

15th November, 2006 Planning Committee Meeting

2005/01828/FUL Received on 29 September 2006

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Land adjacent to Bonvilston Village Hall, Bonvilston

Access improvements to village hall, and additional car parking.

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

The application was advertised on 24 January 2006.

SITE DESCRIPTION

The application site is located on the southern side of the A48 that runs through Bonvilston and comprises the existing village hall and fields to the south and east.

DESCRIPTION OF DEVELOPMENT

The application was initially submitted for the improvement of the existing vehicular access with the provision of additional car park and recreational facilities, together with two single storey dwellings but has been amended to omit the proposed new houses. The proposal now entails:

- (a) Alterations to the existing vehicular access, including increase in width by approximately 1.6m to 8.4m and visibility splays of 2.4m x 120.0m.
- (b) Change of use of agricultural field to the south of the village hall to provide for a recreational area and new car parking bays. The existing parking area will be relocated from the north of the building to the undeveloped field providing a total of 16 No. car parking spaces.

The application is accompanied by a document of supporting information which is reproduced with the agent's letters at Appendix B.

PLANNING HISTORY

98/00045/FUL – Erection of five houses with garages and provision of new car park and vehicular access to the village hall. Refused on 23 April 1998 on the grounds of intrusion of ribbon development into the countryside plus detriment to character and visual amenities of the Conservation Area and setting of nearby listed buildings by reason of the prominent and intrusive location of the development and the loss of existing important views across the site. A subsequent appeal was dismissed on 19 May 1999. A copy of the Inspector's decision is reproduced at Appendix A.

04/01116/FUL – Extensions and alterations to village hall. Approved on 13th August 2004.

05/01104/FUL – Proposed improvement to existing access with the provision of additional car park and recreational facilities, together with two single storey dwelling houses. Refused 29 September 2005 for the following reasons:

1. The proposal, by reason of its siting, form and character, would represent the unacceptable consolidation of ribbon development into the countryside which is not considered to constitute the rounding off of the edge of the Bonvilston settlement boundary for the following reasons:
 - (i) The proposal represents unjustified new development in the countryside which would result in the intrusion of urban development beyond the settlement boundary detracting from the unspoilt rural landscape setting of the Nant Llancarfan Special Landscape Area.
 - (ii) The proposal will neither preserve nor enhance the character of the Bonvilston Conservation Area as it will result in the loss of the openness of the land, and the extensive countryside views across which will detract from both the setting of the nearby listed buildings and the rural setting of the village as a whole which is an intrinsic element of its historic character and appearance.

For these reasons, the proposal is contrary to the aims and objectives of Policies ENV1, ENV9, ENV10, ENVXXX (Special Landscape Areas), ENV15, ENV18, ENV25, HOUS2, HOUS3 and HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005, Supplementary Planning Guidance on Conservation Areas in the Rural Vale, and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council – Comments on initial scheme:

“Not recommended – Adverse affect on Conservation Area; previously refused; no material change to warrant a reversal of decision.”

Comments on amended scheme awaited.

Environment Agency – Comments on initial scheme:

“With respect to foul drainage we note that the applicant proposes a new private treatment plant. The proposed site may be either within a sewered area or in close proximity to the public foul sewer. As you are aware the first presumption must always be to provide a system of foul drainage discharging into the public foul sewer in accordance with the guidance contained within Welsh Office Circular 10/99. Your council/authority should determine whether connection to the public sewer is feasible, i.e. that the curtilage of the plot is within 30 meters of the sewer.

The applicant must therefore investigate a possible connection to the public foul sewer; in this regard consultation with the sewerage undertaker (Welsh Water) is strongly recommended. The sewerage undertaker will need to ensure not only the availability of the public foul sewer but also that sufficient capacity exists within the receiving infrastructure to accept foul drainage from the proposed dwelling.

It should be noted that the provision of private foul drainage within a sewered area, even as a temporary measure (i.e. pending connection to the public foul sewer) is contrary to Environment Agency policy and therefore could be considered as unacceptable.

Before deciding the application the local planning authority needs to be satisfied that the sewerage arrangements are suitable.

If your Council is minded to go against this advice, Environment Agency Wales should be informed of all matters that influence this decision, prior to granting consent, allowing sufficient time for further representations to be made.”

Comments on revised application awaited.

Dwr Cymru/Welsh Water – Comments on initial submission:

Sewerage

Condition

As the applicant intends utilising private drainage facilities we, as Network Development Consultants on behalf of Dwr Cymru/Welsh Water, have no comments 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.

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3m either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

Advisory Note

The developer is advised to contact the Network Development Consultants to discuss this matter prior to the commencement of any site work, the appropriate contact number being (01443) 331155.”

Comments on revised application awaited.

Glamorgan Gwent Archaeological Trust – Comments on initial scheme:

“The Regional Sites and Monuments Record curated by this Trust shows that the application falls within an area adjacent to the A48, which at this point follows the line of the Roman road. Furthermore, the property is located very near to St. Mary’s Church, Bonvilston, a Grade II Listed Building which dates back to the medieval period and lies at the centre of the medieval settlement of Bonvilston. Nucleated settlements of this type are also known to date back to the Norman period. The application area of the two proposed dwellings also lies on an area where there has been no recent development indicating that any archaeological features present are likely to have undergone little disturbance. Due to the scale and close proximity of the proposed development to the heart of the former medieval village, it is likely that structures and other archaeological features relating to the medieval and possibly earlier settlement of the village, which could be of national importance, are located inside the application area and therefore could be revealed during the proposed development.

In cases where important archaeological features are thought to be located inside the application area, Planning Policy Wales 2002, Section 6.5.1 notes that:

“the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled.”

The more detailed advice in Welsh Office Circular 60/96. Section 13, recommends that:

“where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.”

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such archaeological work. **The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members.**

We recommend that this work is undertaken to a brief approved by yourselves and, upon request, we can provide a suitable document for your approval.”

Comments on revised application awaited.

Vale of Glamorgan Conservation Area Advisory Group – Comments on initial scheme:

“Recommended – Refusal – The Group recommended that the application be refused on the following grounds:

The proposal would constitute an unjustified intrusion into the countryside to the detriment of the character and visual amenity of the Conservation Area. The scale, form and detailing of the proposed houses was furthermore considered to be unacceptable.”

The Head of Visible Services (Highway Engineer) – Comments on initial scheme:

“An amended plan showing visibility splays of 2.4m x 120.0m from the access to the development site (in accordance with TAN 18) is required to be submitted for consideration by the Highway Authority.

A manoeuvring area at the end of the access road serving Plot 2 is required to be provided to enable 10.0m service vehicles to exit the site in forward gear.

The proposed parking provision within the development site serving the community hall is required to be reduced to a maximum of 16 spaces, in accordance with the addendum to the Council’s Parking Guidelines.

A pedestrian footway is required to be provided from the A48 into the development site to enable pedestrian access to both the residential and community uses on the site.”

Comments on the revised application:

“Further to receiving amended plans in relation to the above, I would comment that based on the proposed improvements to the existing site access and provision of car parking to serve the existing village hall the proposals are considered acceptable, provided that the following details are made conditional to the planning consent.

1. Within the proposed visibility splays of 2.4m x 120.0m, no obstructions, 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.
2. The proposed parking provision shall be laid out in accordance with the Highway Authorities parking guidelines and maintained and retained at all times for the use associated with the existing village hall.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the initial scheme on 6 December 2005. In addition the application was advertised as affecting the setting of nearby listed buildings Bonvilston Cottage and Ty Mawr on 24 January 2006. Letter of objection were received from the occupiers of Bonvilston Cottage and solicitors Gaskell and Walker on behalf of Ms. L.O.J. Davis of Bon Villa. Neighbours were notified of the revised application on 5 October 2006. No further representations have been received to date.

The applicants agent has submitted letters in support of the revised application. These are reproduced at Appendix B.

REPORT

The site lies within the Bonvilston Conservation Area but outside of the residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 (UDP). The initial application has been revised and now omits that part of the proposed development relating to the two new dwellings. As such the following policy background is relevant.

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV20 relates to Development in Conservation Areas and states:

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

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

Policy ENV17 refers 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, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST;

- (iii) DESIGNED LANDSCAPES, PARKS OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE WILL NOT BE PERMITTED;

WILL NOT BE PERMITTED.

Policy ENV4 relates to Special Landscape Areas. The site lies within the Nant Llancarfan Special Landscape Area (SLA) where new development within or closely related to the area will be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the SLA. Important features of the SLA include its rural character and historic environment/landscape.

Supporting Policies in the Unitary Development Plan include:

ENV10 - CONSERVATION OF THE COUNTRYSIDE

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

ENV11 - PROTECTION OF LANDSCAPE FEATURES

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

Policy ENV27 relates to the design of new development and is a criteria based policy that requires that proposals for new development must have full regard to the context of the local natural and built environment and its special features

Policy COMM5 of the Unitary Development Plan favours the retention of community facilities in rural settlements and villages.

In addition to the above Policies the Council also has Supplementary Planning Guidance on Conservation Areas in the Rural Vale. This Supplementary Planning Guidance recognises that the village comprises a loose built but continuous line of houses, buildings and boundary walls set along the A48. "Because of its linear form the Conservation Area retains a number of fields bounded by hedges and retaining walls."

The Supplementary Planning Guidance also states:

"The development of open or woodland areas that contribute to the character of the conservation area will be opposed. New development will have regard to its landscape setting and respect boundaries and any established pattern of plot coverage in the village."

National Guidance is contained within Planning Policy Wales March 2002 and TAN12 – Design.

Paragraph 6.5.15 of Planning Policy Wales notes that there will be a strong presumption against the grant of permission for any proposed development that would conflict with the objectives of preserving or enhancing the character or appearance of a conservation area, or its setting.

TAN12 – Design, contains guidance aimed at achieving good design and recognises that in certain areas such as conservation areas, the objective of sustaining character is particularly important and context appraisals should reflect this.

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

It is considered that the primary issue in the determination of the application is the impact the development will have on the rural countryside along with the character and appearance of this part of the Bonvilston Conservation Area and the setting of nearby listed buildings. Whilst the development of the larger part of the site for housing has been omitted from the application, nevertheless the proposal still entails development of significance in terms of its impact on the countryside and conservation area. These include the loss of an agricultural field with the relocation of the car park and introduction of a recreation area, plus widening of the vehicular access and provision of 2.4 x 120m vision splays. The applicants' agent argues that these works are necessary for highway safety and the supporting documentation outlines the need for greater car parking. In contrast it is considered that the proposed works are not essential, particularly bearing in mind the recent approval for improvements to the community facility under application reference 04/01116/FUL. The incursion into the countryside to the south of the existing hall is certainly not justified as it merely relocates existing parking areas which then become redundant due to the Council's Highway Engineers requirement to limit the number of parking spaces provided on the site. In addition whilst the submitted plans indicate that the existing hedgerow will be cut down to a height of 900mm they fail to show that the hedgerow is already on a bank and that in reality the introduction of the vision splays will result in the loss of the existing hedgerow, the opening up of the frontage and the urbanisation of the site to the detriment of both the surrounding rural landscape and the character and appearance of the conservation area and setting of the listed buildings. It is considered that even if the case for such improvements could be substantiated this should not override the need to preserve and enhance the character and appearance of this part of the Bonvilston Conservation Area and protect its rural setting from unacceptable and unjustified development.

It will be noted from the planning history that the applicants have submitted a number of previous applications for the residential development of the site which have been refused, with application ref: 98/00045/FUL also being dismissed on appeal.

Whilst it is recognised that the current application is now more limited in the scale of development, nevertheless it is considered that a number of the issues raised by the Inspector in the appeal are still relevant to the current proposal. For example, the Inspector noted that the main issues related to whether the proposed development would intrude into the open countryside and whether the development would affect the Bonvilston Conservation Area and the setting of nearby Listed buildings. On the issue of development within the countryside, the Inspector concluded:

“I do not consider that the site forms part of the built up confines of the village and therefore its development would be unacceptable in the interests of preserving the open countryside.”

With regard to the affect on the Conservation Area the Inspector concluded that the historic character of the village would be neither enhanced nor preserved by the development which would inevitably have an adverse rural impact upon the setting of the nearest Listed buildings. The Inspector noted that the edges of Bonvilston Conservation Area include fields and rural gaps, farm land and open countryside, which also form part of its traditional character.

“The appeal site is a significant gap on the edge of the village which contributes to its character and provides essential views of its rural and agricultural surroundings.”

It is considered that since that appeal decision in 1999 the policy position in respect of the protection of the countryside and preservation and enhancement of the conservation area has been strengthened with the recent adoption of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 and such policies as ENV4 – Special Landscape Areas.

Finally it is noted that Glamorgan Gwent Archaeological Trust requested that the application be deferred for an archaeological evaluation. This, however, was on the basis of the two new dwellings forming part of the application, and the comments of the Trust in relation to the revised application are still awaited.

CONCLUSION

In conclusion it is considered that the proposal represents an unjustified intrusion of urban development into the rural landscape detracting from both the character of the surrounding countryside and the Bonvilston Conservation Area.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal represents an unjustified intrusion of urban development into the countryside beyond the settlement boundary which would detract from the unspoilt rural landscape setting of the Nant Llancarfan Special Landscape Area and neither preserve nor enhance the character of the Bonvilston Conservation Area, an intrinsic element of which is the rural setting of the village, all contrary to Policies ENV1 - Development in the Countryside; ENV4 - Special Landscape Areas; ENV10 - Conservation of the Countryside; ENV11 - Protection of Landscape Features; ENV17 - Protection of Built and Historic Environment; ENV20 - Development in Conservation Areas; ENV27 - Design of New Development, of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011, Supplementary Planning Guidance on Conservation Areas in the Rural Vale and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

2006/00364/FUL Received on 15 June 2006

Gills of Maesteg, Llwydarth Road, Maesteg. , CF34 9EY
Bernard Clatworthy RIBA, 15, Denison Way, Earlswood, St. Fagans, Cardiff. CF5
4SF

Upper House Garage, Turkey Street, Llantwit Major

Erection of apartments and house

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

Part of the property is a Grade II Listed Building.

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

The application was advertised on 17 August 2006.

SITE DESCRIPTION

The site is currently occupied by an existing petrol service station and associated yard area and outbuildings. It is sited to the south of Downcross House a Grade II Listed Building and includes an outbuilding within the rear yard which is also Listed.

DESCRIPTION OF DEVELOPMENT

The proposal entails the demolition of the existing service station and the construction of 9 No. residential units. These will include the following:

1. A two storey, pitched roof, four bedroom dwellinghouse located on the frontage of the site with Turkey Street. The proposed dwelling will be set back over 10m from the highway and have a footprint approximately 7m x 11.8m, to an overall ridge height of approximately 8.8m above road level. A single storey, pitched roof, detached double garage will be positioned to the front of the house, measuring approximately 5.5m x 5.5m.
2. A two storey, pitched roof block of 4 No. two bed flats located to the rear of the site, with a footprint of approximately 16.1m x 7.8m to a ridge height of approximately 8m.
3. Conversion and extension of the existing outbuilding on the northern boundary of the site to provide for 2 No. two bed flats and 2 No. one bed flats, plus 6 No. car port spaces. The proposed building will have a footprint measuring approximately 25.2m by between 5m and 7.7m to a ridge height of approximately 6.5m rising to 8m towards the rear of the site.

