

14th December, 2005 Planning Committee Meeting

04/00774/FUL

Received on 20th May, 2004

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(Steve Morgan Associates, Tregleath House, 1, Serpentine Road, Newport, NP20 4PF.)

MOORLANDS FARM, WICK ROAD, LLANTWIT MAJOR

Barn conversion to domestic dwellings - 4 No. with detached garages

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of the buildings to provide four dwellings and associated garaging. The proposed works entail the following:

Barn 1

An existing two storey, pitched roof stone barn with two single storey lean-to, corrugated sheeting sheds on the north and west elevations. The proposed works include demolition of the lean-to sheds and construction of two new extensions in their place, measuring approximately 10m x 3.7m and 9.6m x 3.6m respectively; utilisation of existing openings to provide windows and doors; 7 No. new rooflights; and a new first floor system. This will provide for 2 No. dwellings.

Barn 2 and Separate Outbuildings

A small single storey stone barn and a separate stone enclosure with blockwork lean-to. The works include extension of single storey stone barn by approximately 1.7m x 7m to provide a double garage for dwelling 1; provision of cavity wall and new door opening in stone outbuilding to provide garage/store for dwelling 4; and construction of a new four bay open garage measuring 5.6m x 11.2m to a ridge height of 5.3m to provide double garaging for both dwellings 2 and 3.

Barn 3

A single storey stone barn with some blockwork walls with a blockwork and open fronted lean-to on the south elevation. The proposed works entail reconstruction of the blockwork walls to match the existing stone finish; infill of the open bays between the steel columns; introduction of a new first floor level within the roof; and 7 No. new rooflights. The proposal will provide for a 4 No bed dwelling.

Barn 4

The building comprises two attached single storey, pitched roof stone barns. The proposed works include the introduction of 4 No. new window openings on the south western elevation; the creation of a first floor level of accommodation in the southern most part of the barn; and the introduction of 6 No. new rooflights.

Vehicular access to the proposed dwellings will be via the existing access track off Wick Road. A total of 4 No. passing bays will be provided along its length of approximately 500m. Individual access to each of the dwellings and their garaging/parking spaces will be through the yard area. Some small areas of enclosed garden space will be provided.

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

PLANNING HISTORY

None.

CONSULTATIONS

Llantwit Major Town Council – Comment as follows:

“Objection on the grounds that the application for dwellings on the open countryside will not meet the criteria laid down in the Unitary Development Plan (near to the Heritage Coast boundary). However, if in principle the application was approved, the following observations would be made.

The access from the Wick Road would need to be vastly altered. Although the barns are not listed, Barns 1 and 2 are shown with too many new openings and Barn 3 has an inappropriate elevation. Barn 4 has an excessive amount of new build”.

Environment Agency – Comment as follows:

“The method of foul drainage is indicated as a sealed cesspool which is not considered to be a sustainable form of drainage. In accordance with the Welsh Office Circular 10/99 the applicant should be requested to demonstrate that this is the only viable option and your Council should determine the overall acceptability. Dependant upon the outcome of such an investigation the Agency would suggest one of the following conditions be applied as appropriate:

Condition: The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS6297:1983 and which complies with the following:

- There is no connection to any ditch, watercourse or drainage system.
- No part of the septic tank or soakaway is located within 10 metres of a ditch or watercourse.
- No part of the septic tank or soakaway is within 50 metres of a potable water supply e.g. well, spring or borehole.
- The soakaway is designed and installed to reflect the results of the porosity tests.

Reason: Prevention of pollution to the aquatic environment.

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.

Reason: To prevent pollution of aquatic environment.”

Dwr Cymru/Welsh Water – Comment as follows:

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

SEWERAGE

Condition

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

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

Countryside Council for Wales – Comment as follows:

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

All British Bats and their roost sites are protected under the Wildlife and Countryside Act 191 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. Where a European protected species, (such as bats) is present, a development may only proceed under a licence issued by the Welsh Assembly Government having satisfied three requirements set out in the legislation.

Barn owls are protected by their inclusion on Schedule 1 of the Wildlife & Countryside Act 1981. (See Annex 1 for further information).

Planning Guidance

Planning Policy (Wales) (March 2002) (Section 5.5.11) states that “ the presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out would be likely to result in disturbance or harm to the species or its habitat.

In addition the planning guidance state that (Section 5.5.12) “To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present. See Annex 1 for the three requirements.

CCW's recommendations for the Planning Authority

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

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

REPRESENTATIONS

A site notice was posted on 2nd June, 2004.

A letter of objection has been submitted by the Campaign for the Protection of Rural Wales on the grounds that it would undermine rural regeneration. A copy of the letter is reproduced at Appendix A for Committee Members inspection.

REPORT

The application site comprises an existing farmyard and outbuildings located in the countryside to the west of Llantwit Major. The following, policy background is relevant to the assessment of the application.

Policy ENV1 of the adopted Unitary Development Plan 2005 relates to development in the countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV7 refers to small scale rural conversions and states:

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH IT SURROUNDINGS;

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

Policy ENV25 considers the question of the design of new developments and states:

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES;
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING;
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITIY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT;
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS;
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES;
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES;

- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY;
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy HOUS3 refers to dwellings in the countryside and states that the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

The Council also has adopted Supplementary Planning Guidance including “The Conversion of Rural Buildings” and “Amenity Standards”. The Supplementary Planning Guidance on rural conversions recognises that whilst the conversion of barns to residential use can often be the most financially attractive option, it is generally the least desirable from a building conversion and sustainability point of view. The Supplementary Planning Guidance on Amenity Standards requires the provision of usable, adequate and appropriate private amenity space within residential development. Policy 1 also seeks to ensure that privacy and visual amenity is secured in any proposed development.

National guidance is contained within Planning Policy Wales March 2002. Paragraph 7.6.11 states:

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

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

It will be noted from the observations of the Council’s Principal Building Control Officer and examination of the submitted plans that the proposal entails a significant amount of new build development, including rebuild of poor quality corrugated lean-to sheds and blockwork walls; new roof structures and provision of new first floor systems, with likely increase in roof line; new rooflights; demolition to provide garage openings; and a new build garage block. The Council’s Supplementary Planning Guidance states that “Proposals which require the substantial reconstruction of the external walls or roof will not be permitted since the scheme will be tantamount to allowing new development in the open countryside which would otherwise be refused”. It also notes that there is no planning merit in preserving unsightly buildings.

Criterion (iv) of Policy ENV7 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building. It is considered that the proposal will introduce a number of features that will detract from the rural character and setting of the buildings, in particular the conservatories on Barn 1 and the large number of rooflights. The extent of the overall site is also extensive, and would be likely to become overtly domestic in character, to the potential detriment of the barns and surrounding countryside.

It is also considered that the proposed layout is unacceptable in planning terms. The Supplementary Planning Guidance on rural conversions states that “unless unobtrusive and sufficient amenity space can be provided around a building without conflict with surrounding uses, the proposal will not be favourably considered”. The proposed scheme not only provides for an unsatisfactory level of amenity space for each dwelling but also the quality of the space is inadequate. The access and parking arrangements are also considered inadequate resulting in an unneighbourly arrangement with the general noise and disturbance of vehicles passing other properties to gain access to their own. It is also considered that there will be conflict with the existing agricultural activities on the site not only from the vehicle and pedestrian movements but also residential amenities, such as potential smells from the nearby modern agricultural buildings and surrounding agricultural land. Indeed the Supplementary Planning Guidance recognises that agricultural activities may be incompatible with proposed conversion work and states:

“Favourable consideration will not be given to proposals which may prejudice existing agricultural activities.” In this respect, encouragement given in Planning Policy Wales to commercial use of such rural buildings to benefit the rural environment is particularly relevant.

As regards the highway issues it is noted that the Council’s Highway Engineer has no objections in principle. However, the proposal will require the introduction of a number of passing bays along the existing track and it will introduce an additional four new dwellings into the countryside outside of the village of Llantwit Major and away from all the facilities. Such a development will only serve to increase travel by means of the private car contrary to Strategic Policies 2 and 8 of the Unitary Development Plan and the sustainability objectives of Planning Policy Wales.

In terms of the structure of the site it is noted that the proposed development cannot connect to the mains drainage, nevertheless there are no specific objections from either Dwr Cymru/Welsh Water or the Environment Agency.

On the issue of wildlife it is noted that the submitted survey has found no evidence of the use of the buildings by bat or barn owl.

In conclusion, it is considered that the proposed development entails a significant amount of new build work such that it is tantamount to the creation of four new dwellings in the countryside unjustified for agricultural purposes. The proposal would therefore detract from the rural character and appearance of the buildings and their countryside setting. The development is also considered to be unneighbourly in its layout and likely to prejudice the continued agricultural operations on the site.

In view of the above the following recommendation is made.

04161

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal is tantamount to the creation of four new dwellings in the countryside, unjustified for agricultural or forestry purposes, since the proposed conversions would adversely affect the rural character of the buildings and their landscape setting. The proposal is therefore contrary to Policies ENV1, ENV7, ENV25 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on the Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales March 2002.

2. In the opinion of the Local Planning Authority the proposal represents an unneighbourly form of development that would adversely affect the residential amenities of both existing and future occupiers and conflict with agricultural operations on the site contrary to Policies ENV7 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on the Conversion of Rural Buildings and Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

Mr. L. Davies, Cog Farm, Cog Road, Sully, Vale of Glamorgan.
(Phillip Wynne Architect, 51, Eastgate, Cowbridge, Vale of Glamorgan. CF71 7EL)

COG FARM, COG ROAD, SULLY

Conversion of existing barn into a dwelling

The property is a Grade II Listed Building.

The application was advertised on 29th June, 2005.

SITE DESCRIPTION

A group of Grade II Listed stone outbuildings and farmhouse at Cog Farm, Cog Road, Sully. The application relates to the last remaining element of the Listed barn complex that has yet to be converted into a residential unit, as approved back in 1992. The traditional barn is stone built and has a corrugated roof and six arched openings (plus one blocked up opening).

The barn is a two-storey building with an external staircase and is 23.2m in length, 6.1m wide and is 3.9m to eaves height and 6.7m to ridge. A number of the existing outbuildings have already been converted into residential units. The site is the closest barn outbuilding to the farmhouse which is located 13m to the south-east.

The site is approximately 1166m² and will include a rear garden and three allocated parking spaces in the courtyard. The site lies outside the residential settlement boundary of Sully and is not in a Conservation Area.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to convert the last remaining stone barn into a three bed dwelling. The unit will be accessed via the existing entrance into the courtyard that serves the other converted barns in the complex. The corrugated roof will be replaced by a natural slate finish and the existing openings will be framed with stained timber to create windows and doors. Two flush fitting velux rooflights are proposed for the internal (east) roof slope to light the landing and entrance hallway. A new timber balustrade is proposed for the stone staircase at the rear of the building.

The unit will accommodate a bedroom, sitting room, bathroom, hallway and kitchen/dining room at ground floor and two bedrooms, a bathroom and a living room at 1st floor.

PLANNING HISTORY

05/01475/LBC - External works includes new slate roof and new glazing and timber panelling to block up existing openings. Internal work includes new stud walls, new first floor and new staircase (this is the same unit as the application site and has yet to be determined).

05/00208/LBC - Unit B, Cog Farm. Conversion of garage into habitable room, including replacement of garage doors with door/glazed screen. Approved 29th April, 2005.

05/00184/FUL - Unit B, Cog Farm. Conversion of garage into habitable room, including replacement of garage doors with door/glazed screen. Approved 24th March, 2005.

04/01003/FUL - General purposed agricultural building for storage of tractors, machinery, hay and straw. Approved 15th October, 2004.

04/00553/PNA - New agricultural storage building, prior approval required 30th April, 2004.

94/01141/FUL - Sub-division of previously approved barn conversion unit E into two dwellings forming new unit H together with means of access and rebuilding of barn Unit C. Approved 27th June, 1995.

94/01140/LBC - Sub-division of previously approved barn conversion Unit E into two dwellings forming new unit H together with means of access and rebuilding of barn Unit C. Approved 8th August, 1995.

91/01266/FUL - Conversion of disused barns into dwellings. Approved 7th May, 1992.

91/01218/LBC - Convert existing disused barns into 7 No. dwellings demolish later additions not forming part of Preservation Notice. Approved 2nd September, 1992.

91/00327/FUL - Conversion of disused barns into nine dwellings. Withdrawn 28th November, 1991.

CONSULTATIONS

Sully Community Council – Were consulted 6th June, 2005 and re-consulted on amended plans on 15th September, 2005. No representations have been received to date.

The Head of Visible Services (Highway Development) – Were consulted on 6th June, 2005. “The submitted drawings and supporting information have been assessed and the proposals for the development are considered to be acceptable in principle. There are no highway grounds to sustain an objection to the development.”

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Were consulted 20th June, 2005 and re-consulted on 15th September, 2005. The Ecologist requested that a bat and barn owl survey be undertaken by a licensed surveyor.

“I confirm that I am happy with the survey findings which detected no bat or barn owl use and that no mitigation is needed. As a precautionary measure, I would recommend that the recommendation made in Section 8.7 of the report relating to potential bat presence be included as a condition/informative in the consent.”

Environment Agency – Was consulted on 6th June, 2005. They responded with their standard advice for developers.

Dwr Cymru/Welsh Water – Were consulted on 6th June, 2005. They responded with their standard conditions and advisory notes relating to foul water, surface water and land drainage run-off.

Glamorgan Gwent Archaeological Trust Ltd. – Were consulted on 6th June, 2005. “The farm house and some of the buildings at Cog Farm are of post medieval date and were established as a model farm. The plans of the building show that the major features of the building will be retained as part of the conversion. The Sites and Monuments Record contains no information suggesting that they were built on the site of a previous settlement, however, it notes that scatters of flint flakes dated to the Neolithic period have been found in the vicinity. The building to be converted is located in an area where the ground has been disturbed and it is unlikely that archaeological material would be disturbed. The record is not definitive, however, and features any be disturbed during the course of the work. In this event, please contact this Division of this Trust. Nevertheless, as the archaeological advisers to your Members, we have no objection to the determination of this application.”

