



Notice of Meeting **PLANNING COMMITTEE**

Date and time
of Meeting **THURSDAY, 15th NOVEMBER, 2007 AT 6.00 P.M.**

Venue **COMMITTEE ROOM NO. 2, CIVIC OFFICES**

Agenda

PART I

1. **Apologies for absence.**
2. **Minutes.**
3. **To receive declarations of interest under the Council's Code of Conduct.**
(Note: Members seeking advice on this item are asked to contact the Monitoring Officer at least 48 hours before the meeting).
4. **Report of the Vale of Glamorgan Conservation Advisory Group held on 1st November, 2007.**

Reference -

5. **Listed Buildings Conditions Survey - Listed Buildings "At Risk", - Cabinet - 30th October, 2007.**

Reports of the Director of Legal, Public Protection and Housing Services -

6. **Site Inspections - 9th October, 2007
6th November, 2007.**

Reports of the Director of Environmental and Economic Regeneration -

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9.	Appeals	24
10.	Trees	29
11.	Enforcement Action:	
	(i) No. 15 St. Ambrose Close, Dinas Powys, Vale of Glamorgan: Wooden decking (including balustrades and a raised walkway) on top of an existing extension	30
12.	General Planning Matters:	
	(i) Report to Planning Committee to propose the confirmation of a Tree Preservation Order - No. 19 Sigingstone, Near Cowbridge	34
	(ii) Various Roads, Llandough: Prohibition of Waiting Order: Objections received	64
	(iii) St. Andrews Major Church in Wales Primary School; St. Andrews Road (Part) and Britway Road, Dinas Powys: 20 m.p.h. Zone Order: Objection	141
	(iv) Westgate and the Broadshoard, Cowbridge: Variation and Amendments to Waiting Restriction Order	153
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13.	Planning Applications:	
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	2006/01747/FUL Andrew House, High Street, Llantwit Major	191
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	2007/00078/FUL Crofta Farm, Ystradowen	214
	2007/00187/FUL Land adjacent to Chestnut Tree Cottage, Graig Penllyn	222
	2007/00711/FUL Site at Old Farm Mews, Station	234

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2007/01091/FUL	Elm Grove House, 12 Elm Grove Road, Dinas Powys	252
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2007/01219/FUL	Land and buildings at Little West Farmyard, Broughton Road, Wick	277
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2007/01281/FUL	Egerton Grey Country House Hotel, Porthkerry, Nr. Rhoose	290
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2007/01367/FUL	Springfield Spray Llandow Ltd, Sutton Road, Llandow	305
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14. Any items which the Chairman has decided are urgent (Part I).

PART II

THE PUBLIC AND PRESS MAY BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ACCORDANCE WITH SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972.

15. Any items which the Chairman has decided are urgent (Part II).

John Maitland Evans
Chief Executive

9th November, 2007

Local Government (Access to Information) Act 1985

Inspection of background papers - In the first instance enquiries should be made of Mr. C. Hope 01446 (709855).

E-Mail: chope@valeofglamorgan.gov.uk

To the members of the Planning Committee:

Chairman: Councillor A.D. Dobbinson;

Vice-Chairman: Councillor Ms. R.M. Birch;

Councillors: R.J. Bertin, Mrs. M.E.J. Birch, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, F.T. Johnson, G.C. Kemp, A.G. Powell, Mrs. A.J. Preston, Mrs. M. Randall, W.C. Vaughan, S.T. William, A.J. Williams and M.R. Wilson.

PLANNING COMMITTEE

MINUTES of a meeting held on 10th October, 2007.

Present: Councillor A.D. Dobbinson (Chairman); Councillor Ms. R.M. Birch (Vice-Chairman); Councillors R.J. Bertin, Mrs. M.E.J. Birch, G.A. Cox, A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, M.R. Harvey, F.T. Johnson, G.C. Kemp, A.G. Powell, Mrs. A.J. Preston, Mrs. M. Randall, W.C. Vaughan, S.T. Wiliam and M.R. Wilson.

Also present: Councillors Miss. J. Cole, R.F. Curtis, N.P. Hodges, Mrs. M. Kelly Owen and K.R. Stockdale.

430 APOLOGY FOR ABSENCE-

This was received from Councillor A.J. Williams.

431 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 6th September, 2007 be approved as a correct record.

432 DECLARATIONS OF INTEREST -

The following Members declared interests as shown below and vacated the room during consideration thereof:

Councillor A.M. Ernest	Planning Application 2006/01818/FUL - Lives near to site Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor G.A. Cox	Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor A.D. Hampton	Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor Mrs. V.M. Hartrey	Planning Applications 2006/01541/RG3, 2007/00843/RG3, 2007/00936/RG3 and 2007/01267/RG3 - Cabinet Member
Councillor R.M. Harvey	Planning Application 2006/01541/RG3 - Former Cabinet Member

Councillor G.C. Kemp	Planning Application 2006/01541/RG3 - Former Cabinet Member
Councillor Mrs. M. Randall	Planning Applications 2006/01541/RG3, 2007/00843/RG3, 2007/00936/RG3 and 2007/01267/RG3 - Cabinet Member
Councillor W.C. Vaughan	Planning Application 2007/00936/RG3 - Governor of School.

433 VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP -

The following report of the meeting held on 13th September, 2007 was submitted:

Present: Councillor Ms. R.M. Birch (Chairman); Mrs J. Williams (The Victorian Society), Ms. P. Goodwin (Pride in Barry), Mr. G. Robertson (Penarth Society), Mrs. S. Taylor (Llancarfan Society), Mr. R.S. Simpson (Campaign for the Protection of Rural Wales), Mrs. E. Jervis (The Wenvoe History Group) and Mr. G. H. Haynes (Cowbridge and District Local Historical Society).

Officers: Mrs. J. Crofts, Mr. N. Lloyd and Mr. C. Hope.

(a) Apologies for absence -

These were received from Councillor A.D. Dobbinson, Mr. M.H. Jones (Llantwit Major History Society), Councillor Mrs. J.M. Penn (Penarth Town Council), and Mr. L. Millar (Cowbridge Charter Trust).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 30th August, 2007 be accepted,

(c) Information Feedback -

AGREED - T H A T the feedback on the following applications previously considered by the Group be noted:

2006/01419/FUL	<i>The Bear Field, The Broadshoard, Cowbridge. Erection of two storey medical centre with associated access, parking and landscaping. This application was approved on 19th July, 2007</i>
2007/00970/FUL	<i>Yew Tree Cottage, Colwinston, Cowbridge. Extensions and alterations to dwelling. This application was refused on 6th September, 2007.</i>

(d) Applications in Conservation Areas -(i) Dinas Powys**2007/01091/FUL** Received on 31 July 2007

Dr. M.L. Ham, 2, The Courtyard, Michaelston-le-Pit, CF64 4HE
 John Rosser RIBA, 3, The Courtyard, Michaelston-le-Pit, Vale of Glamorgan,
 CF64 4HE

Elm Grove House, 12, Elm Grove Road, Dinas Powys

Conversion of existing house into 2 flats and extension to create separate dwelling house.

RECOMMENDED - APPROVAL, subject to negotiation on design detail with particular regard to windows.

(ii) Penarth**2007/00294/FUL** Received on 28 February 2007

Charles Insurance Consultants, 36, Windsor Terrace, Penarth, Vale of Glamorgan, CF64 1AA
 Tech Drawings, Mr. P. Coleman, 2, Cora Street, Barry, Vale of Glamorgan, CF64 3EJ

Land between Pets Choice and Penarth Carpets, 1-3, Queens Gate Mews, Albert Road, Penarth

Construction of 2 No retail units.

RECOMMENDED - APPROVAL, subject to the use of painted timber in distinction to upvc material .in the construction of the shop front frame.