The external finishes will be slate roof, colour rendered walls and stonework plinths.

Vehicular access will be off Turkey Street in the north west corner of the site via a separate in/out island arrangement. This will allow for an individual access to the proposed dwellinghouse with a separate, gated entrance to the apartments.

In addition to the 6 No. car port parking spaces a further 6 No. parking bays will be provided within the courtyard area.

PLANNING HISTORY

A number of applications have been submitted on the garage site over the years. Of particular relevance to the current application are:

90/00318/FUL - Demolition of existing structure on site and erection of four dwellings. Refused 2 October 1990 on the grounds that the proposal represented overdevelopment of the site to the detriment of the character of the Llantwit Major Conservation Area and to the setting of Downcross a Grade II Listed Building. A subsequent appeal to the Welsh Office was allowed subject to conditions on 12 November 1991.

90/00646/CAC - Demolition of buildings at Upper House Garage. Refused 2 October 1990.

96/00187/CAC - Demolition of existing workshops and partial demolition of car showroom. Approved 23 May 1996.

97/00372/FUL - Residential development comprising 6 No. cottages. Withdrawn 9 April 1998.

00/00079/FUL - Demolition of existing garage and erection of two houses. Approved 21 December 2000 subject to conditions including a schedule of finishes, further details of the eaves height of the dwelling on Plot 1, further details of the front boundary treatment, an investigation for contamination, removal of permitted development rights and granny annexe to be use ancillary to the dwelling on Plot 2.

06/00890/CAC - Conservation Area Consent for demolition of existing garage. Yet to be determined.

CONSULTATIONS

Llantwit Major Town Council – “No objection in principle, however concerns regarding the removal of the existing petrol tanks and any other underground tanks be checked before any works commence.”

Environment Agency have not recommended any raising of floor levels in this instance. No objections to the proposed development but have requested several conditions relating to foul and surface waters and potential contaminants. Their full response is reproduced at Appendix A.

Dwr Cymru/Welsh Water has requested that their Standard Conditions and Advisory Notes be included in any consent.

Glamorgan Gwent Archaeological Trust has recommended that an archaeological evaluation be undertaken prior to the determination of the planning application in order to understand the affect of the proposed development on the archaeological resource.

Vale of Glamorgan Conservation Area Advisory Group recommend refusal. The Group felt that the application should be refused on the grounds that the design and scale of the proposal was inappropriate for this part of the Conservation Area and represented an overdevelopment of the site.

The Head of Visible Services (Highway Engineer) – Additional information requested including a site layout plan, including site access and visibility along the adjacent adopted highway.

The Director of Legal and Regulatory Services (Environmental Health - Pollution) requested that a condition be attached requiring no development until a site investigation to determine whether or not the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 22 March 2006 and renotified on 20 July 2006. Letters of objection have been received from the occupiers of Downcross House, Orchard View and Orchard House, Turkey Street and The Coach House, Old Wick Road. Whilst all the representations are available on file for Committee Members inspection, the letter from the occupier of Orchard House is reproduced at Appendix B as being generally indicative of the points raised. In summary these include overdevelopment, overshadowing, drainage, flooding, highway safety, adverse affect on the Conservation Area and Listed building and boundary issues.

REPORT

The site is located within the residential settlement boundary for Llantwit Major and within the boundaries of the Llantwit Major Conservation Area. In addition, the adjacent dwelling Downcross House, along with an adjoining outbuilding within the rear yard of the service station, are Grade II Listed buildings. The proposal entails the demolition of the existing petrol service station and redevelopment of the site for a dwellinghouse and 8 No. apartments. As such the following policy background is relevant to the determination of the application.

Planning Policies

Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 (UDP) allows for housing infill, small scale development and redevelopment within the Llantwit Major settlement boundary. This is subject to Policy HOUS8 of the UDP which refers to Residential Development Criteria which must be met. These include:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;

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

The proposal entails works to a Listed building where Policy ENV17 – Protection of Built and Historic Environment will be relevant. This 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:

- (iv) A BUILDING OR GROUP OF BUILDINGS, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;
- (v) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST;
- (iii) DESIGNED LANDSCAPES, PARKS OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE;

WILL NOT BE PERMITTED.

In addition, the site is located within the Llantwit Major Conservation Area where Policy ENV20 - Development in Conservation Areas is relevant. This states:

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

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

As the proposal entails demolition works Policy ENV21 - Demolition in Conservation Areas is also relevant. This imposes strict controls on demolition, including the requirement that full planning permission has been granted for the proposed new use or development of the site.

Policy ENV18 of the UDP relates to archaeology and requires an archaeological evaluation where development is likely to affect a known or suspected site of archaeological significance.

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

Policy HOUS11 of the UDP refers to Residential Privacy and Space which seeks to protect existing residential areas characterised by high standards of privacy and spaciousness against overdevelopment and insensitive or inappropriate infilling.

The Council also has Supplementary Planning Guidance on Amenity Standards which in addition to policies on the level and quality of amenity space also covers issues of privacy, overshadowing and visual amenity.

National guidance is contained in Planning Policy Wales March 2002 and TAN12 - Design. Paragraph 9.3.3 of Planning Policy Wales states:

“Insensitive infilling or the cumulative affects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character and amenity.”

TAN12 — Design, recognises the significance of good design particularly in conservation areas and requires the submission of a Design Statement with all applications that have design implications.

Issues

In assessing the proposal against the above policies and guidance it is noted that the application was initially submitted in outline with all matters other than siting and means of access reserved for subsequent detailed approval. This was subsequently revised to a full application. However, the proposal is still lacking in terms of the level of information and detail of plans required for a sensitive site within the Llantwit Major Conservation Area and affecting Grade II Listed buildings.

Additional information has been requested in relation to archaeology, vehicular access, vision splays and front boundary detail, existing and proposed finished levels, including cross sections and a Design Statement in accordance with TAN12 — Design advice. To date the information requested has not been provided. It is considered that in the absence of such information the Local Planning Authority is unable to satisfactorily discharge its duty to pay special regard to the desirability of preserving or enhancing the character of the Conservation Area or fully assess the impact on the Listed buildings and their setting.

Irrespective of the above, it is considered that the development of the site for 9 No. residential units in the manner proposed would not be appropriate. It will be noted from the planning history that consent has previously been allowed for the redevelopment of the site for up to four dwellings but this has been on a significantly smaller scale than the 9 No. units now proposed.

In assessing the principal issue of the impact on the character and setting of this part of the Llantwit Major Conservation Area and the Grade II Listed Downcross House and outbuilding, it is considered that the proposal amounts to an overscaled, overdevelopment of the site that is entirely insensitive to the historic context of the surrounding residential development. Details such as the formal, suburban access arrangement and the large double garage to the Castle Street frontage all serve to detract from the rural setting of this part of the Conservation Area. The locality is characterised by traditional detached, two storey houses with private gardens and a sense of spaciousness, which is enhanced by the agricultural land to the west.

In terms of the amenity standards, whilst the amenity area for the proposed flats is acceptable, the private garden for the detached dwelling falls far short of the Council's requirements. Without the additional information requested, it is difficult to make a full assessment on the neighbourliness of the proposal, however it is noted that whilst most of the windows do not face directly onto the adjacent properties, there are a number in the north elevation of the proposed apartments. Possible overshadowing again cannot be properly assessed. Notwithstanding this, the location of the buildings and proximity to neighbouring dwellings is such that harm is likely to result.

CONCLUSION

In conclusion, it is considered that insufficient information has been submitted in order to fully assess the likely impact of the proposal. Notwithstanding this it is considered that the proposal represents an insensitive and inappropriate form of development that would adversely affect the character of this part of the Llantwit Major Conservation Area and the setting of the Listed buildings.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. Notwithstanding the absence of a sufficient level of detail within the application, and particularly the lack of a Design Statement, it is the opinion of the Local Planning Authority, that the proposal would represent an insensitive and inappropriate form of development that would detract from the character and appearance of the Llantwit Major Conservation Area and the setting of the Grade II Listed outbuilding and adjacent Downcross House as well as the amenity of existing and prospective residents of the area. The proposal is therefore contrary to Policies HOUS2 and HOUS8 - Residential Development Criteria; HOUS11 - Residential Privacy and Space; ENV17 - Protection of Built and Historic Environment; ENV20 - Development in Conservation Areas; ENV21 - Demolition in Conservation Areas and ENV27 - Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

2006/00581/FUL Received on 24 April 2006

Welsh Water Capital Alliance, Pentwn Road, Nelson, Treharris , CF46 6LY
Ove Arup & Partners Ltd., 4, Pierhead Street, Cardiff , CF10 4QP

Cog Moors Wastewater Treatment Works, Barry Road, Dinas Powys

Improvement and expansion of Wastewater Treatment Works

The application was advertised on 23 May 2006.

SITE DESCRIPTION

The site relates to the existing Dwr Cymru/Welsh Water sewage treatment works at Cog Moors. The site is located off the A4055 to the south of Dinas Powys.

DESCRIPTION OF DEVELOPMENT

This is a full planning application submitted by Dwr Cymru/Welsh Water seeking to extend and undertake improvements to the treatment works. The proposed development is necessary to facilitate foreseeable population growth and demand for wastewater treatment within the Cog Moors catchment up to 2022. The proposals would also deliver environmental and service improvements to the network.

A number of the works would be confined to the current operational boundary of the treatment works. These include constructing a 10m extension to the existing sludge control building, new storm tank lanes, a new storm treatment unit, a new odour control unit, a pumping station, UV treatment channels (below ground), generators, control buildings, as well as a variety of other structures, chambers, tanks and service roads.

However, the application also proposes to extend the operational boundary of the treatment works in both a westerly and easterly direction. At the western end, it is proposed to construct three new final settlement tanks, each being 34m in diameter with outer walls 1.5m above ground level. New UV treatment channels, together with a compound, generator, fuel tanks and control building would also be constructed outside the current operational boundary of the site.

At the eastern end, two of the six additional storm tank lanes would fall outside the existing operational boundary of the site. The storm tanks would have a height of approximately 2.5 metres. A new service road would also be constructed adjacent to these tanks.

Two existing reens (i.e. drainage ditches) that run adjacent to the western and eastern boundaries of the treatment works are to be filled. A replacement reen would be excavated at the eastern end of the treatment works and a reen at the western end would be widened. These new reens would mark the new operational boundaries of the treatment works.

It is proposed to remove soil from a field located to the south of the treatment works. In total, 0.6m of soil over an area approximately 100m by 115m would be removed. Most of this material would be transported to the western extension of the treatment works to raise ground levels to match those of the existing works, in order to address flooding issues.

Species rich soil from the field proposed to accommodate the new settlement tanks at the west of the works would in turn be transported to a field located to the south of the works, in order to upgrade that field in terms of its nature conservation interest, as compensation for the loss of habitat at the western end of the works.

PLANNING HISTORY

Planning permission for the construction of Cog Moors Sewage Treatment Works was first granted, in outline, in 1983 (82/1965). That permission was subsequently renewed on a number of occasions. Outline planning permission Ref: 92/00664/OUT was granted in April 1994 for renewal of the consent for the sewage treatment works, subject to conditions and a Section 106 agreement. The Agreement restricts development on land of ecological value within the application site and provides for its management and maintenance. The agreement applies to land to the south and north of the existing treatment works but not to land subject to the current application.

Approval of reserved matters (Ref: 94/00544/RES) was granted in November 1994 for the details relating to the treatment works.

Planning permission (Ref: 94/00545/FUL) was granted in October 1994 for a landscaped mound of surplus excavated material from the construction of the sewage treatment works.

Revisions to the siting and size of the sludge buildings and blower house (Ref: 96/00362/RES) were subsequently approved in July 1996.

CONSULTATIONS

Dinas Powys Community Council has no objection to the application.

Environment Agency has no objection to the application subject to the imposition of conditions relating to drainage and pollution control.

Countryside Council for Wales has stated that it is regrettable that this application will result in loss of part of the Cog Moors Site of Special Scientific Interest. However, CCW welcomes the mitigation measures proposed by the applicant and on this basis do not object to the application.

The Head of Visible Services (Highway Development) has stated that the alterations to pedestrian and vehicular access will be undertaken within the boundary of the site and will have no affect on the adjacent highway network. Traffic generation will not be increased significantly over the existing use and so no objection is raised to the proposals.

The Director of Legal and Regulatory Services (Environmental Health) have no objection to the application subject to the imposition of conditions relating to improvements of odour control.

The Operational Manager (Engineering Design) has stated that watercourses and land drainage ditches cross the site. Details should be submitted relating to proposals for drainage control on the site.

Glamorgan Gwent Archaeological Trust has stated that a condition should be attached requiring an archaeological watching brief to be undertaken.

Dwr Cymru/Welsh Water has no objection to the proposals.

REPRESENTATIONS

A notice has been posted at the site. An owner of land at Cog Moors has objected to the application, stating that the application affects his land and has been submitted without his consent. A copy of his letter is attached as Appendix A.

REPORT

Planning Policies

The development plan for the site comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The application has been assessed with regard to Policies ENV1 'Development in the Countryside', ENV14 'National Sites of Nature Conservation Importance', ENV7 'Water Resources', ENV11 'Protection of Landscape features' and ENV27 'Design of New Developments' of the Unitary Development Plan.

Issues

The site is situated in the countryside, as defined by the Unitary Development Plan. As this is an essential utilities development, and forms an extension to an existing treatment works, the proposal is considered acceptable in principle, having regard to the provisions of Policy ENV1 'Development in the Countryside' of the Unitary Development Plan.

The main issues with regard to the proposal are considered to be the impact on nature conservation interests, the visual impact of the proposals upon the landscape, flooding implications, traffic considerations and consequences relating to odour control.

Nature Conservation

With regard to the issue of nature conservation, the site is located within the Cog Moors Site of Special Scientific Interest (SSSI). The proposal has therefore been assessed with regard to Policy ENV14 'National Sites of Nature Conservation Importance' of the Unitary Development Plan, which states that development likely to have an adverse effect, either directly or indirectly on the conservation value of a site of special scientific interest will not be permitted unless there is no alternative and it can be demonstrated that the benefits arising from the development clearly outweigh the special interest of the site. If the development is permitted, appropriate conditions or agreed planning obligations will be used to secure adequate compensation or mitigation measures.

Alternatives to increasing flows to Cog Moors have been considered, such as transferring additional flows to Cardiff, constructing a new treatment works, or making best use of existing infrastructure, but none of these options have proven to be viable. Further to discussing options with the Countryside Council for Wales, and given the constraints of the site surroundings and operational requirements, it was determined that encroachment to the west onto the SSSI was unavoidable if capacity improvements are to be made.

The Cog Moors SSSI has been designated on the basis of its unimproved damp grasslands. Due to agricultural improvement, grasslands of this type are becoming rare in the UK.

