regulations Officer I think I should know why bearing her odd behaviour in returning post addressed to 48 Redbrink Cres which is my address not hers. I told you and Councillor Tony Williams I had not received your letter but I did receive an odd letter from Passmore which at the time I thought was none of their business. Now it is clear to me why it was sent.

I presume your actions were based on the assumption that I ignored the letter to stop work and you wanted to make an example of me. May I ask why you chose to believe this trouble maker rather than me? I must not forget Ray Brown who does not have to bother with planning permission and the Brooks who dump rubbish where they want and appear to be able to do what they want.

I believe my planning application of '05 should stand - I spent 3 years and £5,000 getting it. You took it away because my neighbours forced you to. Why? Your Planning Officer working

07/00309/FU

-2-

D'


under delegated powers said "this is a fuss about nothing you will have planning permission in 3 weeks" sadly he broke his leg and Mr Marcus Goldsworthy took over. We all know what happened then.

The Planning Aid free representative for the neighbours who had apparently worked together in Newport was given the run of the files see letter attached to the '06 Planning Committee where my application was failed. Why?

I might be foolish but I feel if Mr Goldsworthy had worked in Newport with the Planning Aid man I was at a disadvantage. I felt this was verified by the tone of the letter and the different attitude towards me.

I am sorry if my spoken thoughts upset you but under the circumstances I really have nothing to loose.

Yours faithfully



Joyce Rendell

07/00309/FUL 'D'



**Passmores**

Lawyers  
Solicitors

21 Tynwydd Road, Barry  
Vale of Glamorgan CF62 8HB

Mrs J Rendell  
"Crow's Nest"  
48 Redbrink Crescent  
Barry Island  
Barry  
Vale of Glamorgan CF62 5TU

Our Ref

DHL.DAA.26468.R

Your Ref

Date

26<sup>th</sup> April 2007

Dear Mrs Rendell

**Re: Our Client – Mrs Coral Raven**

Thank you for your letter dated 20<sup>th</sup> April 2007. We have now had the opportunity of taking our clients instructions with regard to its content and would like to make the following points.

Firstly our client was never under the illusion that she was your tenant and of course if aware that she owns the leasehold on the property. You state that she should be responsible for all her internal work all this of course is true unless the damage to the internal parts of her property is caused by a source originating from your own property.

You should be aware that in a flat complex if a leak or some other source of damage originates from adjacent property and that the damage caused can be linked back to this other property, then it is that property whose insurance will bear the burden of any damage done. This is completely separate to a landlord and tenant relationship.

In relation to our letter of the 14<sup>th</sup> February and the work undertaken on the chimneys our client instructs us that she was having the issues raised in our letter with baby seagulls falling into the chimney and that you were notified of this potentially serious situation and still no remedial work was undertaken. In light of this our client and her neighbour placed wire mesh over the chimneys to prevent the baby seagulls from further falling down the chimneys but no actual alteration or permanent addition to your property was undertaken. Whilst our client accepts this was perhaps without your expressed authorisation if such authorisation was not reasonably forthcoming within a reasonable period then it was not unreasonable for our client to take these steps and we are sure you will agree.

**Partners:**

Glyn Hughes LL.B.<sup>△</sup>  
Neil Willetts LL.B.<sup>○\*</sup>  
Catherine Roblin LL.B.<sup>△+□</sup>  
Jonathan Gifford LL.B.  
Sally Matthews LL.B.

**Conveyancing Executives:**

Julie Morgan

**Consultant:**

Geoffrey Thomas LL.B.  
(Non Practising)

**Solicitor:**

Carli Louise Evans LL.B

**Trainee Solicitor:**

David Huw Lewis LL.B

**Practice Manager:**

Jacqui Patterson

**Membership Panels:**

- Advanced Member of Family Law Panel
- △ The Law Society Children Panel
- + The Law Society Personal Injury Panel
- The Law Society Probate Section
- \* Solicitors for the Elderly



07/00309/FUL 'D'

To continue to deal with your letter paragraph by paragraph we now make reference to our letter of 9<sup>th</sup> August 2006 in which we drew your attention to the fact that our client did not receive the plans of your proposed extension prior to the building work being undertaken as she indeed ought to. We are somewhat confused by your comments that our client did not understand these plans when it is clear from our letter of 9<sup>th</sup> August 2006 that these were not received. We are further confused by your comments that our client has put the house in jeopardy as our client was of the belief that the work to be undertaken to the property was an extension to the existing property and not essential works as to the structure of the existing building.