2007/01129/FUL Received on 8 August 2007

Robbick Property Ltd, C/O Agent
 Nightingale Associates, Tony Groves, The Old Convent, The Walk, Cardiff, CF24 3AG

Washington Cinema, Herbert Terrace, Penarth

Change of use from A1 to A3 at ground floor. Addition of 34 studio flats on three upper floors with ancillary (refuse, plant, lobby) at ground floor. Addition of Washington Gallery extension at first and second floor.

RECOMMENDED - APPROVAL."

RESOLVED - T H A T the report be noted.

434 DELEGATED POWERS FOR PLANNING OBLIGATIONS CONTAINED WITHIN SECTION 106 LEGAL AGREEMENTS (REF) -

Consideration was given by Cabinet, on 19th September, 2007 to extending the existing system of delegated powers to the determination of planning applications which were subject to Section 106 Legal Agreements but only for those planning applications that would normally be determined by the Director of Environmental and Economic Regeneration / Head of Planning and Transportation under the existing scheme of officer delegation. Approval was also sought to delegate powers to spend monies received through planning obligations contained within Section 106 Legal Agreements in accordance with the provisions of the Legal Agreement as agreed by the Planning Committee in consultation with the Director of Finance, ICT and Property, the relevant service areas, the local Ward Member(s) and the relevant Cabinet Member. By way of background it was explained that the Council had the power to enter into Legal Agreements with developers under Section 106 of the Town and Country Planning Act 1990 to seek contributions from developers to mitigate negative development impacts and facilitate development which might not otherwise occur, and that the Council had recently appointed a Section 106 officer to co-ordinate the seeking, implementing and monitoring of such Agreements in consultation with the relevant service areas. It was noted that the current scheme of delegation for planning applications enabled the Director / Head of Planning and Transportation to determine relatively minor planning applications but was currently silent on applications of that nature which were subject to Section 106 Legal Agreements. It was also noted that, in terms of implementation and monitoring, there was no current established protocol for the spending of monies received through planning obligations and no database had been maintained to record this information.

The use of delegated powers for determining planning applications was recognised as good practice throughout Local Authorities as a way of speeding up the decision making process and removing bureaucracy for relatively minor planning applications. "Speed" was one of the aims of the planning obligations service standards and it was, therefore, crucial that where applications were relatively minor in nature they should not be unduly delayed because of the need for a legal agreement. It was further proposed that once the Section 106 monies were received, a process be introduced for those monies to be spent in accordance with the terms of the legal agreement without the need for a further report to Cabinet. A flow chart indicating the proposed process was appended to the report. The procedure was considered necessary to reduce the workload burden upon service areas, to improve efficiency in the implementation of planning obligations, to ensure consistency across the Council in terms of the implementation of planning obligations and to ensure transparency for all interested persons. A planning

obligations database had now been established and an annual report would be prepared to inform both the Cabinet and the Planning Committee about progress on the implementation of planning obligations.

Cabinet had resolved that, subject to consultation with the Planning Committee,

- the current scheme of delegation be amended to include all applications which were subject to a Section 106 Legal Agreement (or unilateral undertaking) where those applications would ordinarily be determined under delegated powers by virtue of the type of application
- that monies received through planning obligations contained within Section 106 Legal Agreements be spent in accordance with the terms of the Legal Agreement and authorised by the Head of Planning and Transportation and / or Director of Environmental and Economic Regeneration in consultation with the Director of Finance, ICT and Property, Cabinet Member for Finance, ICT and Property, the relevant service areas and the local Ward Member(s).

Reasons for decision

To allow for improved efficiency in the progression of minor applications which are subject to Section 106 Legal Agreements and to enable the efficient and effective implementation of planning obligations and to avoid the duplication of workload and reporting.

Planning Committee, having considered the resolution of Cabinet,

RESOLVED -

- (1) T H A T the resolution of Cabinet be supported.
- (2) T H A T a report on how the consultation process with local members will proceed be reported to the Member Consultation Task and Finish Group of the Scrutiny Committee (Corporate Resources).

435 SITE VISIT (DLPPHS) -

RESOLVED - T H A T the attendance of the following Members at the site indicated below on 6th September, 2007 be noted:

Former Hyper Value Site between 34/35 High Street and 106/107 Queen Street, Barry	Councillor A.D. Dobbinson (Chairman), Councillors A.D. Hampton, M.R. Harvey, Mrs. V.M. Hartrey and Mrs. A.J. Preston.

Apologies for absence were received from Councillors R.J. Bertin, G.A. Cox, E. Hacker and Mrs. M. Randall.

436 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) -

RESOLVED -

(1) T H A T the determination of building applications as listed in the report be noted.

(2) T H A T the service of notices under the Building (Approved Inspectors Etc.) Regulations 2000, as listed in the report, be noted.

437 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DEER) -

RESOLVED - T H A T the report on the following applications determined under delegated powers be noted:

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural Condition Imposed : Appeals	N - Non permittal (OBS - objections)
J - Determined by NAW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	V - Variation of condition(s) approved
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	

2007/00241/FUL	R	5, Slade Close, Cowbridge	Two storey rear extension
2007/00355/FUL	A	14a, Church Road, Penarth	Verandah extension to side entrance
2007/00733/FUL	A	66, Victoria Road, Penarth	Refurbishment of existing house, reinstatement of chimney stacks, construction of single storey extension, new entrance and access road and parking

2007/00755/OUT	R	Site south and on the grounds of 84, Broadway, Llanblethian	Outline application for a detached dwelling and garage
2007/00776/ADV	A	Tesco Store, Culverhouse Cross, Cardiff	Various illuminated and non-illuminated building mounted signage
2007/00796/FUL	A	Brynawel Farm, Llangan	Change of use from temporary caravan storage to permanent caravan storage
2007/00838/FUL	A	5, Raldan Close, Barry	Proposed demolition of single storey lean-to and construction of two storey extension
2007/00844/FUL	A	Adjacent to (west of) Cardiff Bay Boat Sales (Brokerage), Penarth Marina, Penarth	Erection of 2 class B1 offices and use class A3 cafe on suspended deck on piles with external works to existing quay
2007/00883/FUL	A	14, Marine Parade, Penarth	New summer house with garden room and hot tub
2007/00901/FUL	R	7, St Julian Close, Barry	Loft conversion comprising 2 bedrooms and shower room. The loft will have a large flat roof dormer to the rear with 2 small dormer windows to front
2007/00903/FUL	R	32, Clos Y Fulfran, Nells Point, Barry Island	Loft conversion with a new link through to the existing tower
2007/00921/FUL	R	Land at Heritage Business Park, Wick Road, Llantwit Major	Change of use to open storage of touring caravans
2007/00933/FUL	A	76, Castle Avenue, Penarth	Garage
2007/00934/FUL	A	38, Usk Way, Cwm Talwg, Barry	To replace an existing car port, with an extension of a single room using materials to match to the existing dwelling
2007/00939/FUL	A	27, Archer Road, Penarth	Single storey kitchen extension