A number of surveys have been carried out to assess the ecological impact of the proposals. These surveys have found that the grasslands and hedgerows are the most valuable features on the site. No evidence has been found of great crested newts, otters, badgers, dormice or water voles. A number of bats and a song thrush were confirmed to be present.

The findings conclude that there are opportunities to substantially increase the nature conservation value of the site, and so, as compensation for the loss of habitat, a number of mitigation and compensation measures are proposed including:

Soil Translocation – soil translocation of the grassland located within the SSSI to be displaced by the western extension of the works. This soil would be placed in the identified receptor site to the south of the works to enhance the ecological interest of land currently outside the SSSI.

Hedgerows – new hedgerows will be planted to compensate for the loss of hedgerow and gaps in hedgerows unaffected by the development will be planted up. Buffer zones between these hedgerows and adjacent grassland would be managed to create marginal habitats.

Ditches – a new ditch is to be constructed at the eastern end of the works and an existing ditch at the western end of the works is to be widened. Both these ditches, together with others within the ownership of Welsh Water will be managed to optimise their ecological potential.

SSSI Management – the terms of the existing tenancy agreement will be reviewed with a view to imposing adjusted management regimes, comprising lower intensity grazing and/or later hay cuts to encourage species diversity.

Flood Compensation Area – will be used to promote the creation of habitat.
Species protection – an ecological clerk of works shall be employed during earthworks and site clearance and site inspections shall be undertaken prior to site disturbance.

Water Monitoring – ground water levels shall be monitored during and after construction works to assess the impact of the works.

Habitat Enhancement – Welsh Water has over the last nine years developed land to the north of the works (known as Pop Hill) as a nature conservation area and education resource. Part of this land was subject to the Section 106 agreement relating to the original 1994 consent for the works. It is proposed to undertake further ecological enhancement on the site and encourage the educational role of the site by involving children in conservation matters.

The Countryside Council for Wales has no objection to the application subject to these mitigation and compensation measures being implemented. A condition is therefore recommended to ensure that these mitigation measures are carried out.

Visual Impact of the Development

The existing works are well screened by local topography and vegetation and are not widely visible from nearby houses or roads. The proposed structures are relatively low in profile, comparable to the existing structures on the site. It is considered that subject to planting to provide additional screening, the proposals are considered acceptable in terms of their impact upon the local landscape.

Flooding Implications

The area that the current wastewater treatment works occupies is shown to be within Zone C2 flood plain as defined by the development advice maps of TAN 15 'Development and Flood Risk July 2004, which are those areas of flood plain that are without significant flood defence infrastructure. The application has therefore been assessed with regard to Policy ENV7 'Water Resources' of the Unitary Development Plan, which relates to water resources and issues of flooding.

A 'flooding consequences assessment' has been submitted with the application that has come to the following conclusions. The development advice maps are based on plans that were drawn up prior to the existence of the existing treatment works, which was built on raised ground levels that are above the C2 flood plain. The existing treatment works are therefore not within the flood plain. It is proposed to similarly raise the ground levels for the westerly extension that would also take this area outside the C2 flood plain. This would have the effect of reducing the volume of the flood plain, but, to compensate for this, it is proposed to lower the ground levels within a field to the south of the treatment works, so that the excavated and filled volumes are equal. The material excavated to extend the flood plain will, as far is possible, be used to raise the ground levels for the westward extension of the works.

The Environment Agency has stated that it is noted that the proposals are an extension and improvement to the existing development and so would offer no objection on flood risk grounds.

Odour Implications

It is proposed to improve the odour management facilities at Cog Moors to minimise the release of nuisance odour. Dispersion modelling has been used to evaluate the impact of odour control improvements at the works. It is proposed to install control treatments together with a monitoring regime and an Odour Management Plan, which are aimed to curtail odour problems that have been experienced occasionally since the commissioning of the works.

Traffic Implications

No additional staff would be employed as a result of the proposed development and the extended capacity would result in only a minimal increase in the amount of additional service traffic. The Head of Visible Services (Highways) has no objection to the application.

CONCLUSION

The application has been considered having regard to Policies ENV1 'Development in the Countryside', ENV14 'National Sites of Nature Conservation Importance', ENV7 'Water Resources' and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and all other material considerations. It is considered that, given the mitigation measures proposed, the impact of the proposed development on the ecological importance of the SSSI is acceptable. The proposal is also considered acceptable in terms of its impact on the landscape and in terms of its flooding, odour and traffic implications.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to plans reference 7002 Rev A1 and 7003 Rev A1 received on 12 April 2006 and to the amended plans reference 7001 Rev A4 received on 31 July 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. Prior to the commencement of development, Mitigation/Environmental Action Plan (s) will be submitted to and agreed in writing with the Local Planning Authority, in consultation with the Countryside Council for Wales, covering the following items:

- A method and programme for the soils translocation, together with the subsequent management and maintenance of the receptor site.
- Creation, construction and management of proposed and existing hedgerows and ditches (reens), in the ownership and control of Welsh Water, to promote and enhance the interests of the SSSI.
- A programme for restoration and management of grazing land, in the ownership and control of Welsh Water, to promote and enhance the interests of the SSSI.
- A scheme and programme for the analysis and monitoring of agreed water parameters before, during and after construction.
- A scheme and programme for the audit, analysis, enhancement and management of habitats at Pop Hill, to promote the interest of priority species.
- Details of all species protection measures to be employed during site clearance works.

The measures detailed in these Action Plans shall thereafter be fully implemented in accordance with the agreed details.

Reason:

To enhance the ecological value of the land as compensation for the loss of part of the Site of Special Scientific Interest to ensure compliance with Policies ENV11 and ENV14 of the Unitary Development Plan.

4. Prior to the beneficial use of the development hereby approved, the flood compensation area shall be created in accordance with full details which shall have first been submitted to and agreed in writing with the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and to ensure compliance with the terms of Policy ENV7 of the Unitary Development Plan.

5. A scheme for the provision of a surface water regulation system shall be implemented prior to the construction of any impermeable surface draining to the system in accordance with full details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and to ensure compliance with the terms of Policy ENV7 of the Unitary Development Plan.

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

Reason:

To protect the quality of controlled waters in the area and to ensure compliance with Policy ENV29 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV11 and ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

12. Prior to the beneficial use of the plant hereby approved, the odour control improvements and mitigation measures as detailed in Sections 6.6 and 6.8 of the Supporting Information document dated March 2006 prepared by Ove Arup and partners Ltd shall be fully implemented.

Reason:

To ensure that the amenities of nearby residents or other members of the public are not adversely affected by the development in accord with Policy ENV29 of the Unitary Development Plan.

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

Reason:

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

14. Full details of all buildings, tanks and other structures shall be submitted to and agreed in writing prior to their construction and these structures shall be completed in full accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

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

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

2006/00706/FUL Received on 17 May 2006

Tony Apollonio, Glendale Hotel & Villa Napoli, 10, Plymouth Road, Penarth, Vale of Glamorgan, CF64 3DH
Loyn & Co. Architects, 21, Victoria Road, Penarth, Vale of Glamorgan., CF64 3EG

Glendale Hotel, 10, Plymouth Road, Penarth

Minor internal alterations to toilets and storage in restaurant, conversion of Glendale Hotel on lower ground floor, rear coach house, 1st, 2nd and 3rd floors into residential apartments. 8 no. comprising of 7 no. 2 beds and 1 no. studio staff apartment

The development/property is situated within the Penarth Conservation Area.

The property is a Grade II Listed Building.

The application was advertised on 14 June 2006.

SITE DESCRIPTION

The Glendale Hotel at Nos. 8 and 10, Plymouth Road, close to Penarth Railway Station. It is a traditional bay fronted stone building with five floors and a garden to the rear. It includes services, storage rooms, staff accommodation, a function room and a single storey rear extension at lower ground floor level, a restaurant (Villa Napoli), bar, reception, toilets and kitchen at ground floor and eighteen guest bedrooms and bathrooms on the upper floors.

The size of the site is approximately 850m² and it has a public footpath to the southern boundary and Tree Preservation Order trees along the pavement at the front of the building.

DESCRIPTION OF DEVELOPMENT

The proposal is for the conversion of the hotel element of the building into seven 2 No. bedroom apartments (one at lower ground floor level, one in the converted coach house extension (together with a proposed mezzanine level), two on each of the 1st and 2nd floors and one in the third floor. The proposals also include alterations to the staff apartment and kitchen/storage areas, the removal of part of one internal staircase (to No. 8), the removal of modern stud partitions, the insertion of new partitions, bathrooms, w.c's and kitchens, the relocation of the toilets to the lower ground floor area, alterations to the bar area, the construction of a glazed conservatory and extension to the balcony to the rear and the insertion of new openings and windows.

The restaurant and bar are to be retained with access to the apartments being gained from the side of the building. There is no on-site parking provision and the rear garden is to be sub-divided into two areas to serve the staff apartment and the coach house apartment at the rear.

PLANNING HISTORY

00/00098/LBC - New roof. Approved 22 June 2000.

00/00073/FUL - Demolish defective flat roof and parts of external wall, provide new pitched roof and windows, provide new render and painted finish. Approved 23 June 2000.

81/01898/FUL - Alteration to existing shop front and frontage to Nos. 8 and 10. Approved 22 December 1981.

A Listed Building Consent application has also been submitted for the works (Ref: 06/00813/LBC).

CONSULTATIONS

Penarth Town Council were consulted on 3 June 2006 and comment:

“That the application should be approved subject to the submission and prior approval of a detailed landscaping scheme for the rear garden area as well as the boundary enclosure, particularly the side boundary adjacent to the public walkway which, within the context of this Listed Building, requires reinstatement and improvement.”

The Head of Visible Services (Highway Development) was consulted on 3 June 2006 and comments:

“Further to the recent site visit undertaken in relation to the above application, I would comment as follows.

1. Under the existing use at the above development site, the Addendum to the South Wales Parking Guidelines requires a maximum parking provision to be provided within the boundary of the site.
2. As the current use does not provide any parking within the development site, the required maximum parking provision has not been exceeded and effectively the development conforms the parking requirements in accordance with the Addendum Councils Parking Guidelines.
3. Under the proposals to retain the existing restaurant and convert the hotel into residential apartments, 13 parking spaces (excluding residential staff for the restaurant) are required to be provided within the boundary of the site to serve residents and visitors the proposed residential use.
4. As the development proposals do not include the provision of parking within the site boundary the proposed residential use at the site would be deficient in parking by 13 spaces.
5. From site observations Plymouth Road and the surrounding areas are at capacity in terms of kerbside parking and cannot accommodate and additional demand for on street parking.

Therefore, the Highway Authority object to the development proposals based on inadequate parking provision to serve the development site, which will further exasperate the existing kerbside parking demand in an area that has no available on street parking capacity.”

Dwr Cymru/Welsh Water were consulted on 3 June 2006. They confirm that the development site is crossed by a public sewer/rising main/disposal main and state that the developer may be required to contribute towards the provision of new off-site and/or on-site water mains and associated infrastructure. They also included their standard advice and guidance on foul water, surface water and land drainage run-off.

Environment Agency were consulted on 3 June 2006. They responded with a copy of their standard advice and guidance for developers.

The Director of Legal and Regulatory Services (Environmental Health : Housing) was consulted on 22 May 2006. The Housing Officer provided advice relating to the requirements of the Housing Act 1985. The Pollution Control Officer recommends that the application be refused due to the obvious conflict between the commercial area and the private residential apartments above. However, she concludes that if the Planning Authority is of a mind to grant this application, a scheme of odour and noise control/attenuation should be provided prior to the beneficial use of the premises, that the outside commercial areas and conservatory be time restricted in terms of usage to 21:00, that the use of the internal restaurant area also be time restricted to 23:30 for both customers and staff. Their comments are included as Appendix A to this report.

REPRESENTATIONS

Neighbouring occupiers were notified on 3 June 2006 and 1 September 2006 and the application was advertised on site and in the press on 14 June 2006. The occupiers of Flat 2, Flat 8 and Flat 10, Lansdowne House (Secretary of Lansdowne House Management Company) have objected to the proposal on the following grounds:

- The proposed balcony extension and conservatory at the rear will be detrimental to their amenities and privacy.
- The lack of parking provision and the exacerbation of parking problems in the immediate area.
- The noise during construction works.

Two letters that are generally indicative of the points raised are attached as Appendix B to this report. All other letters are retained on file for the inspection of Members.

REPORT

The application seeks consent to convert the hotel into 8 x 2 bed apartments and carry out alterations to the building. The site lies within the identified Residential Settlement Boundary of Penarth, the Penarth Conservation Area and it is a Grade II Listed Building.

Planning Policies

The proposal can be assessed against Policies HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, HOUS11 – Residential Privacy and Space, ENV6 – East Vale Coast, ENV17 – Protection of Built and Historic Environment, ENV20 – Development in Conservation Areas and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines; Planning Policy Wales (March 2002) and the Council's adopted Supplementary Planning Guidance Note on the Penarth Conservation Area.

Policy HOUS8 of the UDP states:

SUBJECT TO THE PROVISIONS OF POLICY HOUS2, DEVELOPMENT WILL BE PERMITTED WHICH IS WITHIN OR CLOSELY RELATED TO THE DEFINED SETTLEMENT BOUNDARIES PROVIDED THAT IT MEETS ALL THE FOLLOWING CRITERIA:

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

Policy ENV20 of the UDP states:

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

- (i) THE SCALE, DESIGN, LAYOUT, CHARACTER, MATERIALS AND SETTING OF THOSE BUILDINGS WHICH ESTABLISH THE CHARACTER OF THE AREA;

- (ii) THE PATTERNS OF USE WHICH ESTABLISH THE CHARACTER OF THE AREA;
- (iii) IMPORTANT OPEN SPACE WITHIN AND ADJOINING CONSERVATION AREAS;
- (iv) IMPORTANT TREES AND HEDGEROWS; AND
- (v) PONDS AND STREAMS.

Paragraphs 3.13 and 3.17 of the Penarth Conservation Area Supplementary Planning Guidance Note 1999 state that:

“Development proposals should achieve a high standard of design and detail within the architectural context of the area within which the proposal is located” and “New extensions should be designed to conform to the scale and character of the existing building.”

Issues

The main issues to consider include the loss of the hotel, the lack of any on-site parking provision, the impact on neighbouring residential occupiers, the design of the conservatory and external alterations and their impact on the character and appearance of the Conservation and their impact on the setting of the Listed Building and the provision of amenity space.

There is no Policy objection to the principle of converting the hotel into private residential accommodation as the building lies within the Identified Settlement Boundary of Penarth. Whilst the Highway Authority has objected to the lack of parking provision with this proposal, it should be noted that the hotel does not benefit from any private parking provision and that the site is close to the town centre and services and is within 60m of the railway station. Therefore, due to the lack of any existing parking provision, the overall reduction in the number of ‘units’ from eighteen guest bedrooms to seven 2-bed apartments and the proximity to public transport nodes, it is considered that the scheme is sustainable in this location.