Further, referring to your complaint against our client with regard to tampering with your mail, our client has confirmed that she has never tampered with your mail but accepts that in one instance mail was returned. You go on to deal with the fact that somebody has got hold of your Visa number and this is commented upon in the same paragraph as your suggestion that our client is tampering with your mail. Are we therefore to believe that you are accusing our client of obtaining your Visa number and instigating some form of financial fraud. Our concern is that this is strongly insinuated in your letter and we note that this letter was c.c'd to a Mr Craig Woolcock. In copying this letter to a third party with a defamatory statement regarding our clients reputation and reliability you have committed an act of defamation to which our client may potentially have a remedy. We would suggest that you refrain from making such statements unless you can back them up with some form of evidence and if you have such we would be grateful if these could be provided or if there is a criminal investigation being undertaken that you could give us details. In the absence of such evidence we would be grateful if no more such statements would be made by yourself or we will take our clients instructions on taking further action against you.

Finally our client has instructed us to address the last issue with regard to insurance and heating and we are informed that the insurance of the property is held by yourself as freeholder to the remaining leasehold property, that our client makes contribution to this premium and that this is the obvious way that our client would make any such claim. With the heating matter we understand that there was some confusion with regard to the heating bills when our client moved in and your comments stating that SWALEC sorted out the matter eventually clearly shows that it was not the fault of our client and there was some form of error.

We are of course aware that there has been some dispute with regard to building works on the property and that this has culminated in some other disagreement but our client has no desire to continue an acrimonious relationship with you because this will benefit neither party. Provided our client is assured that you will not make any further deformation on her character then our client hopes that this matter will be put to bed and that you can continue to reside in the same property amicably.

Yours faithfully

~~PASSMORES~~

07/00406/OUT

'A'

11<sup>th</sup> April 2007

Mr S. D. Butler  
Planning Officer  
The Vale of Glamorgan Council  
Dock Office  
Barry  
CF63 4RT

Dear Mr Butler

*Proposed three storey C3 residential block with a 2 bedroom house linked to 3 units of 1 bedroom flats at 38 John Street, Penarth*

Further to your letter of 26<sup>th</sup> March 2007, we should like to make the following comments, having reviewed the planning application for 38 John Street.

**1. Parking**

i. We would be extremely concerned about the impact of additional street parking on John Street as a result of the addition of these dwellings to the location. The current parking situation on John St is already at crisis point; we have the additional pressure of vehicles parking here to use the Clive Arms Public House on top of residential parking, as well as the extraordinary number of commercial vehicles using John Street as a car park for the building projects already in the area.

ii. It is evident that the provision of a two-berth garage to the development will not be sufficient to house the potential 8-10 vehicles that this development could potentially generate. Besides, the garage entrance would cause the street area in front

07/00406/SUT 'A'

**5. Conservation Area**

It is our understanding that Penarth is a conservation area and surely the area is at saturation point for new dwellings?

**6. Loss of view**

Although I understand we do not own the view that we enjoy from our property, the construction of the proposed dwellings would remove our uninterrupted view of Cardiff Bay and we would object to the planning application on this basis, if it can be taken into consideration.

**7. Building work, vehicle activity, rubbish disposal, skip positioning, etc.**

The plot at 38 John Street is currently being used to house the equipment being used by builders on the current spate of work at the front and at the back of Maughan Terrace. It houses a large skip, metal container and chemical toilet, bricks, sand, general materials, etc. Where would the builders of the proposed dwellings site their equivalent equipment when the time comes? As noted earlier, the street is already at saturation point with space simply unavailable.

**8. Concrete garage structure presently at 38 John Street**

The planning application fails to mention that there is already a concrete garage structure sited at 38 John Street which would need to be knocked down if the proposed building work was to go ahead.

Many thanks for taking the time and trouble to assess our comments and we hope to hear from you very soon.

Yours sincerely



Lucy & Matthew Skellon

of the garage to be removed for residents to park on, so any claim that additional parking is being provided by this garage is therefore negated!