Countryside Council for Wales – Were consulted on 15th September, 2005. No comments have been received to date.

The Director of Legal and Regulatory Services (Environmental Health : Contaminated Land Section) – Was consulted on 6th June, 2005. “This department has no comment to make regarding the above application.”

The Ancient Monuments Society have commented as follows:

“We have no objection to the proposed conversion of the building, described as a barn but perhaps a stable or other agricultural building. We note that the report and drawings show cast iron roof trusses which John Newman, The Buildings of Wales : Glamorgan 1995, associates with the Guests of Dowlais and dates to 1816 - 17. We would be grateful if you could supply us with any historic information on this building. We should be pleased to receive notice of the decision on this application in accordance with the direction in paragraph 15 of Circular 1/2001. If our comments are referred to in any committee report or document supporting a delegated decision we should be pleased to see a copy of such report or document.”

REPRESENTATIONS

Neighbouring occupiers were notified on 6th June, 2005 and re-consulted on 15th September, 2005. The application was also advertised in the press and on site as affecting a Grade II Listed Building on 29th June, 2005. No representations were received.

REPORT

As the site lies within the open countryside and is a Grade II Listed Building, the proposal can be assessed against the criteria set out in Policies ENV1 – Development in the Countryside, ENV7 – Small scale rural conversions, ENV15 – Protection of built and historic environment, ENV16 – Archaeological field evaluation of the adopted Vale of Glamorgan Unitary Development Plan 2005; the adopted Supplementary Planning Guidance Notes on the Conversion of Rural Buildings and Amenity Standards and Planning Policy Wales (March 2002).

It is accepted that the barn is structurally sound and no major alterations are proposed to the fabric of the building apart from a new slate roof to retain its traditional appearance and to be consistent with the remainder of the converted barns in the complex.

The scheme has been amended twice to reduce the number of new openings from 4 No. rooflights to 2 No. flush fitting rooflights and to achieve a more uniform and traditional design with the stone arches to reduce the impact of the conversion on the visual amenities of the area. These rooflights are also positioned on the east facing roof slope and will not be visible from the highway. The existing openings are retained although the arched openings will be blocked off with stained timber and glass windows and doors. The internal cast iron roof trusses are to be retained and will form a feature in the vaulted first floor accommodation of the unit. These features will help to preserve the character of the barn as a former agricultural building in accordance with advice contained within Policy ENV7 of the Unitary Development Plan and the approved guidelines on the Conversion of Rural Buildings.

The works are also the subject of a separate Listed Building Consent application.

The proposal is unlikely to have an adverse impact on the privacy of adjoining occupiers as the proposed habitable windows of the barn conversion and the adjoining farmhouse and previously completed and occupied barn conversions are not within 21m of each other.

The provision of three on-site parking spaces is acceptable to the Highway Officer.

A barn owl, nesting bird and bat survey has failed to detect any evidence of these protected species using this open barn. Therefore, the applicant does not need to apply to the Welsh Assembly for a licence before any works are carried out on the building.

However, the recommendation made in Section 8.7 of the consultant's report which states that if roosting bats are discovered then work should stop and the Countryside Council for Wales be informed and asked for advice as to how to proceed, will be included as an informative attached to the consent.

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

04162

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference (PL)202 Rev. D, received by the Local Planning Authority on 14th September, 2005.
3. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
4. Details of the materials and colour of the external finishes of the proposed barn conversion shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
5. The vehicle parking area to the north of the site shall be laid out and surfaced before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the converted barn.
6. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
7. Details of the proposed rooflights shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure satisfactory drainage of the site.

4. To safeguard local visual amenities.
5. To ensure adequate off-street parking.
6. To safeguard local visual amenities.
7. Satisfactory details have not been submitted with the application.
8. To enable the Local Planning Authority to control the scale of development.
9. To enable the Local Planning Authority to control the scale of development.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department.**

Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.

2. **Building works shall stop immediately and the Countryside Council for Wales be informed should any roosting bats be discovered during the conversion of the barn, in accordance with paragraph 8.7 of the licensed bat surveyor's report.**

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

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

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

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

Mr S. J. Black, Aderyn, Port Road, Nurston, Rhoose, Vale of Glam. CF62 3BM
(Mr S. J. Black, Aderyn, Port Road, Nurston, Rhoose, Vale of Glam. CF62 3BM)

FORMER BIRD FARM, PORT ROAD, NURSTON

Change of use from joinery workshop to a holiday cottage

SITE DESCRIPTION

The application site relates to the former Bird Farm in Nurston, located to the south of Port Road near Rhoose. The application site relates to the whole of the disused former bird farm yard and to the main farm retail shop now used as a joinery workshop and the ancillary former workshop storage buildings located around the perimeter of the site.

DESCRIPTION OF DEVELOPMENT

This is a full application for the change of use from the joinery workshop into a holiday cottage. The accommodation will comprise of 2 bedrooms, a kitchen /diner, bathroom and lounge. The proposal includes the construction of an open fronted cat slide roof porch over the existing doorway. No other external alterations are proposed.

PLANNING HISTORY

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

04/01875/FUL – Retain existing portacabin and railway body, to retain existing improved storage unit with new raised roof. Approved 11th January, 2005.

03/01777/FUL – Change of use from bird farm retail shop to a joinery workshop. Approved 20th February, 2004, subject to conditions.

01/00242/FUL- Change of use of bird farm to boarding kennels and stables, erection of 20 kennels and 5 stables, feed store, convert shop/aviary to cattery, grooming salon/reception. Withdrawn 19th April, 2001.

00/00574/FUL – Change of use from retail to domestic bungalow and construction of garage. Refused 6th July, 2000 for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development would be contrary to Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 which seeks to control the conversion of buildings in the open countryside, by virtue of the building not forming part of a rural settlement of three or more separate properties in residential use, and having little intrinsic architectural merit.
2. In the opinion of the Local Planning Authority, the proposed development does not accord with the criteria laid down in the Vale of Glamorgan Council's Supplementary Planning Guidance; 'The Conversion of Rural Buildings' and thus falls to be considered as development in the open countryside.

3. In the opinion of the Local Planning Authority, the proposed development would be contrary to Planning Policy Guidance (Wales) First Revision para. 10.5 which provides guidance on the conversion of buildings in the countryside.
4. Under the terms of the Development Plans, Nurston is considered to be located within the open countryside. In order to preserve the countryside, the Local Planning Authority considers that no additional development shall take place there other than is necessary for agriculture and forestry. No such justification exists in respect of this development and thus it would be contrary to Policy EV3 of the South Glamorgan Structure Plan Alteration No. 1, and Policy ENV1 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.

A subsequent appeal was dismissed on 11th December, 2000.

CONSULTATIONS

The Head of Visible Services (Highway Development) – Was consulted and has advised that there are no highway grounds to sustain an objection to the development, provided that the developer submits the required details for approval and subsequently provides the measures prior to beneficial occupation of the development. These details, listed below, should be made conditional to the planning approval.

1. Two parking spaces are required to be provided and laid out in accordance with the Highway Authorities Parking Guidelines before the development is brought into beneficial use and be therefore maintained and retained at all times for the purpose associated with the development.

The Director of Legal and Regulatory Services (Pollution Control) – Was consulted on the application and has responded with no comments to make.

Glamorgan Gwent Archaeological Trust – Were consulted on the application and have advised that there are no recorded archaeological features within the area of the proposed application. It is therefore unlikely that archaeological material would be located during the planned development.

REPRESENTATIONS

Adjacent neighbours were notified and to date one letter of representation has been received which raises an objection to the application and is attached as Appendix A.

REPORT

In terms of the planning history the joinery workshop building was originally constructed as a domestic garage in 1981 to serve the adjacent dwelling which was a conversion of a disused farm building into a dwelling. The garage was then subsequently granted approval for an extension to provide an indoor aviary space and small shop in connection with the approved use of the site as a bird farm. Following the new occupation of the adjacent dwelling known as Aderyn and the former bird farm, which was no longer in use, an application was submitted for the use of the retail unit as joinery workshop which was approved under application ref: 03/01777/FUL. That consent also granted the use of the existing open fronted perimeter outbuildings for timber storage in connection with the joinery workshop.

The current application now seeks to change the use of the joinery workshop into a holiday cottage. Given that the application site includes the surrounding yard the attached yard would also be used as land ancillary to the holiday cottage.

In terms of the appropriate policy in assessing this application, there is no specific policy which relates to the provision of holiday cottages within the countryside. However, the proposal would result in the creation of a residential unit where the impact of the conversion of the building and associated use of the land would be the same as that if the application were for the conversion to full residential use. Consideration must therefore be given to the application ref: 00/00574/FUL and the dismissed appeal for change of use from retail to domestic bungalow and construction of a garage.

In terms of the existing commercial use, no statement or justification has been submitted by the applicant stating why the existing commercial use is no longer viable or whether the building has been marketed for other employment uses. Furthermore no justification has been submitted for the proposed use as to whether there is a demand for a holiday cottage in this location. This is particularly pertinent given that the previous appeal Inspector stated, in considering a change to a dwelling "in the absence of an assessment of commercial possibilities and an appraisal of the economic effect of change in use, it would be wrong to permit it".

In terms of policy such a change would result in the creation of a new self contained residential unit of accommodation in the countryside. The most appropriate policy in assessing this application is Policy ENV1 (Development in the Countryside) contained in the Vale of Glamorgan Unitary Development Plan 2005. This policy states that within the delineated countryside permission will only be granted for:

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.
- (ii) Appropriate recreational use.
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
- (iv) Development which is approved under other policies of the plan.

Policy HOUS3 relates more specifically to dwellings in the countryside and states:

Subject to the provisions of Policy HOUS2, the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

Whilst Policy ENV7 relates to Small Scale Rural conversions, it is not considered that the existing building falls within the definition of a rural building for Policy purposes, given that it was constructed originally for domestic purposes only in the 1980's. Whilst the policy does not contain a strict definition of "rural building", regard should be given to the policies and guidance contained within the Conversion of Rural Building Supplementary Planning Guidance. In this case the building was originally constructed as a garage serving the adjacent house and whilst it was converted to a retail unit in connection with the bird farm, the building is a utilitarian block built structure with little intrinsic architectural interest. Therefore in terms of the assessment of this application Policy ENV7 is not considered to be applicable.

The application site also lies within the Aberthaw Quarry Buffer Zone, defined under Policy MIN 6 – Buffer Zones. This policy states:

Neither residential and similarly sensitive development nor mineral working will be permitted within the buffer zones defined around each existing quarry and any protected mineral resources on the proposals map, unless it can be demonstrated that mineral working would not unreasonably affect sensitive development.

In terms of national planning policy, Paragraph 7.6.9 in Planning Policy Wales March, 2002, accepts that the re-use and adaptation of existing rural buildings can have an important role to play in meeting the needs of rural areas for commercial and industrial development, in addition to tourism, sport and recreation.

Paragraph 7.6.10 states:

Residential conversion of rural buildings which have ceased to be used for industrial or commercial purposes, including agriculture may have a minimal economic impact and may be detrimental to the fabric and character of historic buildings. Especially in areas where the creation of local employment is a priority, local planning authorities may include policies within the UDP which do not allow residential re-use unless:

- the applicant has made every reasonable attempt to secure suitable business re-use and the application is supported by a statement of the efforts which have been made; or
- *residential conversion is a subordinate part of a scheme for business re-use; or*
- *the resulting housing will contribute to an identified need for affordable housing for local need (see 9.2.14).*

Paragraph 7.6.11 adds:

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

Issues

In terms of the character of the existing site, it is accepted that the site does contain some features found in domestic gardens including grassed areas and ornamental landscaping, however the overall character of the site is one of a commercial use reflecting the most recent use as a joinery workshop and its former use as a bird farm.

The inspector in his dismissal of application ref: 00/00574/FUL states in paragraph 3:

“...the conversion to residential use would result in a marked change in the character and appearance of the site to a more domestic nature, likely to include the presence of washing lines, cultivated garden and other domestic paraphernalia. Such a change would be at odds with the established planning policies and guidance which seek to protect the countryside”.

Whilst the Inspector clearly considered that the residential conversion would result in harm to the rural character of the area, a large part of the Inspector's report related to an assessment of the loss of an existing commercial enterprise. The Inspector concluded that the applicant had failed to prove that the site could not be reused for an appropriate commercial use. He concluded in Paragraph 7 that:

“...There would be demonstrable harm to the character and appearance of the locality and a loss of business that could contribute to the local economy.”

Whilst this application seeks the conversion of the joinery workshop to holiday cottage, if this were to be approved the considerable area of land attached to the building would cease to have a commercial use and effectively would be ancillary to the holiday cottage used as garden/amenity/play areas, clothes drying etc. Such a residential use of the land would no doubt result in further development pressure for further ancillary structures supporting the holiday cottage such as garaging or indeed applications for additional new build elements which would further impact on the character of the countryside.

The site falls within the Buffer Zone of Aberthaw Quarry, where Policy MIN7 as referred to above would, not permit the introduction of such a use into the buffer zone. However the site is only just within the buffer zone and it would be difficult to sustain an objection to the current proposal on mineral planning grounds as the site lies further away from the quarry than the existing dwellings in Fonmon and the Fonmon Park Estate, which lies outside the Buffer Zone.

As the operation of the quarry must already take into account the existing dwellings, it is considered that the creation of a new residential unit would not cause any further constraint on the working of the quarry and conversely it is unlikely that occupiers of the dwelling would suffer any loss of amenity as blasting operations would already be restricted due to the existing dwellings.