The balcony and conservatory extensions to the rear of the upper ground floor level will be accessed via the lounge area of the bar. It is considered that the use of these areas at unsociable hours could be detrimental to the amenities and privacy of the adjoining and future occupiers, particularly the occupiers of the flats at Lansdowne House to the north. Therefore, in order to preserve their amenities and privacy, the use of the balcony and conservatory areas (as well as the bar/restaurant and rear garden area) should be controlled in line with the Environmental Health Officers recommendations. Details of the boundary wall will also be conditioned to ensure that the balcony does not overlook the adjoining properties. A noise attenuation scheme and a fume extraction/odour scheme are also required to minimise disturbance to the future occupiers of the apartments from the bar and restaurant and these measures should be implemented prior to the beneficial use of the apartments.

The majority of the works are to the internal arrangement of the building. The existing front façade remains unaltered except for repair to the rear. The proposed frameless glass conservatory and balcony/steps with frameless glass balustrading are very small and lightweight structures and will preserve the character and appearance of the Conservation Area and the setting of the Listed Building, in accordance with Policies ENV17 – Protection of Built and Historic Environment, ENV20 – Development in Conservation Areas and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

In terms of outdoor amenity space it is noted that, of the seven private apartments, only the coach house apartment has access to a garden. The Amenity Standards SPG recommends that for flatted developments, developers should aim to provide a minimum of 20m² of amenity space per person. Bicycle storage areas are to be provided within the site and, as the apartments are in close proximity to the nearby Alexandra Park, it is considered that the requirement can be relaxed in this instance.

CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, HOUS11 – Residential Privacy and Space, ENV6 – East Vale Coast, ENV17 – Protection of Built and Historic Environment, ENV20 – Development in Conservation Areas and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines; Planning Policy Wales (March 2002) and the Council's adopted Supplementary Planning Guidance Note on the Penarth Conservation Area, the proposal is considered acceptable in terms of its impact on the Conservation Area and on the setting of the listed building, its impact on future and neighbouring occupiers and despite the lack of parking provision or outdoor amenity space.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. No development shall be carried out on the site which is the subject of this permission until a scheme of fume extraction has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained at all times.

Reason:

To ensure that the amenities of residential properties are safeguarded and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. Prior to the commencement of development a scheme for noise attenuation between the bar/restaurant and the apartments shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of noise attenuation shall be fully implemented prior to the first beneficial occupation of the apartments.

Reason:

To safeguard the amenities of future and neighbouring occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

7. The hours of operation, including for servicing, deliveries and opening hours to customers of the ground floor bar, lounge and restaurant area shall be confined to between 0830hrs and 2330hrs.

Reason:

To ensure that the amenities of future and neighbouring occupiers are preserved, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. The hours of use of the external commercial areas (including the balcony, conservatory and garden area) shall be confined to between 0900hrs and 2000hrs.

Reason:

To ensure that the amenities of future and neighbouring occupiers are preserved, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
2. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru/Welsh Water's Network Development Consultants on 01443 331155.**

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

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

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

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

2006/00752/FUL Received on 24 May 2006

Mr. Andrew Davies, Foxwood House, Garn Farm, St. Hilary, Vale of Glamorgan.,
CF71 7DP

C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan., CF63 4LA

Land and buildings to Garn Farm, St. Hilary

Change of use of agricultural buildings to 3 no. dwellings

SITE DESCRIPTION

The site relates to a series of stone barns situated within a working farmyard. There is a farm dwelling to the south of the site and 2 further, agriculturally tied, farm dwellings to the west of the site.

DESCRIPTION OF DEVELOPMENT

To convert part of the barn complex into 3 dwellings. The barns to be converted are of stone construction.

The conversion works are supported by elevations and floor plan details showing the conversion using existing openings for fenestration and doors.

Car parking and garden areas will be provided to serve each of the units and access will utilise the existing farm entrance.

A Structural Assessment and Supplementary Structural Assessment, Design Statement and a Bat and Barn Owl Survey have been submitted in support of the application.

PLANNING HISTORY

98/00497/FUL – Conversion of barns to 6 No. letting units tourist accommodation. Approved 24 May 2000.

CONSULTATIONS

Llancarfan Community Council - No comments have been received.

Glamorgan Gwent Archaeological Trust - See Appendix A.

The Head of Economic Development (Ecology) - See Appendices B1 and B2.

Countryside Council for Wales - Comments are awaited.

Environment Agency - See Appendix C.

The Head of Visible Services (Highway Development) - See Appendix D.

The Director of Legal and Regulatory Services (Environmental Health Officer) - Comments as follows:

"I refer to your memorandum received by the department on 12 June 2006. This department **objects** to this application due to the following:

- The farm is still fully operational and working.
- For machinery to get to and from the farm, it will need to pass the proposed dwellings. The road for this is sited immediately next to the barns. The noise associated with this will cause disturbance to the amenity of the site.
- As the farm is dairy, there will be odours and again noise associated with this that will cause disturbance to residential amenity.

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

REPRESENTATIONS

No representations.

REPORT

Planning Policies

The site lies within an attractive area of countryside to the east of St. Hilary. The relevant planning policy relates to that contained in Planning Policy Wales 2002 and the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

The most relevant planning policy as contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 is:

ENV1 – Development in the Countryside.

ENV4 – Special Landscape Areas (ii) Lower Thaw Valley.

ENV8 – Small Scale Rural Conversions.

ENV10 – Conservation in the Countryside.

ENV16 – Protected Species.

ENV27 – Design of New Developments.

HOUS3 – Dwellings in the Countryside.

Issues

It should be noted that the site was granted consent for the conversion of most of the current stone barn complex to holiday let accommodation.

At that time it was noted that whilst the proximity of the barns to the working farm could have resulted in conflicts in use between residential and agricultural activities it was generally accepted that as holiday units, any potential derogation of living environment would be accepted for short periods of occupation.

It is noted that as originally submitted their application was for 4 dwellings and that the Environmental Health Officer considered that as a person's main residence the proximity to the farm holding, including the dairy unit, would represent unacceptable conflicts.

Discussions have taken place with the applicant regarding these issues. The scheme has been amended and three units instead of four are now proposed. Also the application does not rely on the shared use of the access as the existing access to the north of the yard will be used to serve the farming activities at the remaining, more modern barn complex. The southern access will serve the residential units.

It is also the case that the applicant has confirmed in writing that he intends to abandon dairy farming and thus arable farming only will operate from the site to the north of the barn conversions. A copy of the applicant's letter dated 16 October 2006 in this respect is attached as Appendix E.

It is considered that the removal of the dairy unit would be sufficient to overcome the Environmental Health Officer's comments and he has been reconsulted. However, should the application be approved it is recommended that the applicant first be required to sign a Section 106 Legal Agreement requiring the cessation of the dairy unit within 4 months of the commencement of development for the conversion of the barns to residential to ensure that the dairy use ceases. This will then allow the applicant to implement any consent should the circumstances be such that dairy farming ceases at the site.

Turning to the scale and form of the development and having regard to the criteria listed in Policy ENV8 it is considered that the development can be undertaken in line with this policy. The amenity space for the three dwellings is adequate and reasonably well related to the development. Whilst the areas, particularly for two of the barns are relatively large, they are either currently occupied as farmyard or buildings or in the case of the most eastern barn generally enclosed within established stone boundary walls.

The barns themselves appear in relatively good condition and they are an attractive group of stone barns clearly visible from the public highway. The farm complex is situated within the Special Landscape Area of the Lower Thaw Valley and thus the development should, if approved, be strictly controlled in relation to alterations and additions both to the barns and the garden areas, as well as controlling means of enclosure. Close boarded fencing as proposed would not be acceptable visually. Having regard to Policy ENV16 "Protected Species" and the comments of the Council's Ecologist, then development should not adversely affect either species nor their habitats.

Informatives to encourage nest sites for swallows, house martin, swift and bats be required. The comments of the Countryside Council for Wales are awaited in respect of the Great Crested Newts (GCN) sites located some 250m from the barn complex. It is noted that the barns are currently in constant use including for housing livestock and thus it is unlikely that the development site would be attractive to GCN's.

Adequate and safe access and on-site parking is provided to serve the three dwellings. The visibility splay required by the Head of Visible Services of 33m is indicated on the submitted plans. This may entail reduction in the height of the existing enclosure but the visual amenities of the area will not be adversely affected.

Drainage to the site will be accommodated by means of septic tank. For one barn this will be accommodated within the garden to the rear of the barn, that for the remaining 2 areas will lie in the field to the east of the barns. No objections to the use of septic tank drainage have been raised.

CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV4 – “Special Landscape Areas”, ENV8 “Small Scale Rural Conversions”, ENV16 “Protected Species”, ENV27 “Design of New Developments” of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 the proposed conversion to residential use, will not adversely affect the landscape character or quality of the Lower Thaw Valley nor the character and setting of the rural barns themselves. The use for residential purposes in relation to the adjoining agricultural uses will not be adversely affected nor should that use itself compromise the agricultural use of the land as clarified in the planning application submission.

RECOMMENDATION

That subject to the applicant first entering into a Section 106 Legal Agreement to ensure that within 4 months of the commencement of development for the conversion of the barns to residential use that the use of the adjoining building and land as a dairy farm unit shall cease, that planning permission be granted.

APPROVE Subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 24 May 2006 other than where amended by plans reference 402/01B, 03B, 04B, 05B received on 19 October 2006.

Reason:

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

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

Reason:

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

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

Reason:

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

5. Notwithstanding the submitted details all means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the first beneficial occupation of any part of the development hereby approved. The approved means of enclosure shall be fully implemented on site prior to the first beneficial occupation of the development and shall thereafter be so maintained at all times.

Reason:

To safeguard the visual amenities of this Special Landscape Area and to meet the requirements of Policies ENV4, ENV8 and ENV27 of the Unitary Development Plan.

6. Notwithstanding the terms of the Town and Country (General Permitted Development) Order 1995 Schedule 2, Part 2, Class A, or any Order amending, revoking or re-enacting that Order only the means of enclosure as agreed in respect of Condition No. 5 above shall be constructed, erected or placed on site unless the Local Planning Authority gives formal consent to any variation.

Reason:

To safeguard the visual amenities of this Special Landscape Area and to meet the requirements of Policies ENV4, ENV8 and ENV27 of the Unitary Development Plan.

7. Prior to their installation on site full details, including sections, of the windows and doors and details of any flues, external pipes or vents shall be submitted to and approved in writing and the development shall thereafter be carried out in accordance with the agreed details.

Reason:

To safeguard the visual amenities of this Special Landscape Area and to meet the requirements of Policies ENV4, ENV8 and ENV27 of the Unitary Development Plan.

8. The access, turning and parking areas as detailed on Drawing No. 402/01B and subject to the requirements of Condition No. 9 below, shall be fully laid out on site in accordance with full details of surface finish and confirming the height of the wall within the visibility splay being no more than 0.9m which shall have been submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the development hereby approved. The access, turning and parking areas shall thereafter be so maintained at all times to serve the development hereby approved.

Reason:

To ensure the provision of adequate and safe access, turning facilities and on-site parking are provided to serve the development and to meet the requirements of Policies ENV8 and ENV27 of the Unitary Development Plan.

9. The access serving the development shall serve the residential units only and details of the closing up of the access to serve the agricultural land and yard to the north of Barn 1 shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the development.

Reason:

To ensure the provision of adequate and safe access, turning facilities and on-site parking are provided to serve the development and to meet the requirements of Policies ENV8 and ENV27 of the Unitary Development Plan.

10. The milking parlour, dairy and collecting yard shall be demolished and cleared, and all resulting material shall be removed from the land within 3 months of the first beneficial occupation of the development hereby approved.

Reason:

To safeguard the amenities of the occupiers of the residential units and to meet the requirements of Policies ENV8 and ENV27 of the Unitary Development Plan.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
3. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
4. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

5. **You are advised that at no time should protected species or their habitat be disturbed or destroyed and are protected under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43 EC) executed in the UK through the Conservation Regulations (1994). It is also recommended that small gaps are incorporated into roof voids of the proposed development and that nest sites for swallows, swifts, house martins be incorporated. Also due to the proximity to breeding sites for Great Crested Newts a development licence may be required from the Welsh Assembly Government.**

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

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

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

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

2006/00813/LBC Received on 6 June 2006

Tony Apollonio, Glendale Hotel & Villa Napoli, 10, Plymouth Road, Penarth, Vale of Glamorgan., CF64 3DH
Loyn & Co. Architects, 21, Victoria Road, Penarth, Vale of Glamorgan., CF64 3EG

Glendale Hotel, 10, Plymouth Road, Penarth

Conversion of Glendale Hotel into residential apartments. 8 No. comprising of 7 No. 2 beds and 1 No. studio staff apartment On ground floor some minor internal alterations to existing restaurant, new frameless glass conservatory and new balcony at rear elevation

The development/property is situated within the Penarth Conservation Area.

The property is a Grade II Listed Building.

The application was advertised on 20 June 2006.

DESCRIPTION OF LISTED BUILDING

Numbers 8/10, Plymouth Road form the final two bays of a terrace of 3/4 storey units. They are located to the south of the junction of Plymouth Road with Stanwell Road. The buildings are three storey to the road frontage, with a further basement level at the rear.

The front has been extended to the back of the pavement on the ground floor, which is occupied as a bar/restaurant. The upper floors have been converted to a hotel use.

At the rear is a substantial garden with a coach house projecting into it along the boundary of the public footpath which suits Plymouth and Bridgeman Roads respectively.

DESCRIPTION OF PROPOSALS REQUIRING LBC

The proposals which require Listed Building Consent involve the conversion of part of the basement and the upper floors to residential use to provide seven, two bedroom and one studio staff apartment. The change of use will involve a wide range of alteration and repair, including the removal of part of one internal staircase (to No. 8), removal of modern stud partitions, the insertion of new partitions, bathrooms, w.c's and kitchens. A new balcony and conservatory is proposed at the rear and a combined conservation roof-light provided in the rear roof slope. The former coach house has an intermediate floor inserted into it.

PLANNING HISTORY

There are no recent applications relating to the hotel/restaurant.

2006/00706/FUL - The current planning application relating to the change of use. It is currently undetermined.

CONSULTATIONS

Penarth Town Council recommends approval of the application subject to the submission and prior approval of a detailed landscaping scheme for the rear garden area, as well as the boundary enclosure, particularly the side boundary adjacent to the public boundary which, within the context of the listed building, requires reinstatement and improvement.

‘Six Groups’: RCHAHM(W) have no observations.

REPRESENTATIONS

None.

REPORT

Numbers 8/10, Plymouth Road form the southern–most two bays of an imposing late Victorian terrace, three storeys in height to the front and four at the rear. They are exceptionally well detailed and are listed for their group value. Originally constructed as single houses, they were earlier altered into retail uses by the addition of forward extensions to the ground floor. They are now much altered, particularly by the insertion of modern stud partitions to the upper floors to provide 22 hotel bedrooms and bathrooms, together with the provision of modern, flush fire doors.

The historic layout of the two units remains discernible in the original staircases and in internal layout through the retention of original built up skirtings, cornices and joinery detail. In many places these have been broached by new partitions. Nevertheless, they provide a basis upon which to identify and restore some original space in the proposed new layout.