07/00406/OUT A

iii. We have a baby under the age of a year old and cannot currently park anywhere near our front door, sometimes having to park in an adjacent street, or further away and have to carry the baby and any luggage a difficult distance to our house.

We therefore object to the proposed planning application on the grounds of insufficient parking provision and the future impact on an already saturated street.

## 2. Visual Impact on John Street & the Upper Penarth Area

i. The visual impact and appearance of the proposed development would be completely out of character for the area. The proposed structure is not in keeping with the Victorian terrace character and would be more suited to the modern developments in Penarth Marina and Cardiff Bay.

ii. We are also concerned that within a few years of the completion of the development, the building materials proposed would create an eyesore with the deterioration of the cedar cladding, zinc, aluminium and stainless steel materials highlighted in the application. Such deterioration is already occurring in Penarth Marina, where some of the dwellings are now over 10 years old.

## 3. Privacy

We are extremely concerned as to the impact on our privacy, along with that of our neighbours, from the proposed house and flats. The height of the structure and the number of units is of great concern and we therefore also object to the proposed application on the grounds of loss of privacy.

## 4. Number of dwellings proposed

The land at 38 John Street is not of sufficient size and area to support the four proposed dwellings and on this basis as well, we object to the proposed application.

**Consultation response: Head of Economic Development & Leisure  
(Ecology)**

**Application reference: 06/01739/FUL**

**Application site: Ham Woods, Llantwit Major**

A site visit was undertaken at the proposed site on 11<sup>th</sup> January 2007 and it is noted that work has commenced on installation of pipes through the woodland and river areas, including the felling of, and damage to trees and dumping of material in the woodland area (see attached photo files). It was not possible to determine how much of the proposed works have already been undertaken and how much remains to be done, but it is considered that there is potential for wildlife legislation to have been contravened and the proposed/partially undertaken work may require a development license from NAW.

- It is therefore recommended that all works on the site be halted immediately until the further assessments recommended below have been carried out and the planning application determined.

\* Otter

The River Hodnant may provide habitat and/or resting up places/holts for otter. Should otter be present on the river, the proposed sewer installation through the river, and outfall into it would have the potential to cause disturbance to them.

- It is recommended that the developer be made aware that otter and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). This legislation makes it an offence to damage or destroy a breeding site or resting place, to either intentionally or recklessly damage, destroy or obstruct access to a place used for shelter and protection, or to intentionally or recklessly disturb otter within a place used for shelter or protection.
- It is recommended that the river be surveyed for otter use by a licensed surveyor prior to the granting of planning permission to ascertain presence or absence of otter. In the event that the survey reveals the presence of otter, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

River Hodnant

It is noted from the plans that it is proposed to install a sewer pipe running through the river and for outfalls to discharge into it.

- It is therefore recommended that the Environment Agency be consulted on this application.

### Badgers

The Glamorgan Badger Group contacted the Council's Ecologist 16/09/04 to raise concerns that a badger sett is present in Ham Woods at the bottom of the slope in the woodland. This site was assessed to be inactive by the Glamorgan Badger Group in Spring 2003. The Glamorgan Badger Group highlighted the potential for re-use of the sett by badgers since Spring 2003. The proposed works may directly or indirectly affect the sett which would disturb the badgers if they are present, or reduce the potential of the sett for re-use in the future.

- It is recommended that the developer be made aware that badgers and their setts are protected under The Protection of Badgers Act 1992. This legislation makes it an offence to: wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; interfere with a sett by damaging or destroying it; obstruct access to, or any entrance of, a badger sett; disturb a badger when it is occupying a sett. A developer will require a licence from the Countryside Council for Wales for any development that would contravene the protection afforded to badgers and their setts under the Protection of Badgers Act 1992.
- Given the very mobile nature of the species, and in the light of the information received, it is recommended that this sett and the application site and surrounding area be re-surveyed prior to the granting of consent to establish whether or not there are any active badger setts in the vicinity of the application site. In the event that the survey reveals the presence of active setts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.
- Should the survey not reveal the sett to be active, it is recommended that the sett be protected from damage during the development works to ensure that it is retained in good condition for potential future use.