2007/00940/FUL	A	Lloyds Pharmacy, The Waterfront Medical Practice, Heol y Llongau, Barry	Installation of new shopfront and air conditioning condensers
2007/00941/RES	A	Land at Gilbert Lane, Dinas Powys	Proposed Farmhouse with garage
2007/00942/FUL	R	1, Conway Drive, Barry	Single storey extension to rear with wc to side and small extension to front porch
2007/00944/FUL	A	Rear of 75, Eastgate, Cowbridge	Retention of rebuild and extension of former outbuilding to provide a two storey office building. As built.
2007/00947/FUL	A	7, Maes Y Coed, The Knap, Barry	Two storey side extension
2007/00948/FUL	A	12, Windsor Road, Barry	Convert existing dwelling into 3 no. flats
2007/00951/FUL	A	14, Castleland Street, Barry, Vale of Glamorgan	To erect white pvcu conservatory to rear of property
2007/00952/FUL	A	33, Victoria Road, Penarth	1. The demolition of the existing conservatory and erection of a new sunroom 2. The insertion of 2 new windows in slightly enlarged openings 3. Refurbishment of existing windows. 4. Two new roof windows.
2007/00953/FUL	A	New Breach Farm, Cross Ways, Cowbridge	New livestock barn
2007/00954/FUL	A	12, Lower Farm Court, Rhooose	Rear single storey extension to form kitchen
2007/00959/FUL	R	85, Port Road, Barry	Proposed two storey extension to side of existing dwelling
2007/00981/FUL	A	1, Druids Green, Cowbridge	UPVC conservatory to rear of dwelling
2007/00988/FUL	R	The Bower House, Pen Y Lan, Cowbridge	Revised roof formation to previously approved garage

2007/00996/FUL	A	Charles Church Sales Office, Castleland Quay, Barry Docks, Barry	Implementation of Permission No. 06/00589/FUL without compliance to condition numbers 1 and 2 to retain existing structure for use as a project office and visitor centre for the Barry Waterfront Development for a period of 5 years
2007/00997/FUL	A	38, Heol y Dryw, Rhoose Point	Change of public use to domestic garden
2007/00998/FUL	A	43, Llwyn Y Gog, Rhoose	Change of use from public open land to domestic garden
2007/01015/FUL	A	56, St. Davids Crescent, Penarth	Single storey cloakroom/utility room
2007/01023/FUL	A	1, Red Lion Cottages, Bonvilston	Hardwood Conservatory
2007/01069/FUL	A	5, Norris Close, Penarth	Conservatory to rear elevation of property
2007/01084/FUL	A	33, Lon Yr Eglwys, St Brides Major, Bridgend	Single storey rear kitchen extension and loft conversion
2007/00421/FUL	R	Rhoose and District Social Club, Fontygary Road, Rhoose	To provide a free standing timber structure with a red conical fabric roof for the purpose of shelter while smoking
2007/00469/FUL	R	Byways, Church Close, Ogmore by Sea	Alterations and extensions plus creation of first floor accommodation
2007/00672/FUL	A	Parcel of land adjacent to 35, Lidmore Road, Barry	Proposed new detached dwelling with integral garage
2007/00720/FUL	A	Llwynrhyddid, Hensol	Single storey U-shaped block of 6 stables, a haybarn and a feed/tack room
2007/00721/FUL	A	17, Barons Close, Llantwit Major	Demolish out building, double storey extension to side of dwelling, a rear single storey extension, detached garage

2007/00908/FUL	A	32, Trem y Don, Barry	Hallway extension to front, single storey extension to rear loft conversion
2007/00960/FUL	A	5, Chantry Rise, Penarth	Loft conversion including dormers to the front and rear
2007/00977/FUL	A	30, Lombard Street, Barry	Single storey rear extension
2007/00979/FUL	A	Four Hedges, Castle Hill, Llanblethian	Construction of external stairs and balcony to existing detached garage to access existing loft
2007/00983/FUL	A	6, Shearwater Close, Penarth	Rear extension
2007/00986/FUL	A	27, Celtic Way, Rhose	A conservatory extension
2007/00987/ADV	A	Gladstone road adj. 27 Courtney Road and adj. 1 Weston St, Barry	Two no. advertising panels on two no. bus shelters on North and South sides of Gladstone Road
2007/00989/FUL	A	Ty Draw Farm, St Andrews Major	Improvements, extension and alterations to the existing dwelling
2007/00992/FUL	A	64, Conybeare Road, Sully	Single storey side extension
2007/00994/FUL	A	Former station yard (Chequers yard), East Aberthaw	Variable usage, storage or parking, HGV tractor units, motor vehicles, caravans, agricultural vehicles and machinery
2007/00995/FUL	A	35, Purdey Close, Hunters Ridge, Barry	First floor extension above garage and kitchen
2007/01001/FUL	A	Fir Cottage, Llantwit Road, St Athan	Conversion of disused garage and 1st floor extension
2007/01005/FUL	A	26, Senni Close, Cwm Talwg, Barry	Proposed rear conservatory
2007/01008/FUL	A	7, Glan Hafren, Maes-y-Coed, Barry	Removal of existing glazed external windows and small wall and replace with new white PVC screen and sliding doors with steel and glass balustrade
2007/01011/FUL	R	Kabel Managment Services Ltd., Georges Row, Dinas Powys	Demolition of existing building and construction of two, one bedroom apartments

2007/01012/FUL	A	28, Clos y Fulfran, Barry Island	A raised timber decking platform at front of house.
2007/01016/FUL	A	28, White House, The Knap, Barry	First floor bedroom, bathroom and en-suite extension, ground floor single storey semi-circular store to garage; enclosure of undercroft parking space to playroom.
2007/01021/ADV	A	55, South Road, Sully	Monolith sign
2007/01025/FUL	A	28, Heol St Cattwg, Pendoylan	An area of raised decking at rear of the property
2007/01028/FUL	A	10, Meadow Court, St. Brides Major, Bridgend	To erect a conservatory to the rear of the property
2007/01029/FUL	A	Ty Fry Lodge, Pendoylan	Two storey extension to rear to provide sitting room/study, bedroom and shower room
2007/01032/FUL	R	42, Coleridge Avenue, Penarth	Extension to porch to provide downstairs toilet facilities
2007/01036/FUL	A	6, Park Road, Penarth	Removal of existing welsh and fibre cement slates, replace with new smooth surfaced fibre cement slates. Remove existing plastic and aluminium rainwater goods, renew in upvc
2007/01039/FUL	A	3, Church Meadow, Boverton	Conservatory to rear
2007/01043/FUL	A	5, Heol Leubren, Pencoedtre Village, Barry	Convert garage to lounge
2007/01044/ADV	A	Holton Road, Adj 27, Courtenay Road and opposite Islamic Centre, Barry	Two no. advertising panels on two no. bus shelters on North and South sides of Holton Road
2007/01046/FUL	A	Westside, Claude Road West, Barry	Two storey extension to side and front porch
2007/01049/FUL	A	Vacant land at corner of Vere Street and Harvey Street, Cadoxton, Barry	Erection of 7 no. affordable self contained apartments

2007/01063/FUL	A	15, Clinton Road, Penarth	To extend to rear of dwelling new kitchen extension
2007/01076/ADV	A	Argos Superstore, Unit 3 The Waterfront, Barry	2 no. internally- illuminated signs (front elevation) and 1 no. non illuminated sign rear elevation
2007/01081/FUL	A	1, Coed Criafol, Pencoedtre Village, Barry	Proposed domestic conservatory
2007/01086/FUL	A	28, Gwennol Y Mor, Barry Island, Barry	Rear dormer loft conversion
2007/00358/FUL	A	2, Sir Ivor Place, Dinas Powys	A two storey side and single storey rear extension, a new detached garage with new driveway/access gates and new perimeter wall
2007/00674/FUL	A	51, Coleridge Avenue, Penarth	Second storey extension, new garage, ground floor rear conservatory
2007/00902/FUL	A	7, Goldsland Place, Barry	Dormer loft conversion and side rear extensions and detached garage
2007/00968/FUL	A	4A, Pontypridd Road, Barry	Two storey side extension
2007/00970/FUL	R	Yew Tree Cottage, Colwinston, Cowbridge	Extensions and alterations to dwelling
2007/00985/FUL	A	17, Usk Way, Cwm Talwg, Barry	Removal of existing conservatory and replace with garden room
2007/00990/FUL	R	Vishwell Farm House, St Andrews Road, Wenvoe	Single storey annex to provide ancillary accomodation to main house, approx size to be 8m x 7m
2007/00993/FUL	A	Plymouth House, Dimlands Road, Llantwit Major	Division of existing dwelling into two dwellings and associated repairs and reinstatement to existing building
2007/01007/FUL	A	49, The Parade, Barry	Two storey extension to the rear of the property incorporating a kitchen/dining space to the ground floor, and an extra bedroom with ensuite to the first floor.