The change of use to residential has particular implications for the layout of No. 8. Vertical circulation would no longer be possible in this area of the building as the staircase rises in the restaurant area, proposed to be in separate use. It is, therefore, proposed to remove the staircase in this area. Reliance on the main staircase on the southern edge of the plan (to No. 10), requires the new flats to be laid out ‘across the plan’ (in distinction to the original front to rear). The effect is long corridors at the centre of the plan.

The relationship of rooms to the original bay windows is, however, reinstated and the improvement in their proportion is of major benefit. The provision of modern clerestory glazing to partitions is a clever solution to reading ceiling detail between room and corridor.

In terms of detail, the main impact of these proposals lies in the internal changes in plan, with little alteration to the external appearance of the building. The principal internal changes include:

Lower Ground Floor Plan : Involves the conversion of the existing laundry/boiler room, staff bedroom/storeroom and the coach house (which sits at rear garden level) into two two-bedroom apartments. To the frontage of the site, new toilets are provided and the main lower staircase removed from the hall down. The conversion of the coach house involves the provision of a mezzanine.

There are no objections to these works which are in secondary areas of the building and which contain little of architectural/historic value.

Ground Floor Plan : At this level, one of the lounges is further opened up by the removal of the remaining elements of a separating wall. The original door from the hall into the restaurant is closed up (with the retention of the architraves). The hotel reception/office is removed.

Given the very obvious alterations that have been incurred to these areas, there are no objections to the changes in layout proposed.

First Floor Plan : The fundamental changes are as previously described. They are supported as they reinstate some of the original space. In terms of fire and acoustic separation, the details illustrate the use of the 'Lafarge' system, which entails the lifting and refixing of the original boards. The original floor level is raised slightly to accommodate resilient pads, tape and ply. The existing skirtings are also to be lifted and refixed, with new, to match details where necessary elsewhere.

Second Floor : Comments apply as 'First Floor Plan', above.

Third Floor : As previously, the existing hotel partitions are removed together with a modern circular staircase which provides access to tanks. A single flat is intended at this level. Existing, unauthorised PVCu windows are to be replaced using timber examples. A coupled conservation roof light is provided, discretely hidden behind the existing turret.

External Alterations : The existing front façade remains unaltered except for repair to the rear. A frameless glass conservatory and balcony/steps with frameless glass balustrading is intended. Between the proposed conservatory and the coach house, a solid wall of lead clad panels provides separation between the two. The whole is handled in a sensitive, contemporary way, without pastiche, and will respect the existing.

There are further alterations in the form of full height, glazed openings to the lower ground floor. These are hidden below the existing walkway and proposed balcony and will, therefore, be discrete.

CONCLUSION

The approach taken in this proposal is well conceived given the retention of as much building fabric as is possible, removing poorer and more recent additions. Internally, the layouts have been carefully considered to respect existing structure, with the proviso of the removal of one original staircase. In terms of the latter, it is accepted that the benefits of reuse outweigh the loss of this particular element of historic fabric.

The current dense cellular layout to the hotel is wholly inappropriate and works poorly to the existing, original window openings. The removal of this and reinstatement of original space is supported in this respect.

Alterations to the exterior are mainly based on repair, with the exception of the described proposals to the rear. These are contemporary in style, well handled and discrete.

Having regard to Policy ENV27 'Design of New Developments' and Policy ENV17 'Protection of Built and Historic Environment' of the Vale of Glamorgan adopted Unitary Development Plan 1996–2011 and all other material considerations, the proposal is considered acceptable in terms of its impact on neighbours and impact on the setting of the listed building.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This consent shall relate to the following schedule, drawings and documents:

0439/E02, E03, E04, E05, E06, E07, E08, E09, E10, S01, S02, S03, S04, S05, S06, S07, S08, S09, S10, S11, S12.

Listed Building Brochure, August 2006.

Reason:

In order to confirm the schedule of drawings and documents which form part of this consent.

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

Reason:

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

4. Prior to the commencement of development, details (at 1:1, 1:10, 1:20, as appropriate) and method statements to support the following elements of fabric repair and new construction shall be submitted to and approved in writing by the Local Planning Authority:
- (a) External joinery, including windows and doors.
 - (b) External stonework.
 - (c) The stained glass window to the stairwell on the southern elevation of the building.
 - (d) The stone building wall located between the rear garden and the public footpath.
 - (e) The new intermediate floor to the coach house.
 - (f) The new intermediate floor replacing the existing staircase to apartment No. 4.
 - (g) Conservation roof lights.

Reason:

In order to ensure that repairs and alterations to the fabric of the building are appropriately undertaken and in order to ensure the preservation of the special character of the building in this respect.

5. Notwithstanding the submitted details, (page 13 of the Listed Building Brochure), historic plasterwork to the existing brick party walls shall be retained.

Reason:

Insufficient information has been submitted to justify the removal of existing plasterwork and the Local Planning Authority is not satisfied that this intervention is necessary to achieve reasonable levels of acoustic separation between units.

NOTE:

1. * **Contact:**

**Nick Lloyd/Richard Cole,
Planning and Transportation Policy,
Directorate of Environmental & Economic Regeneration,
Vale of Glamorgan Council,
Dock Office,
Barry Dock,
Barry.
CF63 4RU**

Tel: 01446 704626/8.

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

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

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

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

2006/00890/CAC Received on 21 June 2006

Gills of Maesteg, Llwydarth Road, Maesteg., CF34 9EY
Bernard Clatworthy RIBA, 15, Denison Way, Earlswood, St. Fagans, Cardiff., CF5
4SF

Upper House Garage, Turkey Street, Llantwit Major

Demolition of existing buildings

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

Part of the property is a Grade II Listed Building.

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

The application was advertised on 28 June 2006.

SITE DESCRIPTION

The site is currently occupied by an existing petrol service station and associated yard area and outbuildings. It is sited to the south of Downcross House, a Grade II Listed Building and includes an outbuilding within the rear yard which is also listed.

DESCRIPTION OF DEVELOPMENT

This is an application for conservation area consent for the demolition of the existing petrol service station, which comprises a single storey building, petrol pumps and canopy.

A separate planning application has been submitted for the redevelopment of the site with the construction of a detached, two storey dwellinghouse and 8 No. apartments in two separate two storey blocks (Ref: 06/00364/FUL).

PLANNING HISTORY

A number of applications have been submitted on the garage site over the years. Of particular relevance to the current application are:

90/00318/FUL – Demolition of existing structure on site and erection of four dwellings. Refused 2 October 1990 on the grounds that the proposal represented overdevelopment of the site to the detriment of the character of the Llantwit Major Conservation Area and to the setting of Downcross, a Grade II Listed Building.

90/00646/CAC – Demolition of buildings at Upper House Garage. Refused 2 October 1990.

96/00187/CAC – Demolition of existing workshops and partial demolition of car showroom. Approved 23 May 1996.

97/00372/FUL – Residential development comprising 6 No. cottages. Withdrawn 9 April 1998.

00/00079/FUL – Demolition of existing garage and erection of two houses. Approved 21 December 2000 subject to conditions including a schedule of finishes, further details of the eaves height of the dwelling on Plot 1, further details of the front boundary treatment, an investigation for contamination, removal of permitted development rights and granny annexe to be used ancillary to the dwelling on Plot 2.

06/00364/FUL – New dwellinghouse and apartments. Yet to be determined.

CONSULTATIONS

Llantwit Major Town Council – “No objections provided that the existing full storage tanks and any other remaining underground are removed before any building works commences.”

Environment Agency has no objection subject to conditions relating to drainage.

Glamorgan Gwent Archaeological Trust were notified on 3 July 2006.

The Director of Legal and Regulatory Services (Environmental Health, Contaminated Land Officer). No objection subject to a condition requiring an investigation for contamination and any necessary remediation prior to commencement.

The Head of Visible Services (Highway Engineer) has requested additional information including site access and visibility.

Vale of Glamorgan Conservation Area Advisory Group recommended refusal on grounds of overdevelopment impacting on the character of the Conservation Area and adjacent buildings.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 3 July 2006. A letter of objection has been submitted by the occupier of Downcross House. A copy is reproduced at Appendix A for Committee Members' inspection.

REPORT

The site is located within the Llantwit Major Conservation Area and includes a Grade II Listed Outbuilding within the rear yard area. The adjoining Downcross House is also a Grade II Listed Building. The proposal entails the demolition of the existing petrol service station. As such, the following policy background is relevant to the determination of the application:

Policy ENV17 refers to Protection of the Built and Historic Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 (UDP) 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, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS.
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST.
- (iii) DESIGNED LANDSCAPES, PARKS OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE WILL NOT BE PERMITTED.

Policy ENV20 refers to Development in Conservation Areas and states:

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

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

Policy ENV21 of the UDP refers to Demolition in Conservation Areas and states:

THE DEMOLITION OF BUILDINGS IN CONSERVATION AREAS WILL BE STRICTLY CONTROLLED, INCLUDING BOUNDARY WALLS, FENCES, RAILINGS AND GATES WHERE THEY MAKE AN IMPORTANT VISUAL CONTRIBUTION TO THE QUALITY OF THE STREET SCENE. IN PARTICULAR:

- (i) LISTED BUILDING CONSENT FOR THE DEMOLITION OF A LISTED BUILDING OR BUILDING/STRUCTURE WITHIN ITS CURTILAGE WILL ONLY BE GIVEN IN EXCEPTIONAL CIRCUMSTANCES;
- (ii) THE DEMOLITION OF AN UNLISTED BUILDING OR STRUCTURE WITHIN A CONSERVATION AREA WILL BE PERMITTED WHERE FULL PLANNING PERMISSION HAS BEEN GRANTED FOR THE PROPOSED NEW USE OR DEVELOPMENT; AND
- (iii) PROPOSALS FOR THE DEMOLITION OF A BUILDING IN A CONSERVATION AREA SHOULD BE ACCOMPANIED BY INDIGENOUS MATERIALS WHICH REFLECT THE CHARACTER OF THE CONSERVATION AREA.

National guidance is contained within Planning Policy Wales March 2002, TAN12 – Design and Welsh Office Circular 61/96 – “Planning and the Historic Environment: Historic Buildings and Conservation Areas.”

Issues

In assessing the proposal against the above policies and guidance, it is considered that the principal issue is the impact of the development on the character and appearance of the Llantwit Major Conservation Area and the setting of the Listed Buildings.

The first consideration should be on the need for the proposed demolition and redevelopment. It is noted that paragraph 33 of Welsh Office Circular 61/96 states:

“The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area..... It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be granted for the demolition of an unlisted building in a conservation area.”

It is noted that little information has been provided with the application. Indeed, no existing plans or survey work has been submitted. In this respect, whilst it is clear from the proposed plans that the existing petrol station will be demolished in its entirety, it is not certain how much of the listed outbuilding will be retained in the conversion work or whether any of the existing boundaries will be retained. Notwithstanding this, it is accepted that the garage does not make a positive contribution to this part of the conservation area and its loss would therefore be acceptable.

However, a further consideration must be the acceptability of the proposed redevelopment. A full assessment of the proposed scheme to develop 9 No. residential units has been made in the accompanying planning application. In summary, it is concluded that the redevelopment scheme is an over scaled and insensitive overdevelopment of the site that would adversely affect the character of the Llantwit Major Conservation Area and the setting of the listed buildings, Downcross House and the garage outbuilding. Thus without planning permission for an acceptable redevelopment of the site, the application fails to meet criteria (ii) of Policy ENV21 – Demolition in Conservation Areas of the UDP.

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

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority, no justification has been submitted in support of the need for demolition and the application is lacking in detail as to the extent of the demolition works and while no acceptable scheme for the redevelopment of the site has been approved, the proposal is contrary to Policies ENV17 - Protection of Built and Historic Environment, ENV20 - Development in Conservation Areas and ENV21 - Demolition in Conservation Areas of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and National Guidance contained in Planning Policy Wales (March 2002) TAN12 - Design and Welsh Office Circular 61/96 `Planning and the Historic Environment : Historic Buildings and Conservation Areas`.

2006/01075/FUL Received on 27 July 2006

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

Land adjacent to Llangan Primary School, Llangan

Proposed conversion of redundant stables to offices and associated works

SITE DESCRIPTION

The application site relates to an existing detached stone barn/building and small associated enclosed yard located in a prominent position adjacent to the main Pentre Meyrick to Pencoed Road at its junction with the secondary road leading to the village of Llangan. The building is located outside of the main village of Llangan and is approximately 70metres to the north of Llangan Primary School. An existing albeit now disused access exists at the road junction.

The building itself is now used for storage and prior to that was used for stabling. The main structural walls to the north, west and east elevation are constructed in random stone with a mixture of cement and lime pointing. The south elevation (originally open) has more recently been filled with concrete block piers. The roof is of a traditional cut roof construction with slates.

Stone walls of an average height of 1.5 metres extend from the north and west elevation of the building and return to the eastern boundary forming a stable courtyard, which is accessed via an opening in the west facing wall.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the conversion of the barn to offices and other associated works.

The conversion of the barn to an office will accommodate the entrance/lobby area, disabled WC and access into the main office area. The conversion will include external works to the barn where the southern elevation will be reconstructed to provide two full height glazed windows and an entrance door with glazed side panels. The elevation will be infilled with horizontal wooden boarding. All joinery is shown as being oak with a linseed oil finish. The roof will be re-slatted with blue/black slates with matching ridge tiles. The existing courtyard will be retained and used as a car parking area for 3 vehicles and a turning area to be hard surfaced in block paving.

The parking and turning area will be accessed via the existing agricultural access which is located in the north east corner on the road junction. The upgraded access will be served by an inward opening timber gate leading to a new gravel track 2.8 metres wide and some 20 metres in length leading to a wider turning area leading to the main turning area/parking area. The revised boundaries of the site are shown to be defined by a 1.2 metre high post and wire fence along the southern and western elevations. The enclosed land to the north, south and west of the barn is shown to be grassed.

The application has been supported by a structural report and a bat and barn owl survey.

PLANNING HISTORY

05/01041/FUL - Conversion of redundant stables to office and construction of new access driveway. Refused 20 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 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.

05/01348/FUL – Construction of a new access driveway and car parking area, on land between the barn and Llangan Primary School. Refused 10 January 2006 for the following reason:

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.

CONSULTATIONS

Dwr Cymru/Welsh Water has no objections subject to conditions.

Environment Agency has no objection subject to conditions.

Glamorgan Gwent Archaeological Trust has no objection to the positive determination of the application

The Head of Visible Services (Highways Department) having received additional information in relation to the above, I would inform that based on the traffic flows that could be generated by the existing stables, the development proposals would not intensify the use at the development site.

Therefore provided that the following details are made conditional to the planning consent the Highway Authority are unable to sustain an objection to the development despite the grossly substandard access.

1. The clear unobstructed manoeuvring area behind individual parking bays shall be increased to 6.0m.
2. The proposed turning area located within the development access site shall be designed to allow service vehicles to enter and exit the site in forward gear.
3. The proposed parking and manoeuvring areas shall be laid out in accordance with the Highway Authorities approved details before the development is brought into beneficial use and be therefore maintained and retained at all times for those purpose in association with the development.
4. The proposed access will have a hard surface of concrete or bituminous material for a minimum distance of 10.0m from the highway boundary into the development site.
5. Any gates shall not be erected within 6.0m of the highway boundary and shall open inwards towards the development site.
6. No surface water from the site shall discharge onto the adopted highway.