In terms of highway issues, the existing dwelling and former bird farm is served by a relatively large parking area to the front of the former bird farm site. The Head of Visible Services (Highway Development) has raised no objection subject to the provision of two parking spaces to serve the development.

To conclude, it is considered that the application for a holiday cottage would result in the same level of harm in relation to the residential use of the site, as previously refused and dismissed at appeal for the conversion to a dwelling (application ref: 00/00574/FUL) while also resulting in the unjustified loss of a rural employment site. As such the proposal is considered to breach and undermine policies which seek to guard against unacceptable development in the countryside, where no special justification exists to justify departing from such a policy presumption.

The following recommendation is therefore made.

04128

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed change of use to a holiday cottage would result in the creation of a stand alone residential unit, which would both cause harm to the character of the site and wider countryside, and result in the loss of an existing rural commercial enterprise where no justification has been submitted to demonstrate that there is no longer a need for such a commercial use. As such, the proposed development is contrary to Policies ENV1 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the advice contained in Planning Policy Wales March, 2002.

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

HAM WOODS, HAM MANOR PARK, LLANTWIT MAJOR

7 No. holiday chalets, associated site development works and removal of existing barn

SITE DESCRIPTION

The site relates to land adjacent to the Ham Manor Residential Park and associated access roads. The site itself comprises part of a yard area with barn and also contains several mature trees situated on a plateau of land above a sloping wooded area which dips to a stream (Hodd-nant) before rising up again to Millay Lane. The site is accessed via the internal access road serving the park.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent to alter the details of the scheme approved in outline under application ref: 03/01548/OUT and relates to the construction of 7 No. holiday chalets with associated site development works including removal of the existing barn. The alterations to the scheme from the existing planning permission relate generally to: - smaller site edged red – chalets with footprint of 6.096 x 10.973m for Plots 1, 4 and 6 and 6.096 x 9.754m for Plot Nos. 2, 3, 5 and 7 (previously chalets measured 7.2 x 7.6m).

- Reorientation of Chalet No. 6 to face proposed internal access road.
- Drainage indicated to mains drainage (rather than cesspit).
- Chalets of timber boarding as before but with amended window positions.
- Height to remain as before 3.9m.
- Landscaping to area including tree planting (Horse chestnut, Ash, Sycamore, Alder, Blackthorn etc.).
- Paths to woodland edge (within site).
- Provision of level access to chalets.

A tree survey report December 2002 accompanies the planning application.

PLANNING HISTORY

00/00364/LAW – Lawful development and legal action regarding building store. Refused. Legal action upheld for cessation of use.

02/01042/OUT – Outline planning consent for 7 No. holiday chalets and stables. Refused 31st July, 2002.

03/01548/OUT – Demolition of barn and erection of 7 No. holiday chalets. Refused but allowed an appeal. See Appendix A for decision letter, and in particular paragraph 16.

04/00798/FUL – 7 No. residential homes. Refused and dismissed at appeal for reasons that residential development (i.e. not tourist accommodation) was contrary to policy. See Appendix B for appeal decision.

CONSULTATIONS

Llantwit Major Town Council – See Appendix C.

Environmental Agency – Standard advice applies.

Glamorgan Gwent Archaeological Trust – “We have no objection to the determination of the application.”

The Head of Visible Services (Engineering Design and Procurement) – See Appendix D.

The Director of Legal and Regulatory Services (Environmental Health Officer) (HORSIP) – “If planning permission is given for the site, the site will be required to have a licence under the Caravan Sites and Control of Development Act 1960”.

The Head of Visible Services (Highway Development) – “I would comment that the submitted drawings and supporting information have been assessed and the Highway Authority would object to the proposals.

While mindful of previous planning appeals regarding similar applications at the development site the Highway Authority consider that the proposal would be served by a substandard access which would result in an intensification of use, to the detriment of the safety of users of the access. It would be therefore contrary to the requirements of Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005.”

The Director of Legal and Regulatory Services (Environmental Health Officer) –I refer to the above application received on 20th July, 2005. This department does not object to the application but insist on the following condition:

“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. ”

Dwr Cymru/Welsh Water – See Appendix E.

REPRESENTATIONS

Representations have been received from 19 residents, plus a petition from 63 signatories. A copy of the petition’s front page is attached as Appendix F.

Copies of letters from 5 residents are attached, being generally representative of the views expressed, as Appendix G.

A letter from John Smith MP and Jane Hutt AM are attached as Appendices H and I respectively.

REPORT

The site lies outside the residential settlement boundary defined for Llantwit Major. It adjoins but does not lie within the designated Heritage Coast. The application falls to be assessed in the light of planning policy contained within the adopted Vale of Glamorgan Unitary Development Plan 2005 and all other relevant material planning considerations including the extant outline consent for 7 No. Chalets.

Policy TOUR4 "Caravans, Chalets and Tents" and Policy ENV1 of the Unitary Development Plan are relevant. In determining this full application regard should be paid to an assessment on the basis of the same nature of scheme, (i.e. 7 No. chalets for holiday use) allowed at appeal. In determining that application the Inspector held that the development "would not adversely affect the surrounding area in terms of its landscape, wildlife or ecology, and it would fit into the patterns of development and overall character of the adjoining residential park." (para. 16 and see Appendix A).

The principle of the development is therefore accepted and whilst this is a full application it generally follows the terms, scale, layout and impacts presented by the extant outline consent ref: 03/01548/OUT approved (on appeal) on 24th November, 2004. It is noted that the boundary with the woodland area has been reduced to the north-west and north-east ends of the site. Having regard to the impacts of the development over and beyond the details of the current outline consent the scale, design and the layout of the chalets now sought is not dissimilar to that which was allowed on appeal in November 2004.

The tree survey submitted with the application has examined all trees for their health and life expectancy. This survey therefore covers not only trees required to be removed to facilitate the development but trees across the entire site as well as those abutting the site. A total of 10 trees within the site edged red are indicated as to be felled. The report refers to trees which have all suffered damage from animals, decay or being of poor form, sometimes due to being over shadowed by larger trees that are to be retained. The report relates to good management and the retention and remedial tree surgery indicated is required given that the site is to be developed. It is noted that a landscaping scheme providing for 11 replacement trees plus shrub planting has been submitted. Any necessary consent for work to trees beyond the remit of this planning consent would remain to be obtained by the owner.

Reference has been made to a possible change of use of the woodland adjoining the site. As implied this is not part of the current application and should any change of use be sought, formal determination of the planning merits of any such change of use would be required.

It is considered that the development should be approved and whilst mindful of the strength of feeling of the local residents and the comments of the Highway Development Officer the issues generally raised in their comments and correspondence were all assessed at the time of the appeal (ref: 03/01548/OUT). There has been no material change since that decision to justify other than a favourable approach.

The application was deferred from the Planning Committee meeting of 28th September, 2005 to seek a legal opinion as to whether there had been a material change in planning circumstances since the appeal decision in respect of application ref: 03/01548/FUL.

That opinion has now been received and advises that a Local Planning Authority is obliged by Section 70 of the Town and Country Planning Act 1990 to have regard to all material considerations in determining an application. In this respect an appeal decision is a material consideration, as is a valid permission capable of implementation. Whilst a Local Planning Authority is bound to consider all applications on their merits and are not bound by the planning history, if a Local Planning Authority departs from the stance of the Inspector on a recent, virtually identical scheme they will need to give good reasons for departing from the previous decision. The opinion indicates that to take a different stance, the Committee would need to explain why the current scheme is so much more harmful than the permitted scheme, but concludes that "no such explanations are apparent to me". The view is held that in the event that the application were refused and an appeal lodged then it is highly likely that the Council would not be able to defend its position and have costs awarded against it. In this regard advice in Circular 29/93 "Award of costs incurred in Planning and other (including Compulsory Purchase) Proceedings" gives examples of unreasonable behaviour on the part of Local Planning Authorities which are likely to attract an award of costs. One such example includes the refusal of permission for a modified scheme when an earlier appeal decision indicated this would be acceptable and circumstances have not materially changed.

In respect of the matter of the Highway Officer comments the opinion indicates that where authorities depart from the advice of their expert officers, they will need to show that they had reasonable grounds for so doing. The legal opinion states that in this case, the fact that the highway objection has been rejected twice in recent appeal decisions is given as sufficient reason for accepting the advice of planning officers rather than the highways officer's position.

The conclusion in the opinion is that.

"The decision is for the Members, but they should bear in mind their duty to take all material considerations into account and the need to advance clear reasons for disagreeing with the Inspectors."

The following recommendation is therefore made.

04050

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
3. Prior to any work on site other than the felling of trees ref. T834, 831, 859, 857, 858, 856, 854, 847 and 848 the scheme of tree protection as detailed in the 'Tree Report on Ham Woods Llantwit Major' dated 9th December, 2002 prepared by Treescene shall be fully undertaken on site and shall be so retained for the duration of building works on site.
4. Prior to the construction of the concrete slabs for any of the chalets hereby approved details of any external lighting, means of enclosure, and refuse or storage units or seating shall be submitted to and approved in writing by the Local Planning Authority and notwithstanding the terms of the Town and Country Planning (General Permitted Development) 1990 Order only lighting, means of enclosure or any other seating and structures as formally approved by the Local Planning Authority shall be installed, placed or constructed on the site.
5. Details of any communication cables, other cables and pipelines other than those indicated on the submitted plans shall be submitted to the Local Planning Authority prior to the commencement of any works for their excavation, construction or laying for their approval in writing and the development shall thereafter be carried out in accordance with the approved details.
6. The chalets hereby approved shall only be used for holiday accommodation and shall not be occupied as a sole or main residence, or any other use falling within Class C3 of the Town and Country Planning (Use Class Order) 1987, as amended.
7. The developer and any successors in time shall keep a register of all occupiers of the chalets, their names and main residential addresses and the period of occupancy of the chalets and the register shall be made available for inspection by the Local Planning Authority within one week of the Local Planning Authority's written request to inspect the register.
8. This consent does not relate to any work to trees lying outside the application site edged red and does not grant, imply or convey any permission for any change of use of land lying outside the site edged red.

9. 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(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure satisfactory maintenance of the landscaped area.
3. To safeguard the trees to be retained on site in the interests of the visual amenities of the area.
4. To safeguard the trees to be retained on site in the interests of the visual amenities of the area.
5. To safeguard the trees to be retained on site in the interests of the visual amenities of the area.
6. The site is not one which is considered suitable for residential development other than as tourist accommodation.
7. The site is not one which is considered suitable for residential development other than as tourist accommodation.
8. For the avoidance of doubt as to the extent of this consent.
9. To ensure that the safety of future occupiers is not prejudiced.

NOTE:

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

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

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the

unauthorised development and may render you liable to formal enforcement action.

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

05/01082/FUL

Received on 5th July, 2005

Mr D. Phillips, Vishwell Farm, St. Andrews Road, Wenvoe. CF5 6AF
(Harmers Limited 39, Lambourne Crescent, Cardiff Business Park, Ilanishen, Cardiff. CF14 5GG)

VISHWELL FARM, ST. ANDREWS ROAD, WENVOE

Upgrading/expansion of Caravan Club site to provide touring caravan site (15 pitches) and provision of enlarged play area/amenity area by levelling area by minor tipping works

SITE DESCRIPTION

The application site relates to land at Vishwell Farm located to the south-east of Wenvoe. The farm is located on the northern side of St. Andrews Road which links Wenvoe with St. Andrews and is some 300 metres to the west of the A4050 (Port Road).

The application site relates to an existing enclosed paddock (currently used by the Caravan Club) and part of adjacent agricultural field located adjacent to the existing farm buildings at Vishwell Farm. The application site totals an area of 4726 square metres.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the upgrading and expansion of the existing Caravan Club to provide a touring caravan site of 15 pitches and provision of enlarged play area/amenity area by levelling. The submitted plan details a site layout for 15 pitches around the perimeter of the site with a play/amenity area of some 645 square metres. The plans indicate that the extended site will be enclosed by the means of a bank and hedge along the north-western boundary of the site.

PLANNING HISTORY

97/00672/FUL – Change of use from barn to dwelling (Unit 2). Approved 26th February, 1998, subject to conditions.

97/00675/FUL – Barn conversion (Unit 1). Approved 26th February, 1998 subject to conditions.

CONSULTATIONS

Wenvoe Community Council – Was consulted and support the application subject to compliance with Policy TOUR 4.

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

Environment Agency – Were consulted and have responded with a ‘Standard Advice’ guidance note for developers.

Community Services (Private Sector Housing) – Were consulted and have no adverse comments to make.

The Head of Visible Services (Highways Department) – Was consulted and raised no objection, subject to the following condition being imposed on the grant of planning permission:

“The existing visibility from the site access would be considered acceptable provided that the existing boundary wall to the east and the hedgerow to the west are reduced in height within the 2.4m x 120.0m visibility envelope. It is considered that no obstruction, e.g. boundary walls, fencing, etc. shall be greater than 900mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelope and shall not be greater than 600mm in height.”

Following a site meeting and subsequent discussions, the Head of Visible Services (Highways Department) has amended his comments with the following condition:

“In order to provide the required visibility of 2.4m x 120m to the east of the site access, the existing boundary wall is required to be reduced in height to no greater than 900mm above the carriageway channel edge throughout the vision splay.

Reason : In the interests of highway safety.”

REPRESENTATIONS

Adjacent occupiers were notified on 19th July, 2005 and a site notice was also posted. To date a total of nine letters of objection have been received, one of which is attached as Appendix A. In summary, the letters of support relate to the following.

- (i) Increased traffic and congestion on St. Andrews Road and concerns over highway safety on what is currently unrestricted road.
- (ii) Loss of privacy and view as a result of the expansion of the caravan park.
- (iii) If permission is granted there will be further development pressure on the land and further expansion of the caravan park.
- (iv) Visual impact and incursion into the rural landscape.
- (v) Loss of value to property.