2007/01018/FUL	A	196, Lavernock Road, Penarth	Two storey extension and conservatory
2007/01041/FUL	A	15, Maillards Haven, Penarth	Garage conversion to living space
2007/01068/FUL	A	40, Sherbourne Close, Highlight Park, Barry	Loft room for bedroom with en suite bathroom
2007/01071/FUL	A	Old Town Mill, Cowbridge	The erection of a porch and associated works
2007/01072/FUL	R	72, St Pauls Avenue, Barry	Balcony projection from 1st floor living room
2007/01082/FUL	A	11, Glyndwr Road, Penarth	Single storey kitchen extension to rear of property
2007/01097/FUL	A	6, Southey Street, Barry	Proposed demolition of outhouse and construction of two storey extension to side
2007/01099/FUL	A	4, The Vines, Colwinston	Alteration to rear elevation, convert two existing windows into french doors in both dining room and lounge
2007/01100/FUL	A	Pen Y Bryn, Pendoylan	Second floor bedroom en suite extension
2007/01105/FUL	A	48, Wordsworth Avenue, Penarth	Ground floor rear extension
2007/01106/FUL	A	13, Seys Close, Cowbridge	Remove existing dormer and new first floor dormers
2007/01115/FUL	A	17, Augusta Crescent, Penarth	To amend previous approved application original lean to roof to now proposed hipped roof without velux windows
2007/01119/FUL	A	4, Penlan Road, Llandough, Penarth	Conservatory to rear of property
2007/01126/LAW	A	4, Trem Echni, Rhooose Point	Extension to the rear of the property
2006/00505/FUL	R	Glenholme Farm, Peterston Super Ely	First floor games room extension

2006/01601/FUL	A	13A, Arcot Street, Penarth	Convert existing ground floor shop unit into a single two bed flat
2007/00087/FUL	A	Curnix Farm, Moulton	Resubmission of approval 05/00660/FUL - to vary scheme to include an additional bedroom and ground floor room
2007/00477/FUL	A	17, Matthew Road, Rhose	Single storey and 2 storey extension, including attached garage
2007/00544/FUL	A	Green Oak Cottage, Craig Penllyn, Nr Cowbridge	Two storey extension including additional domestic curtilage
2007/00757/FUL	A	Abbey Farm, Abbey Road, Ewenny, Nr Bridgend	Proposed additional accommodation
2007/00851/FUL	A	15, Cornerswell Road, Penarth	Garage to take up the full width of the garden
2007/00978/FUL	A	19, Stanton Way, Penarth	Proposed alterations and extensions to existing dwelling
2007/01024/FUL	A	Old Barn, Picketston, St Athan	Formation of ground floor bedroom and adjoining shower room for a disabled person and extension to replace office
2007/01040/ADV	A	2, Barry Road, Barry (Shop and rear yard)	Illuminated signs
2007/01042/FUL	A	3A, Cornerswell Road, Penarth	Change of use of first floor from residential to hair and beauty, ground floor extension and enclosure of external staircase
2007/01048/FUL	A	Kingslea, 14 Craig yr Eos Road, Ogmore By Sea	The demolition of existing conservatory and replace with single storey extension with sun terrace balcony on existing flat roof
2007/01050/FUL	A	6, Waun Gron, Llantwit Major	Conservatory to rear
2007/01055/FUL	A	The Coach House, Stanwell Road, Penarth	External alterations to approved offices

2007/01056/FUL	R	Wallace Fach Cottage, Wick Road, Ewenny	Alter existing garage roof to accommodate an internal studio/ work room. Remove and rebuild garden store
2007/01057/FUL	A	Waterford House, Ash Park, Ystradowen	Erect a small stable block in paddock area to rear of house
2007/01061/ADV	A	Cardiff Gas & Sully Moor Road, Sully	Two Hoarding signs either side of the site entrance, one Spinner sign (removeable daily)
2007/01066/FUL	A	Sunset Cottage, Wick Road, Llantwit Major	Double garage
2007/01074/FUL	A	24, Holton Road, Barry (ground floor)	Change of use of ground floor of 24, Holton Road, Barry to A3 Cafe
2007/01075/FUL	A	Windsor Hotel, 170, Holton Road, Barry	Covered smoking area/shelter
2007/01077/FUL	A	Holm House, Marine Parade, Penarth	New pedestrian and vehicular access to manager's accommodation
2007/01090/FUL	A	St. Annes, Old Port Road, Wenvoe	2 storey extension at ground and first floors and lower ground floor extension to provide additional accommodation
2007/01102/LAW	A	Little Moor Farm, Llysworney, Cowbridge	Infilling of veranda area of property
2007/01133/FUL	A	Old Hedges, Trehill, St. Nicholas	Conservatory/orangery
2007/01137/FUL	A	6, Lower Farm Court, Rhoose	Conservatory (Retrospective)
2007/01149/FUL	A	38, Victoria Road, Penarth	Car port to rear of property, timber beam and post construction
2007/01153/FUL	A	25, Fonmon Road, Rhoose	Single storey porch to front of existing dwelling
2007/01155/FUL	A	12, Westminster Drive, Sully	Front Porch
2007/01168/FUL	A	The Paddocks, Bonvilston	External flue for wood burning stove to garage

2006/01475/FUL	A	Land adjoining 14, Laburnum Way, Penarth	Proposed two storey dwelling (incorporating bedrooms in the roof space) and associated off road car parking
2007/00042/FUL	A	29, Plymouth Road, Penarth	Conversion and extension of existing property to 5 no. 1 bed flats and 2 no. 2 bed flats (Resubmission of 05/01727/FUL)
2007/00925/FUL	R	Whitewells Farm, Peterstone Super Ely	Proposed 2 No. car garage with workshop over
2007/00958/FUL	A	109a, Port Road East, Barry	Extend existing garage and replace existing porous asbestos roof, wall plates and joists.
2007/01003/FUL	A	14, Atlantic Place, Barry	Front porch and wc/shower extension
2007/01052/FUL	A	30, Coldbrook Road East, Barry	Change of use from residential to learning disability care home with single storey rear extension and parking facility in front.
2007/01060/FUL	A	18, Pencoedtre Road, Barry	Single storey rear extension
2007/01070/FUL	A	10, Millfield Drive, Cowbridge	2 Bedroom granny annex
2007/01073/FUL	A	Y Rhosyn, Highlight Lane, Barry	Change of polycarbon roof on existing conservatory to tile roof; Installation of external chimney flue
2007/01079/FUL	A	Emmaville, St Nicholas	Construction of masonry boundary wall in curtilage of highway and re-grading of grass verge.
2007/01080/FUL	A	Land adjacent to 10, Clive Place, Penarth	New end of terrace dwelling
2007/01083/FUL	A	324, Barry Road, Barry	Two storey extension to side and single storey extension to rear
2007/01089/FUL	R	67, Church Meadow, Boverton, Llantwit Major	Proposed two storey extension to front of property
2007/01093/FUL	A	95, Jenner Road, Barry	Loft conversion with dormer to rear