**\*N.B.** A developer will require a development licence from the National Assembly Wales government for any development that would contravene the protection afforded to European protected species (which includes otter) under the Habitats Directive. Before such a licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied:

- *the derogation (in the form of a licence) is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"*
- *there is "no satisfactory alternative" to the derogation*

- *the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".*

Although derogations are currently granted by a licence issued to the developer by the National Assembly Wales government, local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied.

**Consultation response: Head of Economic Development & Leisure  
(Ecology)**

**Application reference: 06/01739/FUL**

**Application site: Ham Woods, Ham Manor Park, Llantwit Major**

Bats

- The survey report assessed two trees on site as having moderate bat potential. If the development proposals will require works to or felling of these trees, it is recommended that prior to consent being granted, a full bat survey be conducted by a licensed surveyor to ascertain presence / absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

Japanese knotweed

Japanese Knotweed was recorded to be present on the application site.

Under the Wildlife and Countryside Act 1981, Schedule 9, Section 14 (as amended by the CROW Act 2000) it is an offence to deliberately cause Japanese Knotweed to grow in the wild. Under the Environmental Protection Act 1990 (Duty of care) regs 1991, soil contaminated with Japanese knotweed is classed as "controlled waste" and can only be disposed of at a registered site and with a waste licence.

- To ensure compliance with the legislation afforded to Japanese Knotweed and its movement and disposal, it is recommended that the following condition be included in any consent:

*Full details of a scheme for the eradication and/or control of Japanese Knotweed shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to commencement of work on site.*

Protected species licensing issues

- As recommended in the survey report, it is recommended that prior to the granting of a consent, an opinion be obtained from the Countryside Council for Wales regarding the need for a licence.

Other issues

- It is recommended that all recommendations made in the survey report (section 4.2) be implemented as a condition of any consent.

**N.B.** A developer will require a development licence from the National Assembly Wales government for any development that would contravene the protection afforded to European protected species (which include bats) under the Habitats Directive. Before such a licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied:

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

Although derogations are currently granted by a licence issued to the developer by the National Assembly Wales government, local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied.

Appendix B

06/01739/FUL

**JANE HUTT**  
Assembly Member for the  
Vale of Glamorgan



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

Our ref: JH/ML

24 January 2007

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

Dear Rob,

I am writing on behalf of my constituent Mrs Staples, of 4 Ham Mews, Llantwit Major, who I recently visited to discuss her concerns relating to a possible breach in planning consent for seven holiday chalets and associated works (2006/01739/FUL) near her home.

My constituent is objecting to the retrospective planning application for a revised chalet type, and believes the original conditions which describe the structures as "Log Cabins" should be enforced so as to minimise the visual impact of the development. My constituent is also concerned with the layout of the site and believes the concrete bases for the units have been located in the wrong positions.

It would be helpful if you could let me know what action the Council could take to enforce the original conditions of the planning consent, and when the application for a variation will be considered, so that I may advise my constituent. As one of the new units has already been constructed on site, it would be helpful if a site meeting could be held prior to the application being considered.

I look forward to hearing from you.

With very best wishes,

Yours sincerely

**JANE HUTT AM**

Appendix C

06/01739/FUL

Ham Mews  
Llantwit Major  
Vale of Glamorgan  
CF61 1BE

12<sup>th</sup> January 2007

Ref: P/DC/JMC/2006/01739/FUL

Mrs J.M Crofts  
Planning & Transportation Department  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Dear Mrs Crofts

**Re: Town & Country Planning Act 1990 (as amended)**  
**Application No: 2006/01739/FUL**  
**Location: Ham Woods, Ham Manor Park, Llantwit Major**  
**Proposal: Seven Holiday Chalets and associated works – revised chalet type**  
**05/01048/FUL**

Thank you for your letter of 13<sup>th</sup> December 2006, informing us of the amended plans and documents that you have received in respect of the above application.

The original application has clearly breached the conditions laid down by the Planning Department of the Vale of Glamorgan with regard to:

- Layout of the site.
- Type of unit, i.e. mobile home made from UPVC.
- Trees not protected at any time during development of the site.

We realise, from viewing the new set of Plans (Ref. No. 2006/01739/FUL) that the above points are confirmed.

We, as nearby residents strongly object to the new application on the following grounds.

Throughout the numerous previous applications, in particular, correspondence made to the Planning Inspectorate in 2004, much had been made about Policy Tour 4 of the Unitary Development Plan of the Vale of Glamorgan, which deals with Caravans, Chalets and Tent Sites.