- (vi) Increase in the likelihood of vandalism and litter as a result of the increase in the number of caravans.

REPORT

The site is located outside the defined settlement boundary of Wenvoe and as such falls in the countryside. Therefore Policy ENV1 is relevant as contained in the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy relates to development within the countryside and states that within the delineated countryside permission will only be granted for:

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.
- (ii) Appropriate recreational use.
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
- (iv) Development which is approved under other policies of the plan.

The application site falls within the defined "North and East Wenvoe" Green Wedge as defined under Policy ENV3 – Green Wedges. The policy states that green wedges have been identified in order to prevent urban coalescence between and within settlements. Within such areas development which prejudices the open nature of the land will not be permitted.

More specifically, as the proposal relates to the extension of an existing caravan park, the most relevant policy to assess the acceptability of the proposal is Policy TOUR 4 as contained within the above referenced Unitary Development Plan.

This policy states that further development or expansion of static and touring caravan sites, chalet and tent sites in the coastal zone will not be permitted. However it states that proposals for additional sites outside the boundary of the Glamorgan Heritage Coast and other parts of the coastal zone will be permitted if:

- (i) the scale of the proposal or any proposed extension is in keeping with surrounding uses;
- (ii) the proposal does not unacceptably affect the interests of agriculture, conservation, areas of ecological, wildlife, landscape or archaeological importance;
- (iii) the proposal does not have an unacceptable effect upon the amenity and character of the existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems, or visual intrusion;
- (iii) the proposal meets high standards of layout, landscaping and design and has safe vehicular access;
- (v) adequate utility and infrastructure services exist, are reasonably accessible, or can be readily and economically provided;

- (vi) suitable access is provided for disabled persons and those with impaired movement;
- (vii) parking is provided in accordance with the council's approved guidelines;
and
- (viii) the site is not in an area where there is a risk of flooding.

Issues

The existing Caravan Club site operates from the site under the Caravan Club Exemption which permits the temporary siting of up to five caravans. The enclosed paddock in which these caravans are sited is much larger than the area needed to accommodate the permitted five caravans. The proposal seeks to upgrade the existing enclosed paddock to accommodate eleven caravans to include a larger play/amenity area and to provide a further four pitches to the south together with an overspill for parking/visitor parking. In order to provide a level amenity space there will be a requirement to level the site by way of tipping to offset the gentle slope of the land.

In terms of the acceptability of the use, regard should be given to the fact that the application which relates to the extension of touring caravan facilities will not result in any operational development (that is permanent built development) as the caravans would not be permanently sited on the land and the proposal does not propose any new buildings to support the use. The only physical works relate to the minor re-grading of ground levels and provision of a new boundary. Therefore whilst Policy ENV3 seeks to restrict development which prejudices the open nature of the land, the use of the site as a touring caravan park would not prejudice or conflict with the aims and objectives of this policy.

Policy TOUR 4 permits the principle of the expansion of touring caravan sites, subject to compliance with a number of criteria. The scale of the proposal is not considered excessive particularly given that eleven of the fifteen pitches will be sited within the existing paddock. Furthermore the site is located adjacent to the existing farm buildings at Vishwell Farm. Whilst the proposal will result in the expansion of the paddock into the adjacent agricultural land, such a minor extension of the existing facility would not adversely impact on the agricultural holding or have any adverse impact on ecological, wildlife, landscape or archaeological matters.

The increase in the number of pitches will increase the level of intensity at the site, however the caravans would be 100 metres from the nearest house on Vishwell Road (not taking into account the barn conversions at the farm). Whilst a number of representations received raised concern over noise and other environmental problems, the dwellings on Vishwell Road would not be adversely affected. Furthermore issues of loss of view and devaluation in property value are not valid planning grounds of objection.

In relation to highway issues, it is noted that the previous approvals for the two barn conversions at the farm required improvements to the access in order to provide the necessary visibility splay. These improvements have not been carried out and accordingly the highway engineer, following site meetings, has required that in order to achieve the required visibility of 2.4m by 120m to the east of the access, the boundary wall is required to be reduced in height to no greater than 900 mm above carriageway. It is not considered that the reduction in the height of the stone wall which fronts the highway would adversely impact on the rural character of the stone wall fronting the highway, notwithstanding that such provision of visibility splay should have, in any case, been carried out under the previous consent to convert two of the barns at the site.

In terms of the general layout, the proposed plan indicates a relatively spacious layout, where the majority of the pitches will be within the existing paddock currently used by the Caravan Club. The proposal includes the creation of a hedge on bank to provide a physical boundary between the site and the adjacent agricultural land which is acceptable in principle being characteristic of the natural boundaries found in the locality, subject to full details to be submitted by way of condition.

The scheme also proposes the construction of a level area of amenity space, which will require some levelling and re-grading works. Given the slight slope through the site, such levelling works would be minimal and would not be visible from outside the site. Subject to the submission of further details in relation to existing and proposed levels, this element of the proposal is considered acceptable.

To conclude, the proposed extension of the existing touring caravan site from five to fifteen pitches is not considered to impact adversely on the character of the adjacent countryside and would not prejudice the open nature of the land. The proposal is therefore considered consistent with the above relevant policies and the following recommendation is therefore made.

04167

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The consent hereby granted shall only permit the use of the site for no more than 15 touring caravan pitches and does not permit the storage of any caravans on the site.
3. Notwithstanding the submitted plans, full details of the proposed hedge on the bank (including a cross-section to a scale of 1:20) and details of any seeding or turfing, trees, plants, their species, size at planting and density shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site.
4. Notwithstanding the submitted plans, full details of the proposed play/amenity area, including details of the existing and the proposed ground levels (including a cross-section to a scale of 1:200), and details of seeding or turfing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site.

5. All planting, grading, seeding or turfing comprised in the approved details of landscaping, as agreed in Condition Nos. 3 and 4, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Prior to the commencement of development, the boundary wall to the east of the access shall be reduced in height to no greater than 900mm above carriageway channel edge throughout the length of the vision splay, which shall be 2.4m by 120m and the visibility splay shall thereafter be so maintained at all times.
7. The proposed parking area shall be laid out and surfaced in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted is brought into beneficial use and shall thereafter be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to enable the Local Planning Authority main control over the use of the site.
3. In the interests of visual amenity in this rural location.
4. In the interests of visual amenity in this rural location.
5. To ensure satisfactory maintenance of the landscaped area.
6. In the interests of highway safety.
7. To provide satisfactory off-street parking facilities.

NOTE:

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

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

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

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

Mr. G. Crandon, The Barn, Llysworney, Cowbridge, Vale of Glamorgan. CF71 7NQ
(Buckle Chamberlain Part. Ltd., Mill House, Llancayo Court, Llancayo, Monmouthshire. NP15 1HY)

LLANGAN PRIMARY SCHOOL, LLANGAN

Construction of new access driveway and car parking area

SITE DESCRIPTION

The application site relates to land between Llangan Primary School and an existing detached stone barn located in a prominent position adjacent to the main Pentre Meyrick to Pencoed road. The land forms part of a large agricultural field and is enclosed along the main road frontage by a stone wall.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the construction of a proposed new car park and access driveway to serve Llangan Primary School.

The proposed new access will be located some 25 metres from the main junction on the secondary road leading to Llangan and will necessitate the removal of the existing hedgerow, the widening of the lane, the creation of a grass verge and set back visibility splay. A splayed hedgerow is shown to be replanted behind the line of visibility splay, which is set back 4.5 metres from the edge of the highway. The proposed access from the highway will lead to set in inward opening timber gates with stone pillars and beyond that a 4.8 metres wide by 26 metre long tarmac driveway leading to the new car park. The proposals also allow for a secondary separate access to a proposed turning area/parking area adjacent to an existing barn.

The proposed parking area is shown to accommodate 20 vehicle spaces comprising of two parallel rows of 10 spaces. The parking area is shown to be laid in tarmac with a footway parallel to the road frontage providing direct pedestrian access into the school. The western boundary of the car parking area is shown to be defined by a 1.2 metre high post and wire fence from the agricultural land lying beyond. The proposed new access drive is shown to be supplemented by perimeter planting.

The application is supported by a justification statement.

PLANNING HISTORY

05/01041/FUL – Conversion of stables to office and construction of new access driveway. Refused 20th October, 2005 for the following reason:

1. "The proposed conversion of the barn to office use would by virtue of the provision of a new access, gates, driveway and car parking/turning area, being located in a prominent location visible from the public highway, would cause demonstrable harm to the setting of this rural building and result in an unacceptable and unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal is therefore considered contrary to Policy ENV7 (Small Scale Rural Conversions) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the guidance contained in Planning Policy Wales (March 2002)."
2. "The provision of a new access would require the removal of a well established, dense and continuous hedgerow and associated high hedge bank would result in the loss of an important landscape feature contrary to the aims and objectives of Policy ENV10 (Protection of Landscape Features) of the adopted Vale of Glamorgan Unitary Development Plan 2005."

CONSULTATIONS

Llangan Community Council – Were consulted and whilst a holding letter has been submitted no formal comments have been received.

The Head of Visible Services (Highways Department) – Was consulted and raised an objection on the grounds of highway safety for the following reasons:

- (i) The distance between the existing and proposed junctions along the adjacent highway is below the absolute minimum of 50.0m as set out in TD9/93, Table 3. Additionally, the proposed visibility splays are also below the required standard of 4.5m x 70.0m as given in Technical Advice Note 18 (TAN 18).
- (ii) Additionally, although under planning application 05/01041/FUL the access was considered acceptable, the above application would represent an intensification of use of the access.

The Head of Visible Services (Traffic Management) – Has made the following comments:

- (i) Part of the application was the provision of a car park for the use of parents and visitors to the adjoining Llangan School. The Police have requested that the Traffic Group support the provision of a car park and its use by parents, as it would considerably improve road safety outside the school.
- (ii) A site meeting took place with the Police and Mr. Paul Harrison from the Development Group. It was suggested that if the developer was to be granted planning consent and later change his mind, that having obtained a suitable vehicle access to the land it would be difficult to object to further development of the site. However, a possible solution would be for the developer to move the proposed car park to an entry point on the main road, which has a 30 m.p.h. speed limit and better visibility splays and dedicate the car park for the school use by making a written Section 106 Agreement.

- (iii) The Police have liaised with the developer and he has informed them that he had no problem in entering into a Section 106 Agreement on the car park. I ask that should the developer re-submit an amended application that meets all the requirements of the Council, that support for the car park be accepted from the Traffic Group.

The Council's Biodiversity Officer was consulted on the associated application ref. 05/01041/FUL, which proposed the same access and made the following comments.

The application proposes to create a new access which would require removal of a section of hedgerow. The hedgerow at this location is well established, dense, continuous, with no gaps. There is an associated high hedge bank indicative of an ancient origin and a parallel hedgerow exists on the other side of the lane. The hedgerow is ecologically species-rich and the dominant woody species is Hazel. The hedgerow may qualify as "important" under the Hedgerow Regulations 1997 and could potentially provide suitable habitat for dormouse (European protected species).

Should there be a Highways requirement for removal of a large section of hedgerow for the purposes of visibility splay there would be ecological concerns. The Council's Ecologist would therefore like to be consulted on this application again once the details of any proposed hedgerow removal are known.

REPRESENTATIONS

Adjacent occupiers were notified on 21st September, 2005 and a site notice was also posted. To date a total of 10 letters of support have been received including a letter from Llangan Primary School which is attached as Appendix A. In summary the letters of support relate to the following.

- (i) Insufficient parking in the existing lay-by to the front of the school.
- (ii) The existing parking area is dangerous and insufficient, being hazardous when children are getting out of vehicles.
- (iii) The excessive speed and volume of traffic using this road which include heavy goods vehicles.

REPORT

Members will recall that planning permission reference 05/01041/FUL for the conversion of stables to office and construction of new access driveway was refused at Planning Committee on 19th October, 2005. Part of that application including the provision a new access, driveway, and turning area is the same as that to be considered as part of this application which will provide access to the proposed new car park.

Whilst the proposal relates to the construction of a car park to serve Llangan Primary School, the application has not been made by the school or the Property/Education Section of the Council, but by the applicant as landowner following discussions directly with the school regarding the provision of a car park. Therefore regard should be given to the fact that if planning permission were to be granted, the land would nevertheless remain within the ownership of the applicant and as such an appropriate Section 106 Agreement would have to be entered into, or the land leased to the Council to ensure that the use of the car park was limited to school use.

The application site lies outside the village of Llangan and is classified as countryside. Therefore in terms of policy the most relevant is Policy ENV1 contained in the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy relates to development within the countryside and states that within the delineated countryside permission will only be granted for:

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.
- (ii) Appropriate recreational use.
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
- (iv) Development which is approved under other policies of the plan.

There are no specific policies which relate to the provision of additional facilities to support additional ancillary educational uses within the adopted plan.

The existing school has no provision for off-street parking and therefore the dropping off and picking up of children takes place on the highway by way of a lay-by adjacent to the school in addition to an informal "pull-in" area on the opposite side of the road.

Whilst the provision of dedicated parking area for the school would provide improved safety benefits, consideration must be given to whether the provision of the proposed new car park and access is considered acceptable by the Head of Visible Services (Highways Department) and whether it accords with the relevant policies in the plan.

The proposed new access will be provided off the secondary road to Llangan and will require the removal of some 50 metres of hedgerow in order to provide the necessary widening of the carriageway with a set back visibility shown as being set back 4.5 metres from the edge of the carriageway. However notwithstanding the provision of such a splay, the Head of Visible Services (Highways Department) requires that the distance between the existing and proposed junctions along the adjacent highway should be a minimum of 50.0m and that the proposed splay is below that of the required standard which is 4.5 x 70.0m.

Whilst the highway engineer would not object to the scheme if it were to accord with the appropriate standards, such a revised access would require a much larger length of hedgerow to be removed and the re-siting of the access some 50 metres from the junction would require a much longer driveway to access the parking area.