The Head of Economic Development and Leisure (Biodiversity Officer) was consulted and has made the following comments:

“The building which is the subject of this application may provide potential roost sites for bats. Although small in size the building is a derelict, stone/concrete walled building with a slate roof which has tiles missing, providing potential access points for bats. The building is located in a remote, rural location with good feeding habitat close by.

It is recommended that the developer be made aware that British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.

It is recommended that a full bat survey of the building be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

The building which is the subject of this application could potentially be used by barn owls, which have been found breeding in all months of the year.

It is recommended that the developer be made aware that in addition to the standard protection afforded to nesting birds, barn owls have extra protection under Schedule 1 of the Wildlife and Countryside Act 1981.

It is recommended that a barn owl survey be conducted prior to the granting of planning permission to ascertain presence or absence of barn owls in the buildings. This survey could be combined with the bat survey. In the event that the survey detects the presence of barn owls, further advice should be sought from the Countryside Council for Wales (CCW). Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

A subsequent bat and barn owl survey has now been submitted, prepared by Bats UK Limited. In summary the report states that no evidence was found to suggest that the stable block and grounds are currently being used or has been used in the past by any species of bats/barn owls as a roosting/nesting site.”

Hedgerow

The plans show retention of the existing hedgerow adjacent to the highway. The hedgerow at this location is ecologically diverse and may qualify as “Important” under the Hedgerow Regulations 1997.

- Should there be a requirement for any hedgerow removal to create a visibility splay it is recommended that the ecology team be consulted on this application again.

The Director of Legal and Regulatory Services (Pollution Section) was consulted and has responded with no comment to make.

REPRESENTATIONS

Adjacent occupiers were notified on 7 August, 2006 and to date no letters of representations have been received.

REPORT

Members of Planning Committee will recall that this application as reported to 18th October Committee, where at the request of the applicant Committee resolved to defer the application to the next Committee only in order for the applicant to amend the proposal.

As stated in the previous report, Members of the Committee will note that a recent planning application was refused for the conversion of redundant stables to office (ref: 05/01041/FUL) and a further application refused for the construction of a new access driveway and car parking area to serve Llangan Primary School (ref: 05/01348/FUL).

This application relates to a revised scheme for the conversion of the barn, where the main difference between this application and that considered under ref: 05/01041/FUL is the revision of access arrangements. Therefore the assessment of this application should be whether the revised access arrangements are sufficient to overcome the previous reasons for refusal.

Planning Policies

As considered under the previous application, the proposal relates to the conversion of a rural building which falls within the countryside and therefore the most relevant policy in assessing this application is Policy ENV8 which relates to Small Scale Rural Conversions contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

This Policy states that proposals which involve small scale rural development including conversions of rural buildings to new uses will be permitted if they comply with relevant criteria. In the case of the conversion of a rural building to a commercial use, the following criteria contained within the above policy are applicable:

- (ii) In the case of a conversion to business use the building in terms of form, bulk and general design is in keeping with its surroundings.
- (iii) The building is structurally sound and the conversion can be achieved without substantial reconstruction of the external walls, or extension to the building. however, each proposal will be assessed as a matter of fact and degree, depending on the particular circumstances of the case.
- (iv) Conversion work can be undertaken without unacceptably altering the appearance and rural character of the building.
- (v) Where residential use is considered acceptable, amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape.
- (vi) Vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside;
- (vii) Satisfactory parking provision can be made within the curtilage of the site;
- (viii) In the case of conversion for small scale commercial, industrial, recreational or tourism use the proposal should not create unacceptable traffic or other environmental problems.

- (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.

In addition to the above, the Council has an adopted Supplementary Planning Guidance relating to the Conversion of Rural Buildings which is applicable to consideration of such an application.

Planning Policy Wales March 2002 also contains relevant guidance in relation to the re-use and adaptation of existing rural buildings. Paragraph 7.6.9 recognises that such conversion can have an important role in meeting the needs of rural areas for commercial and industrial development, as well as for tourism, sport and recreation. It adds that Local Planning Authorities should adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes, provided that:

- They are suitable for the specific re-use.
- Conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality.
- Their form, bulk and general design are in keeping with their surroundings.
- Imposing conditions on a planning permission overcomes any planning objections, for example on environmental or traffic grounds, which would otherwise outweigh the advantages of re-use.
- If the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction.
- Conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.

Paragraph 7.6.10 states that 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 Unitary Development Plan 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.

Notably the guidance states in paragraph 7.6.11 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.

Issues

The proposed scheme relates to a commercial re-use of the building as opposed to a residential use which is generally favoured under national planning guidance. However full consideration must nevertheless be given to the impact of such a conversion on both the character of the existing rural building and the impact of the conversion and ancillary forms of development such as the alteration to the access, parking/turning area, provision of grassed amenity areas and enclosures on the surrounding countryside.

In terms of the conversion of the building, this remains the same as the previously refused application. The main three walls of the building appear generally structurally sound although to date no formal response has been received from the Building Control Section of the Council in relation to an assessment of the structural report submitted by the applicant. The southern elevation will be reconstructed to provide the main entrance door and glazing to serve the proposed office and will be finished in horizontal wooden cladding. The building is located some 17 metres from the road frontage, and due to the landscape characteristic of the area, the building is visible, from the main road given the low level boundary wall fronting the highway. The conversion of the building, whilst requiring a significant alteration to the southern elevation, will generally retain its rural character and would not introduce any alterations or openings to the main stone elevations of the barn.

The existing barn and small enclosure, currently sit unassumingly in the rural landscape where the site, particularly due to the overgrown yard, has over time assimilated into the wider rural landscape.

In terms of the parking and turning area, the proposed use of the existing enclosed stable yard to provide a parking area for 3 cars and turning area is the same as that proposed under ref: 05/01041/FUL. The parking area being in a prominent position located adjacent to the main road would introduce a commercial and developed appearance to the site, which would be detrimental to the rural character of the area.

The main amendment to this application are the proposed access arrangements. The previous refused scheme proposed a new access provided off the secondary road to Llangan which would have required the removal of some 50 metres of hedgerow in order to provide the necessary widening of the carriageway and set back visibility and the provision of a 26 metre long tarmac drive sited outside of the original enclosure, which was as a whole considered as an unjustified intrusion into the adjacent agricultural field and detrimental to the rural character of the area as a whole.

The current application now seeks to overcome the above objection, by the use of the existing farm gate from the adopted highway. Members will recall that The Head of Visible Services (Highways Department) original comments which were reported to 18th October Committee, stated that the use of the existing agricultural access would be detrimental to highway safety based on substandard visibility and the inadequate access width and that the development proposals do not provide adequate manoeuvring facilities within the boundary of the site for servicing vehicles, which would require vehicles to blindly reverse on the adjacent public highway.

Following discussions between the Head of Visible Services and the applicant and the submission of additional information in relation to the level of traffic flows that could be generated from the site, it has been confirmed that whilst the access is wholly substandard an objection to the development cannot be sustained, subject to conditions.

Whilst the provision of a smaller gravel track is considered more acceptable than the previous tarmac drive the creation of the track will also enclose the corner part of the field which is shown on the plan to be used as a grassed area. Furthermore the proposed scheme will also enclose land to the south and west of the track and the barn which is shown to be defined along an arbitrary boundary. As such this enclosed land would no longer have a viable agricultural use and would be used as an ancillary amenity area in connection with the commercial use of the barn, itself unduly increasing the visual impact and scale of the proposals on the countryside.

Therefore whilst the barn itself has a floor area of 44 square metres, the total area of land which would be used in connection with the barn is some 785 square metres, extending well beyond the logical boundaries and existing enclosures of the site. Whilst the proposal relates to a commercial conversion, the introduction of the additional features such as access track, turning areas, grassed amenity areas and enclosures into the rural landscape, would have similar impact as if the barn were to be converted to a residential use. This element of the application is contrary to Policy ENV8, which states that the provision of vehicular access should be provided without any unacceptable effect on the appearance of the countryside and that amenity space should be provided without undue incursion into the rural landscape.

CONCLUSION

For the above reasons given the proposed change of use of the barn as an office would by virtue of the scale of the development be considered contrary to both local and national planning policy, causing demonstrable harm to the countryside within which it is located. However the original objection to the application on highway grounds can no longer be sustained. Notwithstanding this, the proposal would still fail to accord with the objectives of Policy ENV8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and the 'Conversion of Rural Buildings' Supplementary Planning Guidance.

The following recommendation is therefore made.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed conversion of the barn to office use would by virtue of the provision of a revised access, gates, car parking/turning area and enclosed grassed amenity areas, being located in a prominent location visible from the public highway, cause demonstrable harm to the character and 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 ENV8 - Small Scale Rural Conversions of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the 'Conversion of Rural Buildings' Supplementary Planning Guidance and the guidance contained in Planning Policy Wales (March 2002).

2006/01258/FUL Received on 5 September 2006

Mr. & Mrs. T. Saunders, 21, Pembroke Close, Dinas Powys, Vale of Glamorgan, Meridian Building Design, The Rise, 41a, Highwalls Avenue, Dinas Powys, Vale of Glamorgan., CF64 4AQ

21, Pembroke Close, Dinas Powys

New detached dwelling to the side of no. 21, Pembroke Close

SITE DESCRIPTION

The site comprises part of the side garden of a semi-detached dwelling in Pembroke Close. The property is located on the corner of Pembroke Close and Harlech Drive.

DESCRIPTION OF DEVELOPMENT

This is a full planning application seeking to construct a detached 3-bedroom dwelling. The property would comprise a two-storey dwelling and be similar in height as the existing property at No. 21 Pembroke Close although slightly reduced in scale. The dwelling would be finished with a mix of render and brick work with tiles to the roof to match existing properties.

It is proposed to provide two parking spaces to the front of the dwelling to be accessed off Harlech Drive. It is proposed to provide two parking spaces to the rear of the existing dwelling to provide parking facilities for that property accessed off Castle Close.

PLANNING HISTORY

02/00402/FUL – Planning permission was granted on 10 May 2002 for a single storey extension that would wrap around the side and rear of the property.

CONSULTATIONS

Dinas Powys Community Council “Objects to the application stating that the building would be out of character with other properties in Pembroke Close. It is also an over development of the site.”

Environment Agency “has no objection.”

The Head of Visible Services (Highway Development) “has no objection subject to satisfactory parking provision.”

Hyder Consults “has objected to the application stating that the development would overload the public sewerage system. Improvements are planned for 1 April 2007, but any development prior to this date would be premature. A condition should therefore be attached preventing the occupation of any development prior to the completion of these works.”

REPRESENTATIONS

Neighbouring occupiers have been consulted. The occupiers of Nos. 1, 2, 3, 4, 5, 6, 10 and 14 Pembroke Close and 2, 4, 6, 10 and 12 Harlech Drive have objected to the application. The letters are retained on file for the inspection of Members. The main concerns expressed relate to parking/highway issues, the visual impact of the development having regard to the pattern of existing development in the area and sewerage issues.

REPORT

Planning Policies

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site is located within the settlement boundary of Dinas Powys, as defined by the Unitary Development Plan. The application has therefore been assessed with regard to the following policies of the Unitary Development Plan:

- Policy HOUS2 'Additional Residential Development', which permits housing infill development, subject to the criteria listed in Policy HOUS8.
- Policies HOUS8 'Residential Development Criteria' and HOUS2 'Settlements', which permit development within the settlement boundaries subject to criteria which include the scale, form and character of the development, effect on the amenity of an area and the provision of car parking and amenity space in accordance with the Council's approved car parking and amenity space guidelines.
- Policy ENV27 'Design of New Developments'.
- TRAN 10 'Parking'.

The application has also been assessed with regard to the Council's Supplementary Planning Guidance on Amenity Standards and the Council's approved Car Parking Guidelines.

Issues

The main issue is considered to be whether this represents an over development of the site that would have a detrimental impact on the visual amenities of the area.

The surrounding area is characterised by a mix of terraced and semi-detached properties. The existing property at 21 Pembroke Close forms part of a semi-detached pair. The proposed dwelling would as a result of the limited width of the plot, have a narrower proportion relative to the adjacent property and would be detached which would be out of character with surrounding development. It would also result in a loss of amenity space serving the existing occupiers. In this regard, the proposal would constitute a cramped and contrived form of over development, to the detriment of the visual amenities of the street scene.

The dwelling would also be prominently positioned forward of the building line established by properties situated adjacent to Harlech Drive (in particular Nos. 1 Pembroke Close and 15 Castle Drive). The proposal would therefore comprise a discordant form of development that would be out of keeping with the pattern of development in the surrounding area, to the detriment of the visual amenities of the street scene.

CONCLUSION

The proposed dwelling, by virtue of its siting, scale and design, would comprise a cramped and discordant form of development that would be out of keeping with the character and pattern of development in the surrounding area, to the detriment of the visual amenities of the street scene. The proposal would therefore fail to accord with the aims and objectives of Policies HOUS8 'Residential Development Criteria', HOUS2 'Settlements' and ENV27 'Design of New Developments', of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Supplementary Planning Guidance on Amenity Standards.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed dwelling, by virtue of its siting, scale and design, would comprise a cramped and discordant form of development that would be out of keeping with the character and pattern of development in the surrounding area, to the detriment of the visual amenities of the street scene. The proposal would therefore fail to accord with the aims and objectives of Policies HOUS8 'Residential Development Criteria', HOUS2 'Settlements' and ENV27 'Design of New Developments', of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Supplementary Planning Guidance on Amenity Standards.

2006/01265/OUT Received on 8 September 2006

Mr. A. Close, 12, Ivor Street, Barry, Vale of Glamorgan, CF62 5UL
Mr. R. Crockett, Redbrink Cottage, Redbrink Crescent, Barry Island, Vale of Glamorgan., CF62 5TT

12, Ivor Street, Barry

Outline application for one residential unit

SITE DESCRIPTION

The site relates to part of the garden of No. 12 Ivor Street in Barry. The property comprises a detached two-storey dwelling situated on the corner of Ivor Street and Amherst Crescent.

DESCRIPTION OF DEVELOPMENT

This is an outline planning application seeking to construct one residential unit. All matters have been reserved for subsequent approval, except means of access, which has been included for consideration now. There is currently a garage building on the site that would need to be demolished.

The site has a length of 24 metres and a width of 7.4 metres. Access would be achieved off Amherst Crescent with two parking spaces provided side by side towards the rear of the site.

PLANNING HISTORY

None.

CONSULTATIONS

Barry Town Council has no objection in principle subject to the Local Planning Authority being satisfied that adequate levels of amenity space and on site car parking would be provided to serve the dwelling proposed and that the privacy of neighbouring residential occupiers would be protected.

Environment Agency has no objection.