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06/01739/FUL

With regard to Tour 4 (item iii) we quote the following from Mr. Russell Young (the applicant's agent) in his Grounds of Appeal proposal dated 2.08.2004 sent to the Inspectorate in respect of Appeal Ref. No: APP/Z6950/A/04/1157858.

"The proposal does not have an unacceptable effect upon amenity, character of neighbouring environment, etc., but by virtue of the proposed design of the chalets (Log cabins) the development will significantly add to the enhancement of the locality".

Please note the wording "Log cabins", the word "log" as defined in the Oxford Illustrated Dictionary states "unhewn piece of felled tree or similar rough mass of wood". Not UPVC.

Surely, a mobile home made from "timber effect" UPVC will have an unacceptable effect upon amenity, character of neighbouring environment, etc., unless, of course, the permission granted for the landscaping of the area, covers trees and shrubs made from the same materials, i.e. UPVC?

In reply to a letter from the residents dated 27.11.2006, querying the lack of reinforcing irons on slabs numbered one and two, Mr. G. R. Thomas, Planning Department, stated the following in his letter of 6.12.2006.

"The Building Control Case Officer reports that he has no concerns, given that the bases are only intended to accommodate a mobile home and not a built structure".

The advertisement brochure from Herbert R. Thomas, Estate Agents of Cowbridge, states "Holiday Lodge Log Homes", although misleading, clearly demonstrates from the content/picture of same, the intent to put UPVC mobile homes on the site.

The residents now have to acknowledge, with the evidence before us, that the primary intention was never to site holiday chalets/log cabins made of timber board. The hidden agenda was, it seems, always to site mobile homes.

We also submit that the mobile home presently sited on slab one of the development is both higher and closer to the nearby residences than clearly stated on the original Plans (Ref. No: 05/01048/FUL). It is also certainly less than the 20.5 metres stated on the new set of Plans (Ref. No: 2006/01739/FUL). We would therefore surmise that the other mobile home units on site will be of a similar height and as their position in relation to the Plans is questionable, the privacy once afforded to the residents of Ham Mews will be compromised, as indeed, it is at the present time for the residents of No. 5 Ham Mews.

C

06/01739/FU

Even though the Planning Department were informed of the above, well before the siting of the first unit, together with other anomalies in respect of the layout of the site, no action was taken on the issues.

Despite an Inspector's ruling in respect of the above Development, controversy continues to court the applications, due to lack of thorough monitoring, interest and concern from the Planning and Building Control Departments even when their own conditions are being contravened. We have to wonder if the same Inspector would have approved of the UPVC mobile homes as applied for on the present application, when, the original plans stated "holiday chalets made of timber boarding".

If the application is allowed, surely, it would set a dangerous precedent and a seemingly clear shift in planning policy, inasmuch, as a planning application could be submitted which is sympathetic to an area, in terms of type of structure and materials to be used, etc., and would, once planning permission were to be granted, enable major deviations from the original plan to be accepted.

In conclusion, we hope and trust you will consider the above objections and observations and would also request that our letter is brought to the attention of the full Council.

Yours sincerely  
Residents of Ham Mews  
No's 1,3,4 & 5

Mrs. A.M. Staples

*A.M. Staples*

Mr. Mrs. R. Stockwell

*R. Stockwell*

Mr. Mrs. M. Staples

*M. Staples*

Mr. Mrs. T. Reece

*T. Reece + J. Reece*

c.c. D.R. Thomas, Cllr. Chris Williams, Cabinet Member,  
Cllr. G. John, Cabinet Member, Cllr. J. Readman,  
Cllr. E. Hacker, Cllr. J. Clifford.  
Jane Hutt A.M.

06/0739/KUL

Millbrook  
2, Mill-Lay Lane  
Llantwit Major  
Vale of Glamorgan  
CF61 1QE  
23.01.07

Ref: P/DC/JMC/2006/0739/FUL

Mrs JM Crofts  
Planning & Transportation Dept.,  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Re: Town & Country Planning Act 1990 (as amended)  
Application No. 2006/01739/FUL  
Location: Ham Woods, Ham Manor Park, Llantwit Major

Proposal: Seven Holiday Chalets and associated works - revised chalet type  
05/0048/FUL

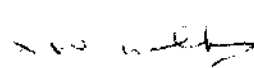
Dear Mrs Crofts,

It is regrettable that after over four years of planning procedures on the site it has become necessary for the above planning application to be considered. Therefore I feel it is necessary to quote the Planning Inspectorate Ref, APP/Z 6950/A/04/1157858 (Nov. 2004) when outline planning consent was granted. It is interesting to compare the conditions, as stated by the Inspector, with the current application.