Notwithstanding the above, even if the car park were to be provided there would be no means to enforce its use, and if it were to be used it is likely to become highly congested during drop off and pick up times particularly as the car park is accessed by a single width driveway causing conflict with vehicles entering and exiting the car park. It is therefore considered that such likely congestion and conflicts resulting in the use of the car park would result in the continued use of the lay-by as a drop-off/pick-up point and therefore the provision of the car park would not resolve the safety concerns raised over the existing situation.

In terms of visual impact the proposed alterations made to the lane as a whole would be detrimental to the rural character of the area and would not be in keeping with the simple agricultural field accesses found in the locality. Furthermore, the provision of a set of timber gates with stone pillars would further introduce a domestic/suburban feature into the rural landscape, which would appear as a suburban access associated more with the proposed use of the barn. The provision of the 26 metre long tarmac drive would result in an unjustified intrusion into the adjacent agricultural field, detrimental to the rural character of the area as a whole. The creation of the tarmac drive will also enclose the corner part of the field which is shown on the plan to be used as a grassed area with perimeter landscaping, as such this "land locked" piece of land would no longer have a viable agricultural use.

The proposed car park would be sited adjacent to the main road and would be some 28 metres in length, and would be distinctly urban in character which, together with the proposed access drive of some 60 metres with ornamental planting and the creation of an enclosed grassed area, would materially alter the character of some 90 metres of the agricultural field which is prominent from the highway.

Furthermore, the Council's Ecologist has stated that the proposed hedgerow to be removed is well established, dense, continuous, with no gaps and that the high hedge bank is indicative of an ancient origin where a parallel hedgerow exists on the other side of the lane. The hedgerow is ecologically species-rich and the dominant woody species is Hazel. The hedgerow may qualify as "important" under the Hedgerow Regulations 1997 and could potentially provide suitable habitat for dormouse (European protected species).

To conclude it is not considered that the car park and access proposed would resolve safety issues raised by both the letters of representation and by the Council's own Traffic Management Section. It is considered that a long term parking and traffic management strategy needs to be fully considered for the school and in the light of any future development proposals. Therefore, the benefits of the proposed parking facility are not considered to outweigh the harm likely to be caused to the rural character of the area due to the prominence of the proposed car park and access.

Finally, it is not considered that there are any conditions or limitations which could be imposed on the grant of any planning permission to override the significant harm likely to be caused by this proposal. Accordingly, the following recommendation is therefore made.

04158

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed construction of a car park and the provision of a new access, gates and driveway being located in a prominent location visible from the public highway, would result in an unacceptable and unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal is therefore considered contrary to Policy ENV1 (Development within the Countryside) of the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. The provision of a new access would require the removal of a well established, dense and continuous hedgerow and associated high hedge bank and would result in the loss of an important landscape feature contrary to the aims and objectives of Policy ENV10 (Protection of Landscape Features) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mr. J.C.Gould, Vale of Glam. Caravan Sales, 33, Vale Business Park, Llandow, Vale of Glamorgan. CF71 7PF
(Mr. J.C.Gould, Vale of Glam. Caravan Sales, 33, Vale Business Park, Llandow, Vale of Glamorgan. CF71 7PF)

UNIT 33, VALE BUSINESS PARK, LLANDOW

Change of use

SITE DESCRIPTION

Unit 33 is an industrial unit that lies towards the south-east corner of the Vale Business Park (formerly Llandow Industrial Estate) on the former Llandow airfield between Llantwit Major and Cowbridge. The site is accessed off the B4270 Llantwit Major Road and is 150m from the adopted highway. The unit lies within the existing Vale Business Park and in between areas allocated for further employment uses (B1, B2 and B8). The site is approximately 2300m² and is adjacent to the D. G. Weaver Motors Ltd. Ford dealership at units 40a, b and c.

DESCRIPTION OF DEVELOPMENT

The application seeks retrospective Planning Permission to regularise the use of the unit and compound for the retailing of used touring caravans with ancillary sales of parts and accessories and an office.

PLANNING HISTORY

94/00368/FUL - Change of use from store to factory with addition of small office suite. Approved 17th June, 1994.

92/00619/FUL - Extension of existing factory; building of small office suite and storage unit. Approved 17th July, 1992.

92/00373/FUL - To include Use Class B2 – General Industrial (timber handles, gates, fencing etc). Approved 1st May, 1992.

89/01525/FUL - High pressure hose jet unit for commercial use as a car wash including hardstanding and driveway. Approved 27th February, 1989.

89/00993/FUL - Land adjoining unit 33. Gas storage compound adjoining existing business premises. Approved 2nd November, 1989.

87/00910/FUL - Store and sales of gas appliances and tool hire. Approved 10th November, 1987.

79/2019 - Land adjoining Llandow Industrial Estate, Llandow (7.5 Ha Light Industrial Development (Class III Use Classes Order) [B1-B8]. Approved 5th February, 1980.

CONSULTATIONS

Llandow Community Council – Were consulted on 22nd September, 2005. No comments have been received to date.

The Head of Visible Services (Highway Development) – Were consulted on 22nd September, 2005.

“The submitted drawings and supporting information have been assessed and it is considered that the proposed change of use will have no impact on the adjacent public highway. Therefore, there are no highway grounds to sustain an objection to the development provided that the existing parking provision is maintained and retained at all times for those purposes associated with the development.”

REPRESENTATIONS

Neighbouring occupiers were notified on 22nd September, 2005. No objections were received.

REPORT

The application seeks retrospective planning permission to regularise the use of the unit and compound for the retailing of used touring caravans with ancillary sales of parts and accessories and an office. It is not clear exactly how long the business has been operating from these premises but it is estimated to be between 6 and 12 months.

The site lies within the existing Vale Business Park, where land nearby has been allocated for further employment use under Unitary Development Plan Policy EMP1 (16). As an existing employment use, the site is protected by UDP Policy EMP5 which states:

“On existing employment sites and sites identified in Policy EMP1, development of uses that are not contained in Classes B1, B2 and B8* of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted.”

The supporting text states “this policy is aimed at preventing the establishment of other uses, particularly retailing on land available for employment uses.” Although there are cases where the Local Planning Authority has approved applications for similar uses on employment sites, including the Ford car dealership in the adjacent units, it is nevertheless considered that additional retail uses in the Vale Business Park must be resisted in order to prevent the further degradation of employment land in this area.

In addition to the loss of employment land, it is also considered that the site is in an unsustainable location for a retail use and no evidence has been provided to suggest that a sequential test exercise has been undertaken, contrary to UDP Policy Shop12 that states:

PROPOSALS FOR THE NEW RETAIL DEVELOPMENT OUTSIDE EXISTING TOWN AND DISTRICT SHOPPING CENTRES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE PROPOSAL EITHER SINGULARLY OR CUMULATIVELY WITH OTHER EXISTING OR APPROVED DEVELOPMENTS WILL NOT UNDERMINE THE VITALITY, ATTRACTIVENESS AND VIABILITY OF THE TOWN AND DISTRICT SHOPPING CENTRES OR THE RETAIL DEVELOPMENTS PROPOSED IN POLICY SHOP3;

- (ii) THERE ARE NO SUITABLE TOWN, DISTRICT OR EDGE OF CENTRE SITES AND IN THE CASE OF OUT OF TOWN PROPOSALS, THERE ARE NO SUITABLE TOWN, DISTRICT, EDGE OF CENTRE OR OUT OF CENTRE SITES ('THE SEQUENTIAL TEST');
- (iii) THE PROPOSAL WILL NOT HAVE AN UNACCEPTABLE EFFECT ON THE ACHIEVEMENT OF AN ACCEPTABLE SUPPLY OF BUSINESS/INDUSTRIAL LAND AS IDENTIFIED IN POLICY EMP 1;
- (iv) THE PROPOSAL IS WELL LOCATED TO PUBLIC TRANSPORT, THE NEEDS OF THE NON-CAR TRAVELLER AND THE MAIN ROAD NETWORK;
- (v) THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE ADVERSE EFFECT ON TRAFFIC FLOWS AND PATTERNS, SAFETY, ENERGY USE OR OTHER EMISSIONS;
- (vi) CAR PARKING AND SERVICING FACILITIES ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vii) ADEQUATE UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.
- (viii) THE PROPOSAL DOES NOT RESULT IN THE LOSS OF GRADES 1, 2 OR 3A AGRICULTURAL LAND OR HAVE AN UNACCEPTABLE EFFECT ON AREAS OF ECOLOGICAL, GEOLOGICAL, GEOMORPHOLOGICAL, WILDLIFE IMPORTANCE, LANDSCAPE PROTECTION OR ARCHAEOLOGICAL INTEREST.

Planning Policy Wales (2002) expects retailers to adopt a flexible approach to their business to enable them to locate in central locations that are accessible by means of transport other than the private car. At paragraph 10.3.10 the Guidance recognises that some types of retailing such as stores selling bulky goods may not be able to find a suitable town centre site, therefore an edge of centre site should be sought or where unavailable, sites accessible by a choice of means of transport. However, this site is only realistically accessible by private car at present.

It is considered that there does not appear to be a reasonable justification to depart from advice contained within Policies EMP5 and SHOP12 and Planning Policy Wales and the following recommendations are made:

04143

RECOMMENDATION (W.R.)

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

- i. That the unauthorised retail use of the unit and compound is terminated and the land restored to its former condition.

REFUSE

Reason(s):

1. The continued use of the site for retailing purposes and for a use not contained in Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) by reason of its location within the Vale Business Park represents an unjustified loss of employment land, contrary to the aims and objectives of Policy EMP5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2005).
2. The continued use of the site for retailing purposes would be contrary to the objectives of Policy SHOP12 of the adopted Vale of Glamorgan Unitary Development Plan 2005, in so far as insufficient justification has been submitted to show that there are no suitable sites in or close to local centres (the 'sequential test'), while the site is also in an unsustainable location, and would result in the loss of employment land.

Meltray Ltd. Home Farm, Michaelston-Le-Pit, Vale of Glamorgan, CF64 4HE
(John Rosser RIBA, 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan,
CF64 4HE)

66, VICTORIA ROAD, PENARTH

Demolition of existing house and garage block, construction of new three storey apartment block with associated landscaping and car parking

SITE DESCRIPTION

The application site comprises an existing detached three storey property, currently sub-divided into 5 No. self contained flats, with a detached block of five garages to the rear.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing house and associated garaging and the redevelopment of the site with a four storey block of 8 No. self contained apartments. The proposed new building will be sited in a similar position to the existing and will have a footprint measuring approximately 16.5m wide by 19m in depth. The proposed building will comprise of two pitched roof blocks of accommodation set either side of a central circulation space, with projecting gables to both front and rear elevations rising to a ridge height of 12.3m and a roof plan providing a flat roofed area with access measuring approximately 6.2m by 9m. The design will incorporate projecting balconies on all three of the upper floors with external finishes of red facing brick and natural slate. The proposed building will accommodate a basement storage area, 6 No. three bedroom apartments on the ground, first and second floors plus 2 No. two bedroom apartments within the roof space, all designed with elderly persons in mind.

A new vehicular entrance and driveway will be formed in the north eastern frontage of the site which will give access to 14 No. car parking spaces set within the walled end of the curtilage currently utilised as a vegetable garden. The existing vehicular entrance will provide access to a proposed bin store area within the front garden.

A design statement accompanies this application and is reproduced at Appendix A.

PLANNING HISTORY

Former Penarth Urban District Council 9069 – Conversion to 5 No. flats.
Approved 11th August, 1971.

Former Penarth Urban District Council 9305 – Erection of 5No. garages.
Approved 17th April, 1972.

Former Penarth Urban District Council 9350 – Extension to bathroom. Approved
15th May, 1972.

O5/01766/PND – Prior notification for demolition. Notification period expires 9th December, 2005.

CONSULTATIONS

Penarth Town Council - "THAT the application should be refused for the following reasons:

1. The proposed development, by virtue of its scale, form, design and mass, particularly at roof level, is considered to be out of context with the local built environment on this side of Victoria Road, notwithstanding the modern brick built property at No. 64. Therefore, it is felt that the proposal conflicts with Policies ENV25 and HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. Concerns are expressed over potential privacy implications for neighbouring occupiers arising from windows of upper floor habitable rooms in both side elevations. In addition, the rear balconies will result in an element of overlooking of neighbouring rear gardens which currently enjoy high standards of privacy and spaciousness."

Environment Agency – Have submitted their "Standard Advice" Guidance Note for Developers only.

Dwr Cymru/Welsh Water – Were notified on 5th October, 2005.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 6th October, 2005. In addition a site notice was posted on 11th October, 2005.

Letters of objection and concern have been submitted by the occupiers of Nos. 31, 39, 60, 62, 64, 68, 70, 82 and 84 Victoria Road, No. 6 Brecon House, No. 22 Evenlode Avenue and No. 22 Archer Road. Whilst all of the representations are available on file for Committee Members inspection the letters from the occupiers of Nos. 60 and 68 Victoria Road are reproduced at Appendix B as being generally indicative of the points raised. In summary however, the points of concern include increased traffic, over scaled building out of keeping with the area, loss of existing building with historic significance, intensification of use and disturbance to neighbours, loss of privacy and loss of light.

In addition the Penarth Society have submitted a letter of objection which is reproduced at Appendix C.

REPORT

The application site is located approximately 115m outside of the boundaries of the Penarth Conservation Area. The property does lie within the residential settlement boundary for Penarth as defined in the adopted Unitary Development Plan 2005. The proposal entails the complete demolition of the existing buildings and the redevelopment of the site for a block of 8 No. apartments and associated parking and access. As such the following Policy background is relevant to the assessment of the application.