The Head of Visible Services (Highway Development) would not raise an objection to the development proposals provided that three parking spaces are retained to serve the existing dwelling. Parking for the proposed dwelling would need to be in accordance with the Council's approved parking guidelines.

Hyder Consults has no objection.

REPRESENTATIONS

Neighbouring occupiers have been consulted but no comments have been received to date.

REPORT

Planning Policies

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site is located within the settlement boundary of Barry, as defined by the Unitary Development Plan. The application has therefore been assessed with regard to the following policies of the Unitary Development Plan:

HOUS2 'Additional Residential Development', which permits housing infill development, subject to the criteria listed in Policy HOUS8.

HOUS8 'Residential Development Criteria' – Policy HOUS2 'Settlements', which permits development within the settlement boundaries subject to criteria which include the scale, form and character of the development, effect on the amenity of an area and the provision of car parking and amenity space in accordance with the Council's approved car parking and amenity space guidelines.

ENV27 'Design of New Developments'.

TRAN 10 'Parking'.

Issues

The main issues are considered to be the impact upon the amenities and privacy of neighbouring residents, car parking and amenity space provision and the visual impact of the proposed development.

The site is located at a prominent corner location. It is considered that the application site is relatively constrained in size, and that the construction of a dwelling on the site would comprise an over development of the site. Based on the indicative footprint shown on the submitted plan, and the proposed dwelling being two storey in height, the floor area would be approximately 90 square metres, whilst only 45 square metres of amenity area could be provided, which falls well below the standard of 1 square metre of amenity space for every 1 square metre of floor area being provided, according to the Council's Supplementary Planning Guidance on Amenity Standards. It is considered that any dwelling on the site would have to be restricted in scale and given its juxtaposition with the adjacent dwelling at No. 12 Ivor Street, which comprises a relatively large property, it would appear as a contrived form of infill development, to the detriment of the visual amenities of the street scene.

It is accepted that subject to a restriction in the floor area of the proposed dwelling, sufficient parking could be made available for this property, and it is assumed that additional parking could be provided to serve the existing property off the rear lane, although confirmation of this is awaited from the agent.

Subject to consideration of details, the construction of a dwelling on the site would not necessarily have a detrimental impact on the amenities or privacy of neighbouring residents. There are windows in the side elevation of No. 1 Amherst Crescent, and so the impact of the proposals on this property in particular would need to be assessed at detailed stage should outline consent be granted.

CONCLUSION

Notwithstanding the above, the proposed development is considered to constitute an overdevelopment of a restricted site that would appear as a contrived form of infill development, to the detriment of the amenities of the street scene. The proposal is therefore considered contrary to the aims and objectives of Policies HOUS8 'Residential Development Criteria' – Policy HOUS2 'Settlements' and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed development is considered to constitute an overdevelopment of a restricted site that would appear as a contrived form of infill development, to the detriment of the amenities of the streetscene. The proposal is therefore considered contrary to the aims and objectives of Policies HOUS8 'Residential Development Criteria, HOUS2 'Settlements' and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards.

2006/01287/FUL Received on 15 September 2006

Mr. & Mrs. I Gaughan Southwinds, St. Lythans, Vale of Glamorgan., CF5 6BQ
Martin J. Plow 30 Clos Llysfaen, Lisvane, Cardiff., CF14 0UP

Southwinds, St. Lythans

Single storey extension to side for elderly relatives accommodation

SITE DESCRIPTION

The application site comprises a large detached dwelling in St. Lythans. The site is located within open countryside as identified in the Vale of Glamorgan Unitary Development Plan 1996–2011.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for an extension for elderly relatives accommodation. The proposed works comprise, the conversion of the previously approved detached double garage (not yet built) into a granny annexe, and a small extension to join the garage to the existing dwelling. The accommodation will provide a living area, bedroom, bathroom, sluice and a lobby. The lobby will provide external access and access to the existing dwelling. The garage is set back approximately 3.5metres from the existing dwelling. The extension to join the garage to the dwelling will be set back 2.25metres from the front of the garage; it will measure 5.8metres in depth and will be flush with the rear of the property. It will have a maximum height of 4.5metres with a pitched roof. There will be openings on the front and rear elevations and a window on the east facing side elevation. All proposed materials will match those of the existing property.

The proposal is accompanied by a letter that confirms the poor health of the applicant's relatives and the need for the annexe to be provided.

PLANNING HISTORY

2005/01775/LAW – Leisure complex. Undetermined.

2004/01080/FUL – Erection of a two bay detached garage. Approved.

2003/00146/FUL – Double garage. Approved.

1999/00592/FUL – Convert existing bungalow to two storey dwelling. Approved.

1988/01131/OUT – Proposed dormer bungalow. Refused.

1988/01310/FUL – Double garage/conservatory and ancillary accommodation extension. Approved.

CONSULTATIONS

Wenvoe Community Council was consulted on 28 October 2006. Objects on the grounds that the proposal is contrary to Policies ENV 27 – Design of New Development and HOUS7 – Replacement and Extension of Dwellings in the Countryside.

Environment Agency was consulted on 28 October 2006. Standard advice applies.

The Head of Visible Services (Highway Development) was consulted on 28 October 2006. No objection provided that the following conditions are made conditional to the planning consent:

1. The proposed extension shall only be used in association with the existing dwelling and shall not be let or sold without the permission of the Local Planning Authority.
2. The proposed parking provision of four vehicle spaces shall be laid out in accordance with the Council's Parking Guidelines and shall be maintained and retained at all times for the purpose associated within the development site.

Countryside Council for Wales was consulted on 28 October 2006. No response to date.

Hyder Consultants were consulted on 28 October 2006. No response to date.

Councillor Harvey requested that the application be determined at full Planning Committee.

REPRESENTATIONS

Hollintop; The Old Rectory; Countisbury; Nant y Deri and Foxpad were consulted on 28 October 2006. One letter of objection received on the following grounds:

1. The proposal is effectively for a new dormer bungalow to be added to what is already a substantial sized property. The total building will span across 90% of the frontage.
2. The property has been significantly extended over the past years including a detached garage and the conversion of a bungalow to a two storey dwelling.
3. The Planning Officers report for the detached garage in 2003 states that *'it is noted that the application site has been considerably developed overtime and any further development following this garage should be restricted in the interests of protecting the Countryside'*.
4. The proximity of the development to 'Hollintop' will be overbearing both physically and socially.

5. The proposed side window will affect the privacy of the adjoining occupiers.
6. It is likely that the proposed extension will become an independent dwelling.
7. The applicant also intends to build a leisure complex, which will result in over development of the site.

REPORT

Policy ENV27 – Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 states that new development should compliment or enhance the character of buildings and open spaces, and shall minimise any detrimental impact upon adjacent areas.

Policy HOUS7 – Replacement and Extensions of Dwellings in the Countryside states that the extension of dwellings in the countryside will be strictly controlled. Proposals will be permitted where the extended dwelling is not disproportionate in size to the original dwelling; the extension does not require an extension of the existing residential curtilage; parking and amenity space is provided in accordance with the Council's guidelines; and the external appearance is compatible with the existing structures and the surrounding landscape.

The proposal has been described as a single storey extension to provide accommodation for elderly relatives; however, the main part of the extension involves the conversion of the previously approved garage. The garage was approved in 2004 (Ref: 2004/01080/FUL) and has not yet been built. The application includes an extension to attach the garage to the main house.

There has been an objection to the proposal on a number of grounds, one being that; the proposal is effectively for a new dormer bungalow that will become an independent dwelling, and that the total building will span across 90% of the frontage.

In the event of permission being granted, a suitable condition could be attached to the permission to ensure that the annexe cannot become an independent dwelling without obtaining permission from the Local Planning Authority.

Although the extension will infill the gap between the garage and the dwelling, the garage has already been approved and given that the gap inbetween the garage and the dwelling is only 2.4 metres wide, the extension is not considered to be a significant addition to the property. Indeed, without the provision of the link, the use of the previously granted garage building for residential purposes would appear 'more' independent than were a link to be provided.

It is considered that the proposal will have no adverse effect upon the adjoining occupiers. The applicant has confirmed that the window on the side elevation will not be installed and this will be controlled by a condition. Furthermore, the footprint of the development has not changed in location or size since the application for the garage was approved and therefore the impact upon the adjoining occupier has not worsened.

There is ample parking available on site to compensate for the loss of the parking spaces within the approved garage. The Local Highways Authority has requested that two conditions be attached to the planning permission, the first to ensure that adequate parking will be provided within the site, and the second to ensure that the annexe will only be used in association with the existing dwelling.

Whilst it is accepted that the earlier Planning Officers report for the detached garage states that *'it is noted that the application site has been considerably developed overtime and any further development following this garage should be restricted in the interests of protecting the Countryside'*. As already mentioned above, the proposal involves a relatively small extension, which is necessary for the granny annexe and it is considered that it will have no adverse effect upon the open countryside.

There is currently an application for a leisure complex at the same site. This application is a lawful development certificate application, which the applicant considers is permitted development, and is proposed at some distance away from the dwelling. However, as it is proposed on land outside the recognised curtilage, it is therefore likely to require the benefit of a further application for planning permission. Furthermore, it is noted that the site has been considerably developed since the original bungalow was built. Accordingly, to maintain control over any further development of the site, it is recommended a condition be attached to remove all permitted development rights for outbuildings. This will ensure that all future developments within the residential curtilage are subject to planning control.

Overall, it is considered that the objections do not justify the refusal of the application given the extension is minimal and will have no adverse effect upon the adjoining occupiers or the surrounding countryside. The proposal is therefore in accordance with Policies ENV27 and HOUS7.

CONCLUSION

The recommendation to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV 27 – Design of New Developments and HOUS 7 – Replacement and Extension of Dwellings in the Countryside, it is considered that the proposal is acceptable. The proposal causes no harm to the privacy or private amenities of any adjoining neighbour and has no detrimental impact upon the scale of the existing property or the visual amenities of the open countryside. Therefore the proposal complies with Policy ENV 27 and the Council's 'Amenity Standards' Supplementary Planning Guidance'.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The proposed parking provision of four vehicle spaces shall be laid out in accordance with the Council's Parking Guidelines and shall be maintained and retained at all times for the purpose associated within the development site.

Reason:

To ensure that adequate parking is provided within the site in the interests of highway safety.

3. Notwithstanding the development hereby approved, the window on the east facing elevation does not form part of this planning permission, and the east facing elevation shall be finished in white render.

Reason:

For the avoidance of doubt and as per the email from the applicant dated 20th October, 2006.

4. The granny annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Southwinds, St. Lythans.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies ENV27 and HOUS11 of the Unitary Development Plan.

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

Reason:

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

NOTE:

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

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

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

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

2006/01332/OUT Received on 26 September 2006

Executors of the will of Mrs. M. E. Farrant and Mr. M. Howells, C/o Agent.
Mr. Clive Farrant, 24, St. Johns Close, Cowbridge, Vale of Glamorgan., CF71
7HN,

1 and 2, Wern Fawr Bungalows, Ystradowen

Replacement of nos. 1 and 2, Wern Fawr Bungalows with 2 no. detached dwellings

SITE DESCRIPTION

Two, single storey dwellings situated to the east of Ystradowen.

DESCRIPTION OF DEVELOPMENT

The application is made in outline to demolish the two dwellings and replace them with 2 detached dwellings with siting and means of access not reserved for subsequent approval. The details of the access indicate a single, double access centrally located. The dwellings will be sited approximately 1 metre from the centre dividing boundary between the 2 plots. The dwellings will be set back approximately 9-10m from the highway. A Design Statement has been submitted in support of the application.

PLANNING HISTORY

None.

CONSULTATIONS

Penllyn Community Council were consulted on 12 October 2006 and comments are awaited.

Environment Agency were consulted on 12 October 2006 and their standard advice applies.

The Head of Visible Services (Highway Development) was consulted on 12 October 2006. Comments are attached as Appendix B.

Dwr Cymru/Welsh Water were consulted on 12 October 2006 : see Appendix A.

REPRESENTATIONS

Nos. 3, 5, 6 & 8 Sandy Lane were notified and a site notice posted. No comments have been received to date.

REPORT

Planning Policies

The site lies outside any defined settlement and therefore Policies ENV1 'Development in the Countryside'; HOUS7 'Replacement and Extension of Dwellings in the Countryside'; and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are relevant to consideration of this application.

Issues

The bungalows are of pre-fabricated construction and having regard to the supporting information given their nature of construction their replacement with dwellings of more modern construction are considered acceptable in principle.

Policies HOUS7 'Replacement and Extension of Dwellings in the Countryside' and ENV27 'Design of New Developments' have qualifying criteria which should be met. This is an application in outline and as siting has not been reserved, the scale of the footprint proposed is to be considered under this application. The scale in relation to the existing dwellings, the location and remaining curtilage is considered acceptable. Sketch elevations not formally submitted as part of this application indicate that relatively modest dwellings of appropriate scale and design could be accommodated on the land.

The development, subject to design, will not materially affect any adjoining residents' privacy or amenities.

The access being centrally located, will provide a safer access than that which currently serves No.2 Wern Fawr and will in addition improve the current access to No.1 Wern Fawr. The comments of the Head of Visible Services (Highway Development) are noted but the visibility will be improved over and above that which exists for two current authorised dwellings. This improvement in visibility is as indicated on the plans. It is considered that the redevelopment of the site by replacement of the 2 dwellings with slightly larger dwellings would not adversely affect the character of this rural location nor the amenities of the area in general.

CONCLUSION

The recommendation to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS7 'Replacement and Extension of Dwellings in the Countryside'; and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 it is considered that the redevelopment of the 2 dwellings by the rebuilding of 2 dwellings as sited and accessed as detailed will not adversely affect the visual amenities or character of this rural area and will provide an acceptable access to the development.

RECOMMENDATION

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

4. Plans and particulars of the reserved matters referred to in Condition No. 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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

5. The existing access points shall be closed up in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the proposed access and on-site turning and parking areas shall be laid out in accordance with the approved details prior to the first beneficial occupation of either dwelling and shall thereafter be so maintained at all times to serve the development hereby approved.

Reason:

To ensure the provision of a safe access and on-site parking and turning areas to serve the development in the interests of highway safety and to meet the requirements of Policies ENV27 'Design of New Developments'; and HOUS7 'Replacement and Extension of Dwellings in the Countryside' of the Unitary Development Plan.

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

Reason:

To ensure that an acceptable means of foul drainage is provided, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
3. **Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**
4. **You should be aware that under the Wildlife and Countryside Act, 1981 any protected species or their habitats should not be affected by the development. You should ensure that there are no protected species on the site before commencing development. For advice you may wish to contact the Countryside Council for Wales, 7 Castleton Court, Fortran road, St. Mellons, Cardiff; Tel: 029 2077 2400.**

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

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

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

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

2006/01351/FUL Received on 29 September 2006

Mr. & Mrs. K. Whitfield, 3, Cherry Close, Penarth, Vale of Glamorgan, CF64 5BX
Susan Rosser RIBA, 20, Duffryn Road, Cyncoed, Cardiff, CF23 6NP

3, Cherry Close, Penarth

Rear kitchen/dining room single storey extension and 2 storey side extension to rebuild garage with 2 no. additional bedrooms at first floor

SITE DESCRIPTION

The application relates to a large modern detached dwelling in a residential area of Penarth. The dwelling has an attached double garage on its northern elevation.