I object to the mobile home which is at present sited on Plot 1. The wheels give it extra height. It is also close to nearby residences, thus adversely affecting their privacy.

The Plots are being marketed individually as Holiday Lodge Log Homes and not as a mini holiday complex. I wonder how the whole site is to be managed overall? Is this what was envisaged when the planning consent was granted?

Yours faithfully

  
(Mr and Mrs A W Wilkins)

06/01739/KU

Mrs P Goldsworthy  
1 The Green  
Ham Manor Park  
Llantwit Major  
South Glamorgan  
CF61 1BB



17/1/07.

Dear Sir,

Reference 2006/01739 FUL

Reference to the above application to  
amend ~~the~~ existing plans of 05/01048/FUL  
to 7 Log Cabin Holiday chalets.

We the undersigned object to these  
amendments as the original plan for  
the exterior was log cabin style made  
from timber, to be in keeping with  
the existing landscape which are  
trees. How does UPVC cladding  
fit in or have any connection  
with timber.

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This developer seems to think that he can have 1 chalet install + then apply for planning permission in retrospect.

Also we object to these buildings being classed as mobile homes. As the original plans were for fixed holiday homes, they should have had reinforcements installed in the bases of these dwellings + be fixed + not have wheels.

We just wonder how much monitoring has been carried out at each stage - these blatant errors would have <sup>been</sup> discovered before being allowed to proceed.

We did wonder if this building that has been installed was a workmen's hut - that is how much <sup>PSD</sup>

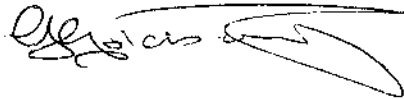
06/01739/FUL

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of an eye on this building.

Yours sincerely

P. M. Goldsworthy (mes)



MR.

C

06/01739/FUL

The Old Coach House,  
5, Ham Mews,  
Wentworth Maja,  
Vale of Glamorgan,  
CF61 1BE

10th January 2007

Dear Mrs Crofts,

Thank you for your letter dated 13th December 2006 re: revised chalet type, Ham Woods (ref. 05/01048/FUL, Application no: 2006/01739/FUL) I would like to raise the following objections:

The application states building materials to consist of "Timber Cladding" whereas chalet no. 1 (already erected) consists of UPVC as confirmed by the Estate Agent's brochure.

The plans show a distance of 20.5 metres from chalet no. 1 to our house, whereas in reality this distance is less than 18 metres; this discrepancy results in a significant impact on the privacy hitherto enjoyed from our lounge, kitchen and especially our garden.

The plans describe the border of our rear garden as a "high stone wall",

C 06/01739/KU

implying that chalet no. 1 would not impact on air privacy as a result of the privacy afforded by the said wall. This wall, however, does not even rise above ground level and is, in fact, invisible from air house, therefore affording no protection whatsoever! (The rear of air house is raised approximately 1 metre above ground level at which height the aforementioned wall ends)

The chalet does indeed have a considerable effect on air privacy, a point which would only be clearly appreciated by viewing the site to appreciate just how deceptive the plans are.

I hope that you will give these points serious consideration when dealing with this revised planning application.

Yours sincerely,

T. Reece  
Reece.

Mr + Mrs T. E. Reece.

cc: Mr. G. John, Cabinet Member.

Mr. C. Williams, Cabinet Member.

Jane Hutt, A.M.