Strategic Policy 2 of the Vale of Glamorgan Unitary Development Plan 2005 refers to sustainable development and states:

PROPOSALS WHICH ENCOURAGE SUSTAINABLE PRACTICES WILL BE FAVOURED INCLUDING:

- (i) PROPOSALS WHICH CONTRIBUTE TO ENERGY CONSERVATION OR EFFICIENCY, WASTE REDUCTION OR RECYCLING; POLLUTION CONTROL; BIODIVERSITY AND THE CONSERVATION OF NATURAL RESOURCES;
- (ii) PROPOSALS WHICH ARE LOCATED TO MINIMISE THE NEED TO TRAVEL, ESPECIALLY BY CAR AND HELP TO REDUCE VEHICLE MOVEMENTS OR WHICH ENCOURAGE CYCLING, WALKING AND THE USE OF PUBLIC TRANSPORT;
- (iii) THE RECLAMATION OF DERELICT OR DEGRADED LAND FOR APPROPRIATE BENEFICIAL USE; AND
- (iv) PROPOSALS WHICH IMPROVE THE QUALITY OF THE ENVIRONMENT THROUGH THE UTILISATION OF HIGH STANDARDS OF DESIGN.

Policy ENV15 of the Unitary Development Plan relates to the protection of the built and historic environment and states:

THE ENVIRONMENTAL QUALITIES OF THE BUILT AND HISTORIC ENVIRONMENT WILL BE PROTECTED. DEVELOPMENT WHICH HAS A DETRIMENTAL EFFECT ON THE SPECIAL CHARACTER, APPEARANCE OR SETTING OF:

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURES OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREA;
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST;
- (iii) DESIGNATED LANDSCAPES, PARK OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE

WILL NOT BE PERMITTED.

Policy ENV25 refers to the design of new development and is a criteria based Policy that states:

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES;
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING;
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITIY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT;
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS;
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES;
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES;

- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY;
- (viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND
- (ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy HOUS2 of the Unitary Development Plan allows for small scale redevelopment within the Penarth settlement boundary this is subject to the residential development criteria outlined in Policy HOUS9. This states:

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

In addition Policy HOUS12 refers to residential privacy and space and states:

EXISTING RESIDENTIAL AREAS CHARACTERISED BY HIGH STANDARDS OF PRIVACY AND SPACIOUSNESS WILL BE PROTECTED AGAINST OVER DEVELOPMENT AND INSENSITIVE OR INAPPROPRIATE INFILLING.

The Council also has Supplementary Planning Guidance on Amenity Standards which contains Policies not only in relation to the quantity and quality of amenity space but also highlight issues of privacy, overshadowing and visual amenity. Policy 3 of the Supplementary Planning Guidance states:

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

This guidance follows national Policies as contained in Planning Policy Wales March 2002. Paragraph 9.3.3 and 9.3.4 state:

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

9.3.4 In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas".

Additional national guidance is contained in Policy TAN12: Design. One of the principles embodied in the guidance is the issue of a sustainable approach to design and new development. The guidance highlights how the design of new development should meet stated objectives and respond to local context and examine such issues as:

"Scale of development in relation to surroundings, including height and bulk; how the massing of the proposal contributes to the existing hierarchy of development to reinforce character; how the mass and height impacts on privacy, sunlight and microclimate; and how height impacts on the attractiveness and safety of neighbouring public space".

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

The proposal entails the loss of an existing Edwardian house which, whilst the Council accepts that its demolition does not require planning permission, nevertheless, has some architectural and historic merit and contributes to the character of Victoria Road. It is noted that a number of unfortunate alterations have been made to the original building however it is considered that the existing structure is not beyond retention, restoration and repair. Such a design approach would be more in keeping with the objectives of sustainability in both Policy TAN12 and the Council's adopted Unitary Development Plan, in particular Strategic Policy 2 and criterion (i) of Policy ENV15.

On the issue of the design of the new development the Council would question the content of the supporting Design Statement. Whilst the design philosophy states the "new design has been based on the scale, style and character of the older existing properties in the area", this is clearly not the case. Whilst it is correct to state that the replacement building has the same ridge height as the existing at 12.3m, however the overall scale, mass and form of the new build bears no relationship to either the existing building on the site or any of the surrounding properties, including the three storey modern blocks of flats on the opposite side of Victoria Road. The significant increase in the size and scale of the proposed new building in comparison to the existing is evident from the submitted Comparison Drawing No. PA049/17. A similar comparison drawing for the side elevation of the building if produced would highlight to a greater extent the considerable increase in the scale, mass and form of the new development over the original house.

The Design Statement also indicates that the balconies incorporated into the new build development are not an unusual feature of buildings in the immediate area. It is considered whilst the modern flatted development on the opposite side of Victoria Road does incorporate balconies as part of the original design, nevertheless, such features are not characteristic of the traditional older properties in the street. This therefore is in direct conflict with the stated design philosophy of basing the new development on the scale, style and character of the older existing properties.

Thus it is considered that the proposal fails to respond to its context and would appear as a grossly over scaled development entirely out of keeping with the local character of buildings and spaces.

As regards the impact of the proposal on neighbouring occupiers it is noted that a number of objections refer specifically to loss of privacy, loss of light and an increase in general noise and disturbance from the greater density of development. It is considered that these objections can be substantiated. The provision of projecting balconies, particularly on the rear elevation, and bedroom windows in both side elevations facing the neighbouring houses, will severely detract from the levels of privacy currently enjoyed by neighbouring residents. The substantial increase in the height and massing of the new building will result in some additional overshadowing of neighbouring houses over and above the existing situation as well as appearing somewhat overbearing.

In addition the creation and subsequent use at all times of the day of the new driveway and car parking area with the increased level of accommodation (i.e. from 3 No. two bed and 2 No. one bed flats to 6 No. three bed and 2 No. two bed flats), will significantly detract from the quiet enjoyment of their properties. It is also noted that the opposite side of Victoria Road is characterised by small scale blocks of flats, a number of the letters of representation make it clear that the majority of the properties on the application side of the road are still occupied as single dwelling family homes. Thus it is considered that the proposal represents an unneighbourly form of development, contrary to the objectives of Policies HOUS9, ENV25 and the 'Amenity Standards' of the Supplementary Planning Guidance.

In respect of the highway issues it is noted that the proposal will create a new vehicular access to the site. The Council's Highway Engineer has indicated that the new access and carriageway should be widened to a minimum of 4.5m in order to allow for two vehicles to pass side by side. In addition as the proposed development will increase the density of use of the site then the Council's Highway Engineer has requested a contribution of £3,000 towards the upgrade of existing public transport facilities in the area. It is noted that whilst there would be scope to reposition the proposed building and increase the driveway width, and even if the applicant would be prepared to enter into a S106 Legal Agreement to provide a contribution to public transport improvements, nevertheless this would not overcome the fundamental objection to the design of the scheme and its adverse impact on the character of the area, and neighbouring residential amenities.

In conclusion it is considered that the proposal will result in the loss of an existing building that, within the context of other Edwardian houses in the vicinity, contributes to the character of the area. Its replacement fails to respect the environs of the site and the overall scale and poor design will be out of keeping with the surrounding development and would adversely affect residential amenities.

In view of the above the following recommendation is made.

04146

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposed development represents an unacceptable quality of design that seeks to replace an existing building which, contributes to the established character of the area, with a new building the size, scale, massing and form of which would appear as an intrusive and incongruous feature within the street scene and detract from the residential amenities of neighbouring occupiers. The proposal is therefore contrary to Strategic Policy 2; and Policies ENV15, ENV25, HOUS2, HOUS9 and HOUS12 of the Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards; and national guidance contained within Planning Policy Wales March 2002 and TAN12: Design.

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

TREVITHYN FARM, LLANCARFAN

Erection of one detached agricultural dwelling

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

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

The proposed two storey dwelling is 25m in length and has a maximum depth of 10.6m. It has a pitched roof and is 5m to eaves height and 8.5m to ridge level. The dwelling includes an integral garage with a bedroom in the loft space and this annexe is 2.3m to eaves and 6.3m to ridge level. The dwelling will include the garage, a utility room, farm office, kitchen, dining room, study and lounge/sitting room at ground floor and four bedrooms (two with en-suite facilities) and a bathroom at 1st floor. The dwelling is to be constructed with concrete walls and facing brickwork and a slate roof. The projecting gable wall and pitched roof dormer windows will be rendered with a brick quoin. The dwelling will be accessed via a new tree lined driveway from an existing field gate and there will be sufficient space for at least 2 No. private vehicles.

PLANNING HISTORY

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

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

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

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

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

All other applications relate to the farm and outbuildings only.

CONSULTATIONS

Llancarfan Community Council - Were consulted on 29th September, 2005 and re-consulted 20th October, 2005. "We have received the above application for an agricultural dwelling without, as is usual for this type of application, any supporting documentation from the applicant to demonstrate the need or intended use of a second dwelling at the farm. We are, therefore, unable to comment on whether there is justification on agricultural grounds for a departure from planning policy. Trevithyn Farm is located within the Nant Llancarfan Special Landscape Area, there is some concern that the proposed siting, in close proximity to the existing agricultural buildings, would have a detrimental impact. Also, the size of the proposed dwelling and level of accommodation provided is not considered commensurate with the needs of an agricultural worker. If permission is granted strict occupancy conditions must be imposed."

The Community Council were provided with a copy of the agents supporting documentation but no additional comments have been received to date.

The Head of Visible Services (Highway Development) - Was consulted on 29th September, 2005. "It is considered that the development proposals are acceptable in principle, provided that the following details are submitted for approval by the Highway Authority prior to commencement of any works and are made conditional to the planning consent.

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

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

Dwr Cymru/Welsh Water - Were consulted on 29th September, 2005 and advise:

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

Environment Agency - Were consulted on 29th September, 2005. They responded by forwarding a copy of their standard guidance note for developers.

The Council's Agricultural Consultant – Was consulted on 29th September, 2005. An appraisal was requested to assess the proposal in accordance with planning guidance and policy.

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

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

Artificial insemination is a managed process and so could not be used as a reason for requiring a farm worker on site at all times. Monitoring of animal welfare can be carried out adequately by a single farm worker already on site at all times. Reacting to calving and other welfare incidents is really the only reason that needs further analysis as a prospective need requiring a second worker to also be available at all times.

Although it is quite easy to understand that a second dwelling would be convenient and sensible, in terms of the management of the farm; that is not the required test. Nothing in the submissions shows an unusual level of need compared with similar enterprises and we are not convinced that the first farm worker could not adequately identify any incidents and either deal with them himself, or contact the second farm worker (or vet) to deal with those that he can not. In our opinion the application fails the functional test.

The financial test is usually needed where the functional test is either inconclusive or positive. In this case, we have not seen any financial accounts, but we have assumed that there is sufficient margin to support two farm workers and that the business is sustainable. Since the application fails the functional test, we have not analysed this test further. In our opinion, the application fails the test.”

A full copy of the appraisal has been included as Appendix ‘A’ to this report.

REPRESENTATIONS

The neighbouring occupier was notified on 16th August, 2005. No objections have been received to date.

REPORT

The application seeks planning permission to erect a new agricultural dwelling on a site adjacent to the foundations laid out for a much smaller dwelling approved in the 1970’s. The applicant does not intend to utilise the existing foundations on the site as he wishes to build a larger four-bed property to cope with the increase in size and workload of the farm. The applicant’s son would occupy the house.

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

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

The proposal can be assessed against Policies ENV1 – Development in the Countryside, ENVXXX – Special Landscape Area, HOUS3 – Dwellings in the Countryside, HOUS5 – Agricultural or Forestry Dwellings and HOUS6 – Agricultural Occupancy Conditions of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (March 2002). Also, in considering applications of this nature regard has to be paid to advice contained in Technical Advice Note (Wales) 6 “Agricultural and Rural Development”.

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

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

- (1) AN ESSENTIAL NEED, BASED ON A FUNCTIONAL AND WHERE APPROPRIATE FINANCIAL NECESSITY IS CLEARLY DEONSTRATED.
- (2) THE SCALE, SITING, DESIGN, LANDSCAPE AND EXTERNAL APPEARANCE OF THE PROPOSED NEW DWELLING IS COMPATIBLE WITH ANY EXISTING RELATED STRUCTURES AND THE SURROUNDING LANDSCAPE; AND
- (3) AN ACCEPTABLE ACCESS TO THE DWELLING CAN BE PROVIDED.

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

The Council's agricultural consultant's statement indicates that this is not the case in this instance (see Appendix A). Therefore, the dwelling, particularly a large four bed dwelling, cannot be justified under this Policy. In addition to this, this stance is echoed in paragraphs 9.3.7-10 of Planning Policy Wales.

With regard to the scale and location of the proposed dwelling, it is considered that it would be very prominent and visible from the highway and would have a detrimental effect on the character and appearance of the open countryside and the Nant Llancarfan Special Landscape Area, contrary to Policies ENV1, ENVXXX and ENV25 of the Vale of Glamorgan Unitary Development Plan 2005. It would also clearly be of a size far in excess of anything that could be justified for an agricultural dwelling.

The agent states that the slab is still evident on site for the dwelling approved in the 1970's and as construction commenced at that time, contends that the permission remains extant. However, there are doubts relating to the correct siting of the foundations and whether or not the detailed design of the dwelling has been approved. Therefore, should the applicant wish to implement the original consent for a dwelling on this site, such matters would need to be addressed by a Certificate of Lawfulness application.