DESCRIPTION OF DEVELOPMENT

A full application for a first floor extension over the garage to create two additional (total five) bedrooms, plus a single storey rear extension to create an extended breakfast/living room.

PLANNING HISTORY

87/01222/FUL - First floor extension over garage on the southern elevation. Approved 18 February 1988. The garage existing at that time has since been converted to living accommodation and there is no record of any planning permission being granted for the garage as existing.

CONSULTATIONS

Penarth Town Council was consulted on 11 October 2006. No comments have been received at the time of writing this report.

REPRESENTATIONS

Nos. 1 and 4 Cherry Close, Nos. 5 and 7 Birch Lane were consulted on 11 October 2006.

The occupier of No. 1 Cherry Close objects on the grounds that the extension will be overbearing, will cause unreasonable loss of light and will result in unreasonable loss of privacy.

The occupier of No. 7 Birch Lane objects on similar grounds. Their letters are attached as Appendices A and B.

REPORT

The rear single storey extension is to be 7.75 x 3.37 metres in area, to be finished in render with a double-pitched tiled roof to match the existing. The side extension over the garage is to be 8.3 x 5.2 metres in area and will include a 1.2 metre rearward extension of the garage. The extension is to have a pitched roof with a ridge line 0.4 metre below the main ridge of the dwelling, with new bedroom windows to front and rear, and is to be finished in render with tiles to match the existing.

Planning Policies

The proposal has to be considered in the light of Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's approved Supplementary Planning Guidance: Amenity Standards.

Issues

The single storey rear extension will be contained within the large rear garden, will not be an intrusive feature and will have no adverse impact on the amenity of the neighbours. This part of the development is not contentious.

The first floor extension over the garage will be located within 2 metres of the boundary of the dwelling with No. 1 Cherry Close to the front and No. 7 Birch Lane to the rear. The new front bedroom window will be located within 12 metres of, and will almost directly face, the rear bedroom windows of No. 1 Cherry Close, whilst the rear window will be within 8 metres of rear first floor windows of 7 Birch Lane, albeit at a more acute angle. Both proposed windows will cause additional overlooking to the rear gardens of the adjoining dwellings. It is also likely that due to the location of the extension to the south of the neighbouring gardens additional overshadowing and loss of light will occur to those gardens, particularly in winter, although it is unlikely that overshadowing will be caused to the dwellings themselves.

Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 requires new development to have full regard to the context of the local and natural environment, and favours new development subject to a list of criteria. Criterion (i) requires the development to complement or enhance the local character of buildings and open spaces, criterion (ii) requires development to meet the Council's approved amenity standards (amongst other things) and criterion (iv) requires minimisation of any detrimental impact on adjacent areas.

The approved Supplementary Planning Guidance: Amenity Standards seeks, amongst other things, to ensure a minimum distance of 21 metres between facing windows of habitable rooms so as to avoid unreasonable loss of privacy. It is clear that in this case the proposal falls well below the 21 metre criterion, and the location of the extension close to the boundary would in addition create an overbearing feature that would cause additional loss of light to the neighbouring gardens.

Whilst several other dwellings on Cherry Close have had similar extensions over side garages, those dwellings are aligned in a linear manner so that no overlooking or loss of light is caused to neighbours. In this case, the application dwelling is located on a corner plot with two neighbours adjoining to the north, in a location where any extension over the garage will cause loss of amenity. Whilst the application dwelling itself is set well back from the adjoining highway such that the extension would not be an unduly intrusive feature in the local street scene, the impact on the amenity of the neighbours is such that the side extension fails to meet the criteria of Policy ENV27 in that it would be detrimental to the character of the local area and would not meet the objectives of the Amenity standards.

CONCLUSION

The decision to refuse planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policy ENV 27 'Design of New Developments' of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011, to the Council's approved Supplementary Planning Guidance: Amenity Standards and to all other material considerations it is concluded that the proposal fails to meet the objectives of that policy and guidance in respect of impact on amenity of occupiers of the adjoining dwellings.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed side extension, by virtue of its design, scale and location close to the northern boundary of the site, would constitute an overbearing and unneighbourly feature that would cause an unreasonable loss of amenity to the occupiers of adjoining dwellings, contrary to the objectives of Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's approved Supplementary Planning Guidance: Amenity Standards.

2006/01126/RG3 Received on 8 August 2006

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

3, New Barn, St. Athan

Erection of a Liquefied Petroleum Gas (LPG) cylinder installation in the front garden

SITE DESCRIPTION

The application site comprises a semi-detached dwelling in New Barn, St. Athan. The site is located within the open countryside as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

DESCRIPTION OF DEVELOPMENT

This application seeks consent for the erection of a Liquid Petroleum Gas cylinder in the front garden of the property. The cylinder will be located in front of the outbuildings. It will measure 1.4metre in height, 2.4metres in width and 1metre in depth; it will be sited on a concrete base. The cylinder is required to provide heating for the property.

PLANNING HISTORY

None.

CONSULTATIONS

Llanmaes Community Council were consulted on 15 August 2006 and suggested that the cylinder be moved to the side or rear of the property.

The Director of Legal and Regulatory Services (Environmental Health) were consulted on 15 August and 29 September 2006 and have no comment.

REPRESENTATIONS

Ty Draw Bungalow, and No. 4 New Barn were consulted on 15 August 2006. To date, no representations have been received.

REPORT

Planning Policies

Policy ENV27 – ‘Design of New Developments’ of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 states that new development should compliment or enhance the character of buildings and open spaces, and shall minimise any detrimental impact upon adjacent areas.

Llanmaes Community Council have suggested that the cylinder be moved to the side or rear of the property, however, the gas pipe runs across the front of the property and therefore, the cylinder must be located in this position.

The cylinder will be located behind a hedge and therefore will not be readily visible from the road.

It is considered that the proposal causes no harm to the character of the open countryside nor the amenities of the adjoining occupiers.

CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 – ‘Design of New Developments’ of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposal is acceptable. The cylinder causes no harm to the amenities of any adjoining neighbour and has no detrimental impact upon the scale of the existing property or the visual amenities of the open countryside. Therefore the extension complies with Policy ENV27.

RECOMMENDATION

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

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

Reason:

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

NOTE:

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

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

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

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

2006/01251/RG3 Received on 5 September 2006

Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan,
CF63 4RU
Austin-Smith:Lord, One Dunleavy Drive, Cardiff Bay, Cardiff., CF11 0SN

Provincial House, Kendrick Road, Barry

Refurbishment of the existing office building with minor external alterations including a new external escape stair, new roller shutters, main entrance improvements and window alterations

SITE DESCRIPTION

The application relates to a large three-storey office block in the centre of Barry. The building adjoins residential properties to the east and west and a bowling green to the north.

DESCRIPTION OF DEVELOPMENT

An application under Regulation 3 of the Town & Country Planning General Regulations 1992 for refurbishment of the building, including a new external escape stair, new roller shutters, main entrance improvements and window alterations. The refurbished building will be used as an Adult Learning Centre and for Council staff relocating from the Civic Offices.

PLANNING HISTORY

00/01190/FUL - Roller shutter. Approved on 10 November 2000.

CONSULTATIONS

Barry Town Council have no objection.

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

REPRESENTATIONS

Nos. 11, 13, 15, 17, 19 Buttrills Road, No. 12 Beryl Place and Nos. 20, 22, 24, 26, 28 Kendrick Road, were consulted on 20 September 2006 and the application was advertised by a site notice on the same date. No comments have been received.

REPORT

The proposals comprise:

On the western (Buttrills Road) elevation, various changes to fenestration to replace six fixed windows, two on each of the three floors, with louvered panels and insertion of one additional louvered panel for basement car park ventilation, a replacement stairway to a side door and two new high-level obscurely glazed 1 x 0.4 metre windows on the ground and first floors.

On the eastern (Kendrick Road) elevation, replacement of a door at the southern end of the building with a roller shutter and refurbishment of the main entrance, involving no external works.

On the northern elevation (facing the bowling green), a roller shutter on the basement car park entrance and a 1 x 0.3 metre high level obscurely glazed window on the ground floor.

On the southern elevation, one new 1.1 x 0.6 metre louvered panel at ground floor level.

Planning Policies

The application has to be considered in the context of Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's approved Supplementary Planning Guidance: Amenity Standards.

Issues

The proposed works are all minor in nature and will have no overall effect on the appearance of this modern office block. These small changes will not be visually intrusive and are considered to meet the objectives of Policy ENV27 in that the character of the building and the area will be maintained and there being no detrimental impact on adjacent areas.

In terms of amenity, the building is located some 35 metres from the rear elevations of dwellings on Buttrills Road and is a dominant feature in views from the rear of those properties. The windows in the western elevation of the building are obscurely glazed and should remain so if unreasonable loss of amenity is not to be caused. The eastern elevation of the building faces the front of dwellings on Kendrick Road at a distance of approx 17 metres. The windows on this elevation are clear and no change is proposed, but despite the direct overlooking no additional loss of amenity will be caused and it would be difficult to require obscure glazing on this elevation.

CONCLUSION

The decision to recommend a grant of planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and the Council's approved Supplementary Planning Guidance: Amenity Standards and all other material considerations the proposal is considered acceptable in terms of design and residential amenity and planning permission is therefore granted subject to the conditions listed.

RECOMMENDATION

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

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

Reason:

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

2. All windows in the western elevation of the building facing the rear of dwellings in Buttrills Road shall be obscurely glazed prior to the building being brought into beneficial occupation and shall be so retained at all times.

Reason:

In the interests of residential amenity, and in order to comply with Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2006/01440/RG3 Received on 16 October 2006

Mr. Chris Fray, Head of Economic Development and Leisure, Dept of EER, Vale of Glamorgan Council, Dock Offices, Barry Docks., CF63 4RT
Mr. Mark White, Major Projects Manager, PMU, Dept. of EER, Dock Office, Barry Docks., CF63 4RT

Brown field site between steam railway and west pond area of the waterfront (O/S ref: 1066 NE)

landscaped bund utilising surplus spoil from the nearby innovation quarter

SITE DESCRIPTION

The application relates to an area of approximately 0.34 ha. of undeveloped land forming part of the West Pond area of Barry Waterfront, lying to the west of Welsh Water's sewage treatment works and immediately to the east of the Steam Railway line.

DESCRIPTION OF DEVELOPMENT

An application under Regulation 3 of the Town & Country Planning General Regulations 1992 for the construction of a landscaped bund utilising surplus spoil from the nearby Innovation Quarter.

PLANNING HISTORY

None directly relevant to this application.

CONSULTATIONS

Barry Town Council were consulted 18 October 2006.

Environment Agency were consulted 18 October 2006.

The Head of Visible Services (Highway Development) was consulted 18 October 2006.

The Director of Legal and Regulatory Services (Environmental Health) was consulted 18 October 2006.

Hyder Consultants were consulted 18 October 2006.

The Head of Economic Development and Leisure (Ecologist) was consulted 18 October 2006.

The Head of Economic Development and Leisure (Landscape Section) was consulted 18 October 2006.

Associated British Ports were consulted 18 October 2006.

Comments are awaited at the time of preparing this report. Any comments received will be reported at Committee.

REPRESENTATIONS

There are no immediate neighbours. The application was advertised by two site notices located at the northern and southern pedestrian entrances to the West Pond area on 18 September 2006. No comments have been received at the time of writing this report.

REPORT

The proposal involves the removal of some 7,000 cubic metres of non-hazardous surplus spoil that has been generated during construction of the Innovation Quarter and which is currently preventing future development of this area, and using it to extend an existing landscaped bund between the steam railway line and the West Pond area. The bund will be 170 metres in length and a maximum 45 metres wide, with a maximum height of 2 metres above the adjoining ground level. The completed bund is to be hydraseeded with a grass and wildflower mix with an area of native tree and shrub planting on the western slope.

Whilst the bund would not be accessible to the public following the completion of the present scheme, subject to the availability of funding and a further planning application the bund would form part of a biodiversity-themed linear park extending from the Innovation Quarter along the edge of the West Pond area of the Waterfront.

Planning Policies

The project would assist the Council in meeting the following Corporate Plan Objectives:

Environment: Corporate Priority: 'To achieve a quality environment through promotion and use of sustainable practices, and by making the best use of current and future resources'. Re-using the spoil for the proposed bund would help the Council achieve this priority aim and also the 'key target' within the Corporate Plan to 'reduce the percentage of total waste arising that is disposed of in landfill sites'.

Regeneration: Corporate Policy: A key action in 'encouraging the development of a diversified and sustainable community and to work in partnership with others to promote regeneration and economic development' is the completion of the development of the Innovation Quarter. The relocation of the spoil would assist in achieving this aim.

The proposal must also be assessed against the Waste policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Policy WAST2 sets out a list of criteria against which proposals will be judged. Of particular relevance are criterion (i), which amongst other things encourages waste reduction and the use of the 'proximity principle', criterion (ii), which requires proposals not to unacceptably affect residential amenity or pose a threat to public health, and criterion (vi), which requires proposals to have a high standard of layout, landscaping and design.

Issues

The site is an area of waste land forming part of the former extensive railway sidings in the West Pond area, that has naturally revegetated over many years. The proposal will make use of a large amount of material that would otherwise have to be disposed of to landfill and will create an interesting and beneficial landscape feature that will form part of the proposed linear park.

The mound will not exceed 2 metres in height and will not be an obtrusive or prominent feature. There are no nearby dwellings or other developments which would be directly affected.

Material would be transported by lorry at a rate of 200 cubic metres per day over a six week period, on a six-day week basis. Two alternative haul routes are proposed: the preferred route is from the northern end of the West Pond area via Hood Road, which would involve only approx. 300 metres on the public highway. If formal agreement could not be reached with Associated British Ports (the owners of West Pond), access could be obtained via the Barry Island causeway, although this would involve a substantially longer distance via the busy shopping area of Broad Street.

It is considered that the bund will be a beneficial use of waste material that would not cause any adverse impact on residential amenity or public health, and which therefore accords with the Council's adopted Waste Policies.

CONCLUSION

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to the Council's Corporate Priorities and the Waste Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and all other material considerations it is concluded that the proposal meets the objectives of those priorities and policies.

RECOMMENDATION

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

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

Reason:

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

2. This permission shall relate to the removal of the material from the Innovation Quarter as specified in the application only, and shall not relate to the disposal of any other material from any other source.

Reason:

For the avoidance of doubt and in the interests of amenity.

3. In the first planting season following completion of its construction, the bund shall be planted in accordance with the specification and species set out in the application or such variation as may first be approved in writing by the Local Planning Authority; any plants or trees 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 by others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of visual amenity.

4. No material shall be deposited on the site except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Saturdays, and no operations of any description shall take place on Sundays or Public Holidays.

Reason:

In the interests of residential amenity.

5. Without the prior written approval of the Local Planning Authority, the height of the completed mound shall not exceed that shown on drawing ref. 06 0029A submitted with the application.

Reason:

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).

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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.