Appendix D

07/01739/FUL

Chichester Nunns Partnership

Rawden House, 65 Cowbridge Road East, Cardiff CF11 9AE  
Tel: (029) 20 372 772 / 20 239 089 Fax: (029) 20 224 463  
Email: CNP@chichesternunns.co.uk

**Architects**  
**Town Planners**  
**Landscape Consultants**

Vale of Glamorgan Council  
Planning Department  
Docks Offices  
Barry Dock  
CF63 4RT

Your  
Ref. KJC.AD/05.1797  
Our  
Ref. 17 May 2007  
Date

Dear Sir

**Re: 7 No. Holiday Chalets, Associated Site Development Works  
And Removal of Existing Barn  
Ham Manor Wood, Llantwit Major  
Application 2006/01739/FUL**

We act on behalf of Norton Property Company in conjunction with Russell Lee Young in respect of the above mentioned proposal.

Having had the opportunity of reviewing the submitted revised plans and correspondence, we are surprised at the protracted period for the determination of this application.

We understand the application is now to be considered by Planning Committee on 28<sup>th</sup> May 2007.

In light of the protracted delay in determining this application we would be grateful if the following comments were reported in full to members:

- The current application generally follows the terms, scale and layout of the extant outline planning consent (Ref 03/01548/OUT) approved at appeal on 24 November 2004 and the reserved matters application granted consent in December 2005.
- As Russell Young's letter and enclosures of the 2<sup>nd</sup> December 2006 confirms the variations from the previously approved scheme are minor in nature comprising the following specific items:
  1. The larger Type B units originally to be located on plots 1, 4 and 6 are to be replaced by smaller units as initially proposed on plot 2, 3, 5 and 7. All 7 units will now be Harcourt 2006 Timber Chalets.
  2. Minor re-siting of units 4 and 5.

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07/01735/FU

3. Rear boundary fence has changed from post/wire to 1.2 m high double sided timber feather edged fencing.
4. The demarcation of the plots is to be formed with 900 mm high timber fencing rather than post/wire.
5. Underground site drainage has been re-routed.
6. The previously proposed overhead electricity supply is to be replaced by an underground connection.

Clearly these minor variations, which reduce the extent of the proposed development by introducing smaller units, can only reasonably be considered to reduce the visual impact of the proposal and accordingly there would appear to be no justification other than a favourable approach to this application.

Whilst we trust your report to Members will recognise the potential benefits of this amended scheme and support the application, in the light of Members comments on the previous outline and reserved matters applications, we should be grateful if the following comments made in respect of our Clients previously approved proposal be again reiterated to Members.

- As the following abstract from the Encyclopaedia of Planning Law confirms, the planning history of the site is a **material consideration** to the determination of a planning application.

*"The planning authority are entitled, and indeed **obliged**, to have regard to the "fall-back" position i.e what the applicant could do without any fresh planning permission (Small Pressure Castings Ltd v Secretary of State for the Environment (1973) 222 E.G 1099: Snowden v Secretary of State for the Environment (1980) J.P.L 749: Burge v Secretary of State for the Environment (1988) J.P.L 749 :Gwinnelly v Secretary of State for the Environment (1994) E.G.C.S 81: New Forest District Council v Secretary of State for the Environment (1996) P.L 935: Ahern (P.E) (London) Ltd v Secretary of State for the Environment(1998) J.P.L. 352: Brentwood Borough Council v Secretary of State for the Environment (1995) 72 P.& C.R. 61: (1996) J.P.L. 939: Thomas (Martin) v Secretary of State for the Environment (1998) E.G.C.S 7 (Malcolm Spence Q.C., sitting as Deputy Judge). However, the cases also establish that the prospects of the "fall-back" actually occurring must be real and not merely theoretical."*

In this instance the prospect of the "fall back" development occurring are real.

- We understand prior to determining the previous application at the site (05/01048/FUL) the Council's Officers sought Planning Counsels opinion on this matter at the request of Members.

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Having eventually approved this application we assume  
Counsellors opinion was not at odds with the above mentioned  
comments and failed to provide reasonable grounds for  
Members to resist that application.

In light of the above mentioned comments, and anticipating your support for  
this proposal, if Members are still mindful to refuse this application, we trust  
Members will be advised of their responsibilities under the terms of the Local  
Government Act 2000.

Whilst our clients intend to be present when the application is considered by  
the Planning Committee, we should be grateful if you could advise us of the  
Council's decision.

Thank you in anticipation of your assistance with this matter.

Yours faithfully

K Chichester

*Keith Chichester*

**For Chichester Nunns Partnership**

Copy to: Jane Crofts

Vale of Glamorgan Council Chief Executive

Mr R L Young