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

04165

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The application has failed to demonstrate a proven agricultural need for the proposed permanent agricultural dwelling and therefore the proposal would represent an unjustified residential development in the countryside, contrary to Policies ENV1, HOUS3 and HOUS5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the guidance provided in Planning Policy Wales (2002) and Technical Advice Note 6 - Agricultural and Rural Development (2000).
2. The proposed dwelling, by reason of its size, scale and location, would represent an unacceptable form of development in the countryside causing serious harm to the character and appearance of the area and the Nant Llancarfan Special Landscape Area, contrary to Policies ENV1, ENVXXX (Special Landscape Area) and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

05/01581/FUL

Received on 12th October, 2005

Mr. Marc White et al, Turkey Oak House, Llanmaes, Vale of Glamorgan. CF61 2XR
(C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. CF63 4LA)

LAND TO THE REAR OF DRYSLWYN, PENWYLLT, KIVA KOTI, TURKEY OAK HOUSE, WITS END AND HEDDFAN, LLANMAES

Change of use to domestic garden

SITE DESCRIPTION

The application site comprises some 0.7hectares (1.50acres) of former agricultural land to the rear of 6 properties located on the eastern fringes of Llanmaes village and which land is now being used as residential garden curtilage.

DESCRIPTION OF DEVELOPMENT

This single application is made on behalf of six properties which a Land Registry search has confirmed that in May 2002, all purchased former agricultural land to the rear of their properties and have now incorporated the same within their respective residential curtilages by removing previous boundary markers. To varying degrees, all the subject land has taken on some appearance of residential garden curtilage although some remain mostly in grass.

PLANNING HISTORY

88/00164/RES - 3 Dwellings (Plots 4, 5 & 6). Approved 19th April, 1988.

87/00972/RES - 3 Dwellings (Plots 1, 2 & 3). Approved 8th December, 1987.

86/00007/OUT - Residential development. Refused 11th March, 1986. Allowed on appeal 25th November, 1986.

CONSULTATIONS

Llanmaes Community Council.

CADW have requested further details be submitted for their consideration. No other representations have been received.

REPRESENTATIONS

Two adjoining properties and a site notice posted.

REPORT

This application seeks to regularise the unauthorised change of use of agricultural land to use as residential garden extensions. As stated, six properties have now extended their curtilages onto this land. This unauthorised change of use, the direct result of the observations of my Enforcement Unit, has already been subject of a separate enforcement report to the 28th September, 2005 Planning Committee where the recommendation to pursue action was approved. To date however, no enforcement notices have been served, given the submission of this application.

The garden extensions variously extend each respective house plot between 55 and 75 metres beyond their approved boundaries, as defined by the detailed planning permissions granted back in late 1987 and early 1988. Air photograph evidence confirms that in July 2001, all the subject land was in agricultural use and clearly separated from each house plot by a fence. In all cases, the individual house plots have been defined by new fence lines. Some of the extended gardens have been ornamentally planted or planted as a vegetable plot. Only two currently have any sizable structures on the land, namely a shed, a greenhouse and some moveable play equipment. One has a ground mounted satellite dish on the extended land. In all cases, the majority of the extended gardens remain in grass. All properties have now removed the previous means of rear boundary treatment that previously separated the extended land from the approved curtilages.

In land use planning terms, whilst the approved plot sizes may be viewed as being relatively small to serve properties of the type approved (the approved rear gardens extend variably, 7 to 15 metres back), the extended garden curtilages now applied for, all being in excess of an additional 55 to 75 metres beyond the approved curtilages, nevertheless represent an unjustified loss of high grade agricultural land and an excessive intrusion into the rural landscape. This both detracts from the character of the countryside and the sites setting within the Llanmaes Conservation Area. If unactioned, claims of lawful use could be made for the land in the future with the result that full residential permitted development rights would then be afforded to the land, potentially resulting in sizeable but deemed permitted buildings being constructed.

Given the above, therefore, the proposal must be assessed against those adopted policies which seek to protect the rural landscape and open countryside from unrelated urban developments. The proposal is therefore clearly contrary to Policies ENV1, ENV2, ENV9, ENV15 and ENV18 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and also the aims of the Vale of Glamorgan Supplementary Planning Guidance on Conservation Areas in the Rural Vale and as a consequence, should be strongly resisted.

04166

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The extended residential curtilages represent an unjustified loss of agricultural land and an excessive intrusion into the rural landscape which detracts from the character of the open countryside and the site location within the Llanmaes Conservation Area. This is contrary to Policies ENV1, ENV2, ENV9, ENV15 and ENV18 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and also the aims of the Vale of Glamorgan Supplementary Planning Guidance on Conservation Areas in the rural Vale.

Mr. and Mrs. D. Harris, Old Froglands, Llanmaes, Vale of Glamorgan. CF61 2XR
(Mr. Geoff Webber, Hyder Consulting (UK), St. Mellons Business Park, Cardiff.
CF3 0EY)

OLD FROGLANDS, LLANMAES

Extension to existing barn conversion to provide leisure facilities and accommodation ancillary to the main residential property

The application was advertised on 21st November, 2005.

SITE DESCRIPTION

A former barn that has been converted to residential use ancillary to the main house.

DESCRIPTION OF DEVELOPMENT

A full application seeking to construct a two-storey extension to the rear of the barn. The extension would provide a gym and pool to the ground floor and a bathroom and bedroom above. The extension would have a pitched roof structure with a height of approximately 5 metres to ridge and a depth of 8 metres. The extension would be finished partly in stone and partly in rendered composite panels with slate to the roof.

The application does not seek change of use.

PLANNING HISTORY

92/00745/FUL – Full planning permission was granted on 14th August, 1992 for the conversion of outbuildings to a games room, bedroom and bathroom to be used with the existing house. A condition was attached which stated that “the additional accommodation hereby approved shall be used solely for domestic purposes incidental to the enjoyment of the existing dwelling house Old Froglands and shall not be used as an additional dwelling unit.”

04/01966/FUL – Planning application to construct an extension to an existing barn conversion to provide leisure facilities and accommodation ancillary to the main residential property at Old Froglands, Llanmaes was refused on 31st March, 2005 for the following reasons:

- (1) The proposed extension, by virtue of its design, size and appearance, would adversely affect the simple rural appearance of this converted building to the detriment of its appearance and character and that of the surrounding area. The proposal would therefore be contrary to Policy ENV7 of the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004), the Council's draft Supplementary Planning Guidance 'The Conversion of Rural Buildings' and the advice contained in Planning Policy Wales March, 2002.

- (2) The proposed extension increases the potential for the outbuilding or part of it to be used as a separate dwelling to that of Old Froglands and so the proposal is considered to be tantamount to a new dwelling. This would be contrary to Policies EV3 and H10 of the South Glamorgan Structure Plan 1989 and Policy ENV1 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit draft 1998 (as amended 2004), which seek to prevent unjustified new dwellings in the countryside, unless in the interests of agriculture. No such justification has been submitted.

CONSULTATIONS

Llanmaes Community Council has no objection.

Ministry of Defence Estates – No safeguarding objections.

REPRESENTATIONS

Neighbouring occupiers have been consulted and a site notice has been posted. No comments have been received to date.

REPORT

The development plan for the site comprises the Vale of Glamorgan Unitary Development Plan 2005 (UDP).

The site is situated within the open countryside. The application relates to an outbuilding that has previously been subject to a conversion, which involved the construction of a two-storey extension.

Whilst the building has been converted to ancillary residential use, it is considered that Policy ENV7 'Small Scale Rural Conversions' of the UDP, which aims to ensure that rural buildings are converted in a manner that retains their integrity and rural character, remains a central material consideration with regard to this proposal. This policy requires that the conversion retains the architectural or historic features present in the building, that the conversion can be achieved without substantial reconstruction or extension and that work can be undertaken without unacceptably altering the appearance and rural character of the building.

The Supplementary Planning Guidance 'The Conversion of Rural Buildings' elaborates on and is generally consistent with Policy ENV7 of the Unitary Development Plan. In particular, it states that "proposals to extend converted buildings are likely to detract from the character and amenity of the existing buildings and surrounding countryside, accordingly, proposals to extend existing converted buildings are likely to be resisted".

With regard to the residential conversion of rural buildings, Paragraph 7.6.11 of Planning Policy Wales, states that "if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply.

The current application differs from the previously refused scheme in the following respects:

- The application site has been reduced in size.
- An existing side facing window would not now be altered.
- Reference to a kitchen has been omitted.
- The bed sitting room previously shown is now referred to as a bedroom.
- Reference to a walled garden has been omitted.

The application has been accompanied by a supporting statement, the main points of which are summarised below:

- The building has previously been extended in a manner not in keeping with the barn conversion.
- The extension cannot be seen from the highway.
- It improves the visual quality of the development and is in keeping with the existing building.
- The development is ancillary to the main dwelling.

Whilst the proposed extension would be to the rear of the existing outbuilding, it would be visible from outside the site including from a public footpath that runs to the north east of the property. As part of the conversion, a small two-storey extension was constructed to the building. However, the consent in 1992 pre-dated the Council's barn conversion guidelines.

The current proposal comprises a relatively large two-storey extension which is considered inappropriate for this converted rural building. It would have a substantial impact upon the appearance and character of the building, to the detriment of the rural character of the area. This would be contrary to Policy ENV7 of the Unitary Development Plan, the Council's Supplementary Planning Guidance 'The Conversion of Rural Buildings' and the advice contained in Planning Policy Wales March, 2002. Granting planning permission would encourage similar proposals to the detriment of the rural character of the area.

The proposed extension increases the potential for the outbuilding or part of it to be used as a separate dwelling to that of Old Froglands with the previous proposal considered to be tantamount to a new dwelling. This revised scheme has, however, omitted the bedsit and kitchen facility leaving solely a bedroom and en-suite. In this respect it is considered that a suitable condition could be included to preclude such self-contained accommodation/facilities.

The existing access has poor visibility and so any increase in its use could potentially result in danger to users of the lane.

A supporting letter submitted with the application, explains that it is intended for the building to be used ancillary to the main house but that it may be used as a “self-contained unit for bed and breakfast accommodation or short term holiday let”. However, no such change of use has been formally sought as part of this application. Bed and Breakfast accommodation may not require permission, although short-term let or self-contained accommodation would, and would be unacceptable.

04160

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed extension, by virtue of its design, size and appearance, would adversely affect the simple rural appearance of this converted building to the detriment of its appearance and character and that of the surrounding area. The proposal would therefore be contrary to Policy ENV7 of the adopted Vale of Glamorgan Unitary Development Plan 2005, the Council's Supplementary Planning Guidance 'The Conversion of Rural Buildings', and the advice contained in Planning Policy Wales March, 2002.

Nadia Stanton, Llantwit Major Youth Centre, Station Road, Llantwit Major, Vale of Glam. CF61 1ST
(Nadia Stanton, Llantwit Major Youth Centre, Station Road, Llantwit Major, Vale of Glam. CF61 1ST)

LLANTWIT MAJOR YOUTH CENTRE, STATION ROAD, LLANTWIT MAJOR

Change volumized music from one evening a week to five evenings. This is to include allowing participation for weekly discos for 230 young people from Llantwit Major and the surrounding rural area

SITE DESCRIPTION

An established educational and community use site located near the historic centre of Llantwit Major and comprising of the subject Youth Centre building, the main site use as St. Illtyds Junior and Infant School and St. Illtyds Family Centre, itself being currently extended to include a new nursery unit.

DESCRIPTION OF DEVELOPMENT

This application proposes to vary the terms of the original planning permission granted by the former South Glamorgan County Council in November 1994, for the change of use of the former YMCA building to a Community Education Centre, by extending the currently conditioned limitation of one evening a week's use of amplified music to five evenings a week.

PLANNING HISTORY

3650 - Change of use to Community Education Centre. Approved, subject to conditions, 10th November, 1994.

3650/A - Details of Sound Proofing measures. Approved 14th March, 1995.

3650/B - Details of roof materials and security grills. Approved 9th January, 1996.

Various other applications for developments in respect of the adjoining Family Centre and School uses.

CONSULTATIONS

Llantwit Major Town Council on first consultation, has raised no objection, but with the caveat that the Vale Council corporately and proactively expedite with the utmost vigour sufficient sound-proofing measures to adequately eliminate the noise nuisance which local residents say has affected their quality of life. On second consultation, however the Town Council has raised no objection.

The Director of Legal and Regulatory Services (Pollution Control Officer) initially objected to the proposal on the grounds that he was not satisfied that noise breakout attenuation measures were sufficient to reduce incidence of noise complaints. However, after further and additional attenuation measures had been implemented, he has confirmed, following a number of monitoring exercises that (with some reservations), the works undertaken are acceptable.

REPRESENTATIONS

In total, six letters of objection have been received from local residents whose properties either immediately adjoin the site or front onto the same. (Sample letter is attached as Appendix A). In brief, the objections made are as follows:

- (i) Unruly behaviour of youths attracted to the site on disco nights, which could increase if further activity (evenings?) is permitted.
- (ii) What soundproofing measures have been implemented and what testing has been undertaken?
- (iii) What measures are being taken to control children and youths in and around the site? Inadequate supervision on club nights.
- (iv) Problems of trespass, noise, both from the centre itself when music is played and from outside from congregating gangs, unsociable behaviour, skateboarding on the centre roof, missiles being thrown, fighting etc.
- (v) Intrusive noise currently experienced when discos are being held will increase if extended to five nights a week.
- (vi) Inaccurate information in covering letters in respect of neighbour consultation, police involvement and resolution of noise issues.

REPORT

This application seeks to relax the current restrictive planning condition imposed on the original former South Glamorgan County Council planning permission reference 3650, issued on the 10th November, 1994, which states:

“That discos and the use of amplified music shall not take place on more than one evening a week within the limits imposed by condition 4 (hours of operation) hereof without the prior written approval of the Local Planning Authority.”

The relaxation sought is to allow 5 evenings a week amplified music (described in the application forms as volumised music). It would appear from complaints received by the Enforcement Unit over recent years, that this limitation has been breached on a regular basis with the use of the premises for amplified band practice nights in addition to a weekly disco. However, it should also be noted that within the strict interpretation of the relevant condition, no form of amplified music is permitted more than one evening a week, between the hours of 5.00 p.m. to the approved closing time of 10.00 p.m. (6.00 p.m. Sundays). This could also include the playing of radios, records players, PCs, etc., which in practice, would probably not give rise to any complaint.