2007/01095/FUL	A	Castleland Community Centre, Belvedere Crescent, Barry	Installation of 8 No. velux windows and 4 No. ground floor windows.
2007/01103/FUL	A	117, Andrew Road, Penarth	Side extension and loft alteration
2007/01107/FUL	A	1, Bromfield Road, Barry Island	Two storey extension and detached garage
2007/01109/FUL	A	Land adjacent to Chatsworth House, Pound Lane, Wenvoe	Change of use of the land to garden to form part of the residential curtilage of Chatsworth House
2007/01110/FUL	A	236, Holton Road, Barry	Proposed change of use of ground floor and two-storey coach house from retail (Class A1) to use as a health advice centre (Class D1 or sui generis)
2007/01111/FUL	A	66, Westbourne Road, Penarth	Change of use of part of ground floor to osteopathic consultancy
2007/01113/FUL	A	The Barn, Llysworney	Extension of detached garage to form first floor study/office-annexed to main dwelling
2007/01117/FUL	A	10, Earl Road, Penarth	Proposed garage (attached to existing house)
2007/01127/FUL	A	4, Cedar Road, St Athan	Two storey extension to existing property
2007/01130/FUL	R	54, Merthyr Street, Barry	First floor extension to rear and internal alterations
2007/01131/FUL	A	7, Twyn-yr-Eglwys, Colwinston	Extension to existing house
2007/01134/PNT	R	Rosedew Farm Buildings, Rosedew Farm, Llantwit Major	Installation of a 15 metre high replica pine tree mast complete with three integral antennas, two dish antennas, two associated radio equipment cabinets, and ancillary development thereto.
2007/01138/FUL	A	12, Clos Mancheldowne, Barry	Two storey extension (amendment to permission 2007/00013)

2007/01139/FUL	A	7, Coldbrook Road West, Barry	Proposed second storey side extension
2007/01150/FUL	A	Trevellian, Ham Lane South, Llantwit Major	Dormers on front and rear elevations
2007/01151/FUL	A	Westridge, Ogmore-by-Sea, Bridgend	Flat roof extension and balcony
2007/01152/FUL	A	60, The Pastures, Barry	Rear and side one and two storey extensions, after demolition of existing rear conservatory
2007/01154/FUL	A	38, Millbrook Close, Dinas Powys	Single storey rear extension
2007/01173/FUL	A	139, Glenbrook Drive, Barry	Extension above existing garage with two dormer windows
2007/01210/PNA	R	Caeriland, Wick	New storage building
2007/01270/OBS	B	Area 472 Culver Sands,	Dredging of marine sand, Culver Sand
2006/01266/FUL	A	Duffryn Lloff Barn, Tredodridge	Amendments to approved barn conversion to dwelling
2007/00107/FUL	A	The Old Coalyard, Le Pouliguen Way, Llantwit Major	Residential development comprising 14 no. 3-4 bed town houses with integral garage and parking
2007/00855/FUL	A	57, Winston Road, Barry	Change of use to A3 (Food and Drink)
2007/01088/FUL	A	16, Plassey Square, Penarth	Rear dormer loft conversion
2007/01104/FUL	A	32, Minehead Avenue, Sully	Shower room extension and ramped access
2007/01125/FUL	A	59, Porlock Drive, Sully	Erection of single storey front extension and external alterations to previously approved two storey side extension
2007/01136/FUL	A	2, Whitcliffe Drive, Penarth	Two storey bay window to front
2007/01146/FUL	A	14, Victoria Square, Penarth	Renovation of all original box sash windows

2007/01180/FUL	A	73, Wordsworth Avenue, Penarth	Single storey rear extension
2007/01182/FUL	A	New retail units at Poundfield Precinct, Llantwit Major authorised by 2007/00310	Removal of condition 6 from consent 2007/00310/FUL (removal of restricted opening hours)
2007/01192/FUL	A	155, Pontypridd Road, Barry	Proposed loft conversion with front and rear dormers and front extension of garden store
2007/01194/LAW	A	Treetops, Nash, Cowbridge	Continued use of Treetops as a dwelling without complying with the agricultural occupancy condition
2007/01195/FUL	A	Coetref, Welsh St Donats	Permission to retain existing conservatory built some nine years ago
2007/01197/ADV	A	Tesco Stores Ltd, Stirling Road, Shopping Precinct, Barry	Various car park signage, new entrance signage (goalpost), new 5.5m gantry sign.
2007/01213/FUL	A	10, Cowslip Drive, Penarth	White UPVC tiled porch approx dimensions 2.260 x 1- 100 as in the enclosed diagrams
2007/01223/FUL	A	11, Smithies Avenue, Sully	Proposed entrance lobby single storey

438 APPEALS (DEER) -

RESOLVED -

(1) T H A T the list of appeals received and decisions concerning appeals from the refusal of the Council on planning permission or in respect of enforcement action as detailed in the report be noted.

(2) T H A T the statistics relating to appeals for April 2007 to March 2008 and the list of forthcoming hearings and public enquiries as detailed in the report be noted.

(3) T H A T the following appeals, as detailed in the report, proceed by way of a hearing:

LPA Ref 2005/01581/FUL
LPA Ref ENF/2005/0249/M

LPA Ref ENF/2005/0250/M
 LPA Ref ENF/2005/0251/M
 LPA Ref ENF/2005/0253/M
 LPA Ref ENF/2005/0254/M
 LPA Ref ENF/2005/0252/M

439 TREES (DEER) -

RESOLVED - T H A T the report on the following applications determined by the Director under delegated powers be noted:

Decision Codes

A - Approved
 E Split Decision
 R - Refused

2007/01065/TCA	A	The Coach House, Peterston Super Ely	Work to trees
2007/01128/TCA	A	Greystones, Rhoose Road, Rhoose	Works to Willow, Cherry and Sycamore
2007/01191/TCA	A	60, Millfield Drive, Cowbridge	Fell one Willow
2007/01240/TPO	A	St. Marys Church Yard, Old Port Road, Wenvoe	Fell 5 Cypresses and replace with more suitable planting
2007/01259/TPO	A	12, Laburnum Way, Dinas Powys	Re-profiling of Ash tree

440 GENERAL PLANNING MATTERS (DEER) -

(i) Welsh Assembly Government Consultation: Technical Advice Note 17: Planning and Managing Development

Planning Committee were advised of the publication in August 2007 of draft Technical Advice Note 17 entitled Planning and Managing Development. Endorsement was also sought of a response to the draft Technical Advice Note so that it could be issued to the Welsh Assembly Government by 30th November, 2007.

The Council's suggested response to the questions asked (29 in total) was contained within Appendix A to the report. In addition there were additional general issues that needed to be considered when responding to WAG.

The principle of producing advice or information on the Development Control function was welcomed. Indeed it was considered that there was a need to produce "centrally" at national level a user friendly reference point on all aspects relating to the development control function.

However, it was felt that the role of Technical Advice Notes was to provide guidance on the interpretation of WAG policy on various aspects of land use planning. The draft TAN 17 did not achieve this, and the information related more to the function of the Development Control service. In this regard, whilst some of the information would be relevant to various stakeholders, the information, following modification and streamlining would be better conveyed through a more general "user advice booklet".

A great deal of the information provided was detailed and related to processes and procedures which it was felt would be best delivered directly to the Planning Delivery for Wales programme as opposed through a TAN.

In this regard and in addition, it was a matter for local planning authorities to organise how to manage the development control function, and not the WAG through the production of a TAN. If WAG was minded to involve itself in providing examples of how local planning authorities should implement "Development Control" then this should not be through a TAN but through the Planning Delivery for Wales initiative generally, with a series of good or best practice case studies.

In addition, elements of the documents were considered to be weak in providing advice for the provision of advice which, with respect to the WAG, was quite simply common sense. By way of example:

- The majority of the document was a "stock take" of what was Development Control and provided no real advice on best practice. In this regard examples of good practice and case studies may well be appropriate, but not through a TAN.
- The advice given in Section 3.1 on deciding planning applications was common sense and was laid out in statute.
- Likewise the advice given on the management of teams leading and the need for communication between officers and managers was common sense and was generally accepted.
- Advice in 3.12.2 was incorrect as there was no legislative duty for planning applications have to be submitted on the relevant local planning authority's form.
- Seeking feedback on options for the handling of local planning authorities applications through this draft TAN (Section 3.18) was totally unacceptable and inappropriate. If the handling of their own applications by local planning authorities was an issue for WAG, then separate free-standing consultation should be undertaken on this issue. WAG should also provide evidence as to why there was concern on this issue.
- Whilst the document touched on the difficult issue of post-application changes, condition precedent and amendments, no constructive advice was offered. Indeed, the advice given was erroneous as for example,

on post decision changes the suggestion was that the process to be employed may vary depending on the degree of changes and the options given through the draft TAN had no basis in statute. Again, this was a matter that this Council had raised previously and it was interesting that in England, the Government was looking to provide a "statutory base or footing" for the formal consideration of amendments. At present, it does not appear that there are no such proposals for Wales.

Given the nature of the above comments and the shortcomings of the draft TAN, it was recommended that the report be also issued to WAG, in addition to the responses as set out in Appendix A to the report.

RESOLVED - T H A T a copy of the report and the responses to questions as drafted in Appendix A to the report be issued to the Welsh Assembly Government as the Council's response to the draft Technical Advice Note 17: Planning and Managing Development.

Reason for decision

To allow the Council to respond to the Welsh Assembly Government on the draft Technical Advice Note prior to 30th November, 2007.

(ii) Welsh Assembly Government Consultation On Lifting The Planning Barriers To Domestic Energy Micro-Generation; Proposed Changes To Permitted Development Rights -

Planning Committee were advised of the above consultation document, issued on 9th August, 2007 and were asked to endorse the response to the consultation by 14th November, 2007.

The consultation paper dealt with various forms of domestic micro-generation techniques in turn, and posed a series of questions. Annexes 1, 2 and 3 of that paper were copied and attached as Appendix A to the report.

Annex 1 was a summary of the proposed permitted development rights, recommended in the consultation document and in respect of which responses to questions were sought.

Annex 2 detailed WAG's thinking in respect of noise and vibration measurements as they related to permitted development rights.

Annex 3 was the suggested draft of the amendment to the General Permitted Development Order.

In addition, at Appendix B to the report was a list of the questions asked and suggested responses for consideration by Committee.

Proposals were made to classify as permitted development installations relating to:

- Solar panels on walls, roofs and freestanding within gardens of properties subject to certain limitations.
- Ground source and air source heat pumps, again subject to limitations in respect of noise.
- Wind turbines both on buildings and free standing, again with limitations specifically on noise and height / size of turbines.
- Biomass and combined heat and power installations.

In responding, in addition to the detailed comments at Appendix B to the report, the following points were considered to be particularly relevant:

- (i) The general approach and classifications were accepted albeit with some caveats and not insignificant concerns.
- (ii) There was concern that the proposal to allow 100% roof and wall coverage on solar panels as such extensive coverage could well impact negatively on the appearance of buildings.
- (iii) There was concern at the use of the limitation "visible from a highway" for several reasons. In particular, such a limitation could be unduly restrictive and actually restrict developments that could have very little impact (e.g. when the installation was set well back from the highway). In addition, and in terms of workability, the assessment of whether the installation would be "visible from the highway" would require a site visit to assess whether a proposal was in fact permitted development. This would be resource intensive. Finally, after the implementation of the development under Permitted Development Rights, the local planning authority was as likely to receive claims from objectors or concerned residents that the installation may well be visible from a highway. The use of such a vague description was therefore considered to be inappropriate both in terms of the assessment required and the likely "enforcement fallout" as a consequence of its implementation.
- (iv) The noise limitations proposed for turbines and heat pumps were extremely complex and again unhelpful. In this regard far from allowing the provision of a straightforward and clear permitted development Class, the use of the limitations proposed resulted in an extremely complex, unclear and potentially bureaucratic system for determining whether micro-generation was permitted.

In general therefore, it was felt that whilst the principle of providing a new Class 40 was supported and welcomed, further work was necessary to ensure that the system was as clear and straightforward as possible.

RESOLVED -

(1) T H A T the Welsh Assembly Government consultation paper entitled "Lifting the Planning Barriers to Domestic Energy Micro-Generation: Proposed Changes to Permitted Development Rights" be noted.

(2) T H A T the report and the responses to questions at Appendix B to the report be endorsed as forming the Council's response to the consultation.

Reasons for decisions

- (1) To inform Planning Committee of the consultation exercise.
- (2) To allow the Council to report to the Welsh Assembly Government by 14th November, 2007.

(iii) Open For Business: The Development Team Approach -

Endorsement was sought of a document entitled "Open for Business - The Development Team Approach" as attached at Appendix A to the report.

It had been recognised that bringing together representatives from different Council service areas at an early stage in the development planning process could bring major benefits to all parties.

The approach was not new and had been used frequently on major development proposals, with recent examples relating to the DTR St. Athan project, Barry Waterfront as well as more local schemes relating to historic buildings.

Although the approach was not new, it had not until now been documented. The purpose of the report before Committee was to seek endorsement of the document attached at the report which sought to define the Development Team Approach and to encourage its use by the Developers and Councils. It also sought to provide a framework for implementing the Development Team Approach by providing contact names within the Planning and Transportation Division of the Council.

RESOLVED - T H A T the "Open for Business - The Development Team Approach" document attached at Appendix A to the report be endorsed.

Reason for decision

To endorse the Development Team Approach to ensure its consistent use by the Council when considering major development proposals.

(iv) Listed Building Condition Survey: Listed Buildings at Risk -

The endorsement of Planning Committee was sought in relation to a report which had been submitted to Cabinet on 3rd October, 2007.

Cabinet had RESOLVED:

- (1) That, subject to consultation with the Planning Committee, the proposed methodology of reviewing individual cases, prioritised and informed by the findings of the Buildings at Risk Survey, be endorsed.

(2) That the requirement for formal action under the terms of legislation be considered by the Planning Committee on a case by case basis, with reports to include a consideration of the likely financial implications, liabilities and options inherent in the service of such Notices on each of the individual buildings concerned.

Having considered the contents of the report entitled "Listed Building Condition Survey - Listed Buildings at Risk" together with the decisions of Cabinet, it was

RESOLVED - T H A T the content of the report together with the decision of the Cabinet be endorsed.

Reason for decision

To advise Cabinet of the Planning Committee's stance in this matter.

(v) Planning Application Validation Procedures And Procedures Relating To Pre-Application Advice -

Endorsement was sought of a new pre-application validation procedure and pre-application advice procedure.

The speed of determination of applications for planning and other forms of permission was an important national measure of the efficiency of local authorities. In this regard, there were accepted requirements that applicants should meet in submitting applications. A procedure note was attached at Appendix A to the report, the purpose of which was to set out the Council's requirements for applicants. The procedure note leaned heavily on the guidance issued in 2005 by the Office of the Deputy Prime Minister and draft Guidance issued in August 2007 by the Department for Communities and Local Government. Both these Guidance Notes advocated the production of local guidance by individual authorities on their own specific requests from applicants.

It was hoped that the provision of a local or bespoke Guidance Note for the Vale of Glamorgan would clarify the Council's requirements of applicants and promote a greater understanding as to why these requirements were in force.