Whilst in practice, the playing of incidental, background music to support many leisure or community centre activities is not seen as problematic, it is nevertheless clear that certain activities, especially those referred to above (the disco and band practice) do involve the use of loud amplified music and have had a proven impact upon nearby residential properties, two of which are sited (building to building) only some 3 and 10 metres away.

The Llantwit Major Youth and Community Centre has been established as a community facility for some 10 years and from the supporting documentation, is used for a wide variety of activities covering all age groups. Demand for the weekly disco night does appear high, attracting upward of 230 young persons. Some of the complaints received appear more related to the use of the site as a whole in terms of attracting younger elements to the site who possibly may have no business there. However, this is not a planning matter to consider. It should be noted that the Centre is permitted to be open 7 days and 6 evenings a week until 10.00 p.m. in any event, with only a Sunday currently conditioned to close earlier at 6.00 p.m.

Notwithstanding the above, there could still be issues arising if additional 'over-loud' amplified music events were permitted, at least in terms of the noise impact upon adjacent properties unless some form of controlling condition/s are imposed. There is also a clear problem of attempting to word a condition suitably which attempts to separate loud amplified music from what may be termed as quite incidental, but still amplified, music.

In order to progress this application, since its first submission in June 2004 the submission of detailed floor plans were requested (not originally submitted), together with details of sound-proofing measures undertaken as it appears that the requirements of the original planning permission had not been fully met. Following further noise monitoring, other additional noise attenuation measures have been implemented. This monitoring exercise has been conducted by the Councils Pollution Control Officer over a period of months, mostly on Friday evenings and at different locations, including at the nearest house to the site.

His findings confirm that the noise attenuation measures undertaken have improved the situation considerably (monitoring has been undertaken before and after) although he still appears to have some reservations if music were to be played at high levels five days a week. It appears the main cause of disturbance is not so much the volume of the music, but the transmission of deep and repetitive bass notes, which is common in many modern music styles.

In considering the merits of this proposal and in acknowledging the noise attenuation measures which have already been undertaken, it should be noted that two residential properties, one of which has generated most complaints, lie only 3m and 10m away from the actual centre building itself, with another five properties all lying within 35 metres. Although the actual performance areas themselves are set further back into the centre building and some window openings which faced onto the two most affected properties have now been blocked, the potential of four additional amplified music evenings a week could still be viewed as excessive. In acknowledging the stated aims of the applicant and site management that they would not intend making maximum use of the building if granted five evenings a week, at least in terms of loud amplified music, the planning implications arising from any consent granted must still be considered.

Most recently, there have been discussions concerning whether a bespoke music recording/studio facility within the Youth Centre building itself would require planning permission. Such a facility could be used to accommodate band practice and for recording purposes, currently understood to be held off-site, at RAF St. Athan. The question was asked in order to attempt to overcome the applicant departments apparent resistance to a proposed dedicated studio facility designed as an add-on extension to the Centre itself and which proposal was subject of a separate and private (not Council promoted) planning application. Having concluded that such a facility within the Centre building would fall within the compass of the extant Centre consent, that separate studio application has now been withdrawn.

In conclusion, whilst Members may wish to consider whether the imposition of condition/s that could limit the use of the building to less than the 5 evenings a week applied for, may be appropriate, and/or, attempt to identify specific events for control, this approach is considered problematic. If for example, the internal studio proposal proceeds, then regardless of the fact that it would be of a self-contained, bespoke design, it would still fall within the compass of any restrictive condition.

It is considered that if a dedicated internal studio facility was implemented (and it is understood that immediate funding is available for its construction) and its design would be such to limit the transmission of both air and ground noise/vibration, this would overcome one of the main areas of concern in respect of band practice and recording. However, at the time of reporting, no details of this facility have been submitted and therefore it is proposed to impose a condition requiring that such details be submitted for further consideration.

In conclusion, it is considered necessary and appropriate to require the submission of further noise attenuation measures (and their implementation) which would ensure that the sound levels do not exceed 45db's at the site boundary. Subject to this condition together with the original hours of operation and details of the proposed studio, planning permission is recommended.

04127

RECOMMENDATION

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

1. Notwithstanding the submitted plans and documents, within three months of the date of this consent, a further noise attenuation scheme shall be submitted for the further approval of the Local Planning Authority and thereafter, the approved details shall be fully implemented within three months of the date of their approval to ensure that noise breakout levels do not exceed 45db at any of the site's boundaries, including the site boundary with the adjoining properties known as The Bower, The Court House and Langland No. 7 Station Road, Llantwit Major.
2. The Youth Centre and Community Centre building shall not be open to the public before 9.00 a.m. or after 6.00 p.m. on Sundays, before 9.00 a.m. and after 10.00 p.m. on Saturdays or before 8.00 a.m. and after 10.00 p.m. on any other day, without the prior written approval of the Local Planning Authority.

3. Prior to its implementation or construction, full details of the proposed studio facility shall be submitted for the approval of the Local Planning Authority, the details and design of which shall ensure that there will be no measurable noise breakout.
4. Notwithstanding the terms of Condition No.1, any musical performance, disco or band practice, rehearsal or recording will only take place within the rooms annotated 'hall' and 'sound studio' on submitted plan reference SK1, dated January 2005, or within any subsequently approved studio facility.
5. This consent shall relate to the plans and documents submitted on the 15th June, 2004 and as subsequently amended by the plans and documents dated and received by the Local Planning Authority on 15th August, 2005.

Reason(s):

1. To ensure adequate noise attenuation measures are implemented and to protect local residential amenity.
2. In the interests of residential amenity.
3. No details have been provided and to protect residential amenity.
4. In the interests of residential amenity.
5. For the sake of clarity as to the approved plans.

NOTE:

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

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

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

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

05/01306/REG3

Received on 16th August, 2005

Chris Fray, Head of Econ. Dev. & Leisure, Docks Offices, Barry. CF63 4RT
(Chris Fray, Head of Econ. Dev. & Leisure, Docks Offices, Barry. CF63 4RT)

**LAND AT JUNCTION OF THOMPSON STREET/GREENWOOD STREET,
BARRY**

Provision of a public car park with 22 no. spaces

SITE DESCRIPTION

The site comprises an area of vacant land located on the corner of Thompson Street and Greenwood Street. It was formerly occupied by the Barry Ex-Servicemen's Social Club and Institute, a traditional Victorian building.

DESCRIPTION OF DEVELOPMENT

This is an application submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 for the formation of a public car park, Minute No. C1967 22nd June, 2005 refers. The proposal will provide for 22 No. car parking spaces, including 2 No. disabled spaces. Access and egress will be in a double width entrance onto Thompson Street. The proposed parking spaces will be arranged in a semi-circle around the boundaries of the site with some landscaping in the north and south west corners. The boundaries of the site will be enclosed with a facing brick wall with piers and 1 metre high pedestrian handrailing.

PLANNING HISTORY

91/00851/FUL – Use of club car park for open air market. Refused 28th April, 1992 on the grounds that the proposal would result in the loss of essential parking required in connection with the Social Club. A subsequent appeal was allowed on 16th February, 1993.

01/01032/FUL – Erection of 2 No. shop units Class A1 and A3. Refused 7th February, 2002 on the grounds of unacceptable design and inadequate servicing facilities to the detriment of highway safety. A subsequent appeal was dismissed on 13th December, 2002.

CONSULTATIONS

Barry Town Council – Comment as follows:

“The proposal to develop this site as a public car park is welcomed. However, this Council would wish to be assured that the car park would be managed as a short-term shoppers facility. Effective measures should be put in place, e.g. the provision of lockable gates to encourage turnover and prevent long-stay parking by workers and local residents and free parking should be limited to 2 hours only.”

Environment Agency – Submitted their “Standard Advice” Guidance Note for Developers only.

Dwr Cymru/Welsh Water – Comment as follows:

“Further to the above consultation we would provide the following comments:

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

Sewerage

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

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

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

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified of amended plans on 18th October, 2005. In addition, a site notice was posted on 13th September, 2005. The owner of No. 7 Thompson Street has submitted a letter of representation relating to the management of the car park and parking restrictions in the area generally. A copy of the letter is reproduced at Appendix A for Committee Members inspection.

REPORT

In policy terms it is noted that the site lies outside of the primary shopping area for Barry Town Centre and is located opposite to an allocated retail development site identified within the adopted Vale of Glamorgan Unitary Development Plan 2005. As such the following policies are considered relevant to the assessment of the application.

Policy SHOP1 of the Unitary Development Plan relates to the shopping environment and states:

WITHIN DISTRICT CENTRES PRIORITY WILL BE GIVEN TO MAINTAINING AND ENHANCING THE SHOPPING ENVIRONMENT BY THE IMPLEMENTATION, WHERE APPROPRIATE, OF SCHEMES OF TRAFFIC MANAGEMENT, ENVIRONMENTAL ENHANCEMENT AND FAÇADE IMPROVEMENTS.

Policy ENV25 refers to the design of new development and is a criteria based Policy that requires new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

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

This policy is supported by the approved Supplementary Planning Guidance – Barry Development Guidelines. Barry Town Centre is identified as an Area of Special Identity with objectives that seek to encourage the development of convenient small scale off-street parking and improve the overall quality of the public realm to make it more pleasant and useful for shoppers and visitors.

National guidance is contained within Planning Policy Wales March 2002 and it is noted that the Council is seeking funding for the project through the Welsh Assembly Government, Physical Regeneration Fund Implementation Grant.

It is noted that the proposal is part of a larger programme of physical improvements to upgrade and revitalise the prime shopping area of Holton Road. Recent car parking surveys of Barry undertaken by the Council show that there is a demand for additional surface parking within Barry town Centre which will only increase as some of the existing provision is lost to new build development. The provision of a surface car park on Thompson Street will serve to link the town centre to the Waterfront via the proposed footbridge to be located at the opposite end of Thompson Street. Thus the principle of parking provision in this location is considered acceptable.

As regards the highway issues it is noted that the Council's Highway Engineer raised a number of concerns in relation to the original scheme. These related to the number and position of entrances to the proposed car park which, it was considered, would result in conflicting movements. As a consequence an amended scheme has been submitted which provides for a single combined entry/exit onto Thompson Street. The Council's Highway Engineer has confirmed that the amended plans are acceptable subject to the boundary wall, inclusive of piers, fronting Thompson Street, being constructed to a maximum height of 600mm from footway level, plus the railings to have a minimum spacing of 100mm centre to centre.

On the issue of design it is noted that the amended scheme provides for a small area of landscaping which could allow for tree planting. The proposed finishes and enclosure of the site is in keeping with the existing surface car park at the junction of Holton Road and Kendrick Road.

Finally it is noted that the representations received refer to the management of the proposed car park. Whilst it is considered that this is not strictly an issue for consideration under the current planning application nevertheless it is noted that it is intended to restrict timing to encourage turnover of spaces for shoppers, with plans to introduce charges following the completion of key projects in the area.

In view of the above the following recommendation is made.

04142

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference 05/01306/REG3 'A' received by the Local Planning Authority on 14th October, 2005.
3. Notwithstanding the submitted plans further details of the boundary walls/railings, including external finishes, shall be submitted to and approved in writing with the Local Planning Authority before the commencement of development. The proposed details should provide for a maximum height of enclosure of 600mm from footway level and a minimum spacing of 100mm centre to centre of the railings along the frontage to Thompson Street. The development shall be implemented thereafter in accordance with the approved details.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interests of highway safety.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.

NOTE:

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

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

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

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

Mr. C. Myers, C/O Cadoxton Primary School, Victoria Park Road, Barry, Vale of Glamorgan, CF63 2JS.
(Mark Haynes, Learning & Development, Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU.)

CADOXTON PRIMARY SCHOOL, VICTORIA PARK ROAD, BARRY

Metal storage container 4m x 2.4m to store play equipment to be used by Key stage 1 children. To comply with Welsh Assembly proposed Foundation Phase.

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

This application seeks permission to retain a steel blue toy storage container, which has been located to the rear of the Infants School, measuring 2.4m(w) x 4m(d) x 2.5m(h) (approximate height).

PLANNING HISTORY

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

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

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

CONSULTATIONS

Barry Town Council – Were consulted on 11th November, 2005 and comments are awaited.

REPRESENTATIONS

A yellow site notice was advertised on 14th November, 2005. To date no letters of representation have been received.

REPORT

The application site comprises a Victorian building known as Cadoxton Infant School and is accessed through Victoria Park Road.

This is an application under Regulation 3 of the Town and Country Planning General Regulations 1992. The proposal is to retain a blue steel storage container, which is necessary to store play equipment for early years and key stage 1 children as required in preparation for the foundation phase shortly introduced by the Welsh Assembly.

The storage steel container is located to the rear of the Infant School, and it backs onto a stonewall, which acts as a dividing boundary between the Infants and Junior Cadoxton School.

The rear of the school is enclosed by a 2 metre steel black fence, this being the division between the green field immediately adjacent to the fencing and the school grounds itself.

The nearest residential properties are located more than 40 metres away from the school and the rear fencing enclosing the school, is located more than 20 metres away from the lane to the rear of the residential properties on Main Street. Additionally, the rear gardens belonging to these properties, (the majority) are deep, measuring an average of 20 metres.

The development is not considered to create demonstrable harm to the neighbouring amenity in the area, nor does it affect the local views surrounding the site as the residential properties do not have a direct view towards the school.

In conclusion, this development has no unacceptable effect on the amenity and character of existing or neighbouring environments, as it is totally obscured from the front elevation of the building and privacy is still maintained between residential properties and the scheme.

On this basis, it is recommended that the development can be approved for retention, but for a temporary period only.

04138

RECOMMENDATION

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

1. The metal storage container hereby permitted shall be removed and the land restored to its former condition, on or before 31st December, 2008.

Reason(s):

1. In the interests of visual amenity.

NOTE:

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

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

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

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