The same proposals applied to the procedure note attached at Appendix B to the report in that it sought to provide clarity and consistency for dealing with requests for pre-application advice, and at Appendix C in relation to permitted development enquiries.

With reference to pre-application advice, the focus was very much on establishing "minimum standards of service" which prospective developers could expect from the Council and which the Council should also expect from those seeking advice.

RESOLVED -

- (1) T H A T the procedures relating to the validation of planning and related applications, permitted development enquiries and pre-application advice, be endorsed.
- (2) T H A T under the heading "Compulsory Requirements" as contained on the validation Checklist, the words "it is the applicant's responsibility to do this" be added.

Reasons for decisions

(1&2) To allow the implementation of procedures relevant to the Development Control function of the Council.

(vi) Access And Design Statement Guidance Leaflets -

Planning Committee were advised of the Access and Design Statement Leaflet.

From 30th June, 2007 Access and Design Statements had been required under Article 4D of the Town and Country Planning (General Development Procedure) Order 1995, and Regulation 3B of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, as inserted by the Town and Country Planning (General Development Procedures) (Amendment) (Wales) Order 2006 (SI 2006/3390 W.310), and the Planning (Listed Buildings and Conservation Areas) (Amendments) (Wales) Regulations 2006 (SI 2006/3316 W.301).

If an application was submitted for any development other than a household extension or a straightforward change of use with no building works, both of these statements were required to be submitted for the application to be deemed valid.

An Access Statement was intended to explain and justify the principles and concepts of inclusive design on which a development proposal was based, and how these would be reflected in individual aspects of any scheme.

Both Design and Access Statements must demonstrate the steps taken to appraise the context of the proposed development. It was important that an application should understand the context in which their proposal would sit, and use this understanding to draw up the application.

There was no set format for the Design Statement. However, the most useful statements were likely to include written elements together with sketches, drawings and photographs.

To aid developers in the production of satisfactory Access and Design statements, the Division had produced explanatory guidance leaflets. A copy was attached at Appendix A to the report.

Without the relevant guidance it had become clear that there was a lack of consistency in the quality of statements being produced by developers and applicants.

RESOLVED - T H A T the content of the Access and Design Statement Guidance be noted and endorsed.

Reason for decision

In order to assist in the process of submitting planning applications in the Vale of Glamorgan by the provision of general advice.

(vii) Quarry Monitoring Programme: Annual Report On Quarrying Activity 2006/07 -

Members were advised of developments in the minerals industry locally during the past 12 months.

The report contained the regular practice, since 1996, and of the former County Council prior to that, of a regular formal review of quarrying matters. The current report followed the same format as previously, identifying the matters dealt with during the year and any problems that had arisen at each site, with a concluding section of output trends, reserves and wider mineral planning issues that had arisen during the past year. Actual production figures at all sites were commercially confidential, but general comments on trends were given.

RESOLVED - T H A T copies of the Annual Quarry Monitoring Report be sent to Cardiff County Council, Bridgend County Borough Council and Rhondda Cynon Taff County Borough Council for their information.

Reason for decision

To inform adjoining Mineral Planning Authorities of trends in mineral activity in the Vale during the past year.

(viii) A4222 Ystradowen (Part): Proposed 30m.P.H. Speed Restriction Order -

Committee's approval was sought for the introduction of a Traffic Regulation Order to create a speed restriction of 30m.p.h. along the route of the A4222 Ystradowen, in a southwest direction.

The Council's Traffic Group had recently constructed a footway for a distance of approximately 96 metres southwest-wards from the commencement of the

existing 30m.p.h. speed restriction at the southern end of Ystradowen village and the proposed change in the speed limit from 60m.p.h. to 30m.p.h. would bring the new footway within the village speed limit as described in the schedule and Plan attached to the report.

The village of Ystradowen was generally subject to a 30m.p.h. speed restriction. However, the A4222 was currently subject to the national speed limit of 60m.p.h., with no street lighting.

RESOLVED -

(1) T H A T public notice of the Council's intention to make an Order under Sections 81, 82, 83 and 84 of the Road Traffic Regulation Act 1984, as set out at Appendix A to the report, be approved.

(2) T H A T in the event of no objections being received, the Order be made.

Reasons for decisions

(1) To comply with the requirements of the Road Traffic Regulation Act 1984.

(2) To permit the speed restriction to be introduced.

(ix) Holton Road, Barry: Proposed Taxi Rank Licensed Hackney Carriage Stand -

An amended form of words for Paragraphs 7, 8 and 9 was considered at the meeting.

Members' approval was sought for the creation of a Traffic Regulation Order the effect of which would be to introduce a permanent Hackney Carriage stand adjacent to the Windsor Public House in Holton Road.

The former taxi rank in Wyndham Street, Barry was removed in 2005, to allow the relocation of bus stops that had to be removed to allow the refurbishment of Barry Town Hall. A temporary taxi rank was then created adjacent to the Windsor Public House in Holton Road. The current temporary Order for this rank will expire in July 2008.

Enquiries with the taxi trade had confirmed that they wished this taxi rank to remain and to be made permanent.

It was proposed to introduce a Traffic Regulation Order the effect of which would be to make permanent this taxi rank.

RESOLVED -

- (1) T H A T, subject to the views of the Chief Constable and other representative organisations of road users, public notice be given of the Council's intention to make a Traffic Regulation Order for the purpose of making permanent the existing Temporary Licensed Hackney Carriage Stand, as described in the Appendix to the report.
- (2) T H A T in the event of no objections being received, the Order be made.

Reasons for decisions

- (1) To improve road safety on the highway network and to comply with the above legislation.
- (2) To allow the proposal to be implemented.

(x) B4267 Lavernock Road, Sully (Part): Proposed Amendment Of 40 M.P.H. Speed Restriction To Extend 30 M.P.H. Speed Restriction For Sully -

Committee's approval was sought for the introduction of a Traffic Regulation Order to amend the existing 40m.p.h. and to extend the existing speed restriction of 30m.p.h. along part of the route of the B4267 Lavernock Road, Sully, in a north-easterly direction.

It had been brought to the attention of the Council by residents and road users that the speed of vehicles approaching the cross roads of the B4267 Lavernock Road with Swanbridge Road and Beach Road, Sully, from Penarth was higher than desirable.

The junction was currently subject to a speed limit of 30m.p.h. which commenced on the B4267 Lavernock Road approximately 15 metres northeast of the junction and the purpose of the report before Members was to extend the 30m.p.h. restriction by 108 metres and to treat the new commencement of the restriction with a "Gateway" effect making the change in the speed restrictions more apparent to motorists, as described in the schedule and Plan No. T07/85/AT to the report.

RESOLVED -

- (1) T H A T public notice be given of the Council's intention to make an Order under Sections 81, 82, 83 and 84 of the Road Traffic Regulation Act 1984, as set out at Appendix A to the report, be approved.
- (2) T H A T in the event of no objections being received, the Order be made.

Reasons for decisions

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To permit the speed restriction to be introduced.

(xi) Cold Knap Etc., Barry: Proposed Amendment To Waiting Restrictions Order -

Committee's approval was sought for the introduction of an amendment to reduce in length the Waiting Restrictions in Cold Knap, Barry.

In 1972, a waiting restriction was implemented in Lakeside, along much of its length from Well Walk to Watchtower Bay, designed to prevent parking in the vicinity of The Knap Lido, which at that time drew large numbers of visitors to the area. The times of restrictions being 9.00a.m. to 9.00p.m. daily, from 1st April to 30th September.

In subsequent years similar additional waiting restrictions were implemented in Cold Knap Way, Crosshill, The Parade, Bron y Mor, Beachway and Romilly Park Road.

The Knap Lido had since closed and over the intermediate period, there had been general changes in leisure activities in the area. However, these waiting restrictions currently remained, although certain of the original reasons for their implementation were now no longer relevant.

Residents had requested that some of the restrictions be removed, to allow the frontage of their properties available for use by themselves and by visitors.

Although the original reasons for the implementation of the Waiting Restrictions were generally now no longer relevant, there remained a need for free vehicular access at all times to Watchtower Bay by the Ambulance and Coast Guard services.

However, to reflect current conditions, it was felt to be possible to revoke or amend the existing Traffic Regulation Orders, and remove long sections of double yellow lines, whilst leaving protection at junctions and other relevant sections of highway, without reducing the overall effect.

At the same time, it was felt to be appropriate to protect the remaining areas throughout the day by changing the existing seasonal 9.00a.m. to 9.00p.m. waiting restriction to 24 hours daily.

The scheme would reduce the level of double yellow lines by 1,155 metres with the consequent effect of reducing future maintenance costs in both lining and signing.

RESOLVED -

(1) T H A T subject to the views of the Chief Constable and other statutory consultees, public notice be given of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order, the effect of which would be as shown at Appendix A to the report. (The amended Traffic Regulations Orders were shown at Appendix B to the report.)

(2) T H A T, in the event of no objections being received, the Order be made.

Reasons for decisions

(1) To comply with the requirements of the Road Traffic Regulation Act 1984.

(2) To allow the necessary works to be undertaken.

(xii) Paget Road, Barry Island: Proposed Consolidation And Amendments To The Waiting, Access And Loading And Unloading Restriction Order -

Approval was sought for the introduction of a Traffic Regulation Order, the purpose of which was to consolidate and amend the existing restrictions in Paget Road, Barry Island. The overall effect of the proposed Order would be to:

- (a) revoke or amend existing Orders in the vicinity as required, and
- (b) to make a number of new Orders in the vicinity, viz:
 - Police Only parking bay in Paget Road, Barry Island adjacent to Barry Island police facility
 - authorised Users Only parking bay in the pedestrianised area of Paget Road and Friars Road, Barry Island, to allow access to vehicles of staff manning the St. John Ambulance facility and the Tourist Information Centre in order that they could use the off-road parking facility provided.

No on-street parking for the public would be lost as a consequence of the proposed measures.

The existing Traffic Regulation Orders covering Paget Road and Friars Road were varied, having been introduced piecemeal since the 1970s. In the interest of efficiency, it was proposed to consolidate all Traffic Orders within one and to include amendments, as above and shown in more detail on the schedule attached to the report.

Due to an increase in vehicles being used in connection with policing, it was proposed to amend the Orders covering a parking bay in Paget Road, which presently was used by staff of the St. Johns Ambulance facility and also the

Tourist Information Centre on the island and to make the bay a dedicated Police Parking Only bay. In addition, the Order would permit staff from the St. Johns Ambulance and the Tourist Information Centre to drive into an area currently subject to a prohibition of driving Order, to gain access to off-road parking facilities.

RESOLVED -

(1) T H A T public notice of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order, the effect of which would be as shown at Appendix A to the report, be approved.

(2) T H A T in the event of no objections being received, the Order be made.

Reasons for decisions

(1) To comply with the requirements of the Road Traffic Regulations Act 1984.

(2) To allow the necessary works to be undertaken.

441 MATTERS WHICH THE CHAIRMAN HAD DECIDED WERE URGENT -

RESOLVED - T H A T the following matters, which the Chairman had decided were urgent for the reasons given, be considered.

442 "DEALING WITH PLANNING APPLICATIONS (REF) -

Urgent by reason of the need to keep Members updated prior to the next meeting

Community Liaison Committee, on 25th September, 2007 received a presentation detailing the development control process and the stages involved in dealing with planning and similar applications. The Head of Planning and Transportation presented the report to the Committee commencing with the reasons why planning permission was necessary. Planning permission was required for all forms of development unless excluded from the definition of development or classified as permitted development. To carry out any building operations and / or changes of use, two types of consent are generally required from the local planning authority being planning permission and building regulation approval. In completing an application a number of documents are required by the planning authority.

The report further outlined the consultation process required for planning applications and the material considerations that are taken into account when determining them. The timescales referred to for receipt and determination of an application were 8, 13 and 16 weeks, which would obviously depend on

the type of application itself. In determining applications for planning permission the decisions were made in one of two ways by the Council, either by officer delegation (meaning that the Head of Planning and Transportation can determine the application with the Authority having been delegated by the Planning Committee) or the Planning Committee itself. A written report was produced for inclusion in the agenda, copies of which were made available three working days prior to the date of the meeting. The public were entitled to attend meetings of the Planning Committee however they were not entitled to speak or address the Committee. It was also highlighted that the Committee may not determine every application on the agenda, they could resolve to defer consideration of the application to clarify any outstanding matters or to visit the site. Committee site visits were not public meetings their intention was to provide Committee Members with a greater understanding of the issues involved before they meet again at the next Committee meeting to determine the application. The report also covered applications in Conservation Areas and issues concerning listed buildings, planning appeals and enforcement control.

Following conclusion of the presentation the following question and answer session ensued:

Question	Answer
Town and Community Councils were concerned about the short notice given to put their views to the Planning Committee in view of the fact their Council meetings took place once a month.	It was confirmed that the statutory time period was 21 days for the Authority to consult. However Mr. Thomas advised that if the Town and Community Council had difficulty in issuing their representations in the timescale provided, he suggested that they contact the relevant Planning case officer or team leader to ascertain whether the application was still "alive". He advised that the Department would always consider any representations that were made unless a decision had already been agreed.
Retrospective planning. Members of Committee considered that this was a matter of where double standards could be misconstrued.	Mr. Thomas concurred with the views of the Committee and stated that it was a real issue. He advised that he, as an officer of the Department, had encouraged the Welsh Assembly Government to consider changing the fee structure for retrospective applications by, for example, doubling fees. He was aware that currently the Welsh Assembly Government was reviewing its guidance in respect of planning enforcement and that this may entail revisions to the guidance

	in respect of retrospective applications. Members would be advised of any changes if and when received.
In relation to the statutory duty to consult, Councillors requested that officers refer to the Town and Community Councils not only the decisions for approval and refusal but the reasons behind the Council's decision to approve or refuse.	Mr. Thomas responded by stating that all decisions now included specific reasons for approval / refusal and that all decision notices are now issued as a matter of course to all Town and Community Councils. Should any wish to receive further clarification they could also enter into correspondence with the Authority.
The Council had changed the process for any amendments to applications. Applicants had to re-submit applications again which meant that on many occasions the Town and Community Councils were looking at applications that had very minimal changes. They requested that the Authority should point out the differences in order that they can speed up the process and assist each other when making any further representations.	Mr. Thomas responded by stating that as a result of a High Court decisions, the process had to be changed which had resulted in applications having to be resubmitted. He confirmed that this was not a Vale of Glamorgan process, but something that was happening nationally.
When Town and Community Councillors raise issues with planners during the construction process, they were informed that the Authority has to treat it as a complaint.	Accept the fact that these matters were not complaints and agreed to look into the matter, with a view to treating them as "enquiries".
Could the Council consider that at site visits members of the public be afforded the opportunity to speak.	Some local authorities allowed the public to speak and those Councils have various procedures in place (.e.g. time limits and petitions as well as right of response to the applicant). Due to the vast number of applications it would be very difficult to deal with plus the Council would need to consider the suggestion and amend its constitution if considered appropriate. The Council would also need to consider what if any value such a scheme would add to the process.

At the conclusion of the presentation and the question and answer session, the Committee

Community Liaison Committee AGREED -

(1) T H A T Mr. Thomas be thanked for his informative and comprehensive presentation and that any further queries be forwarded to the Clerk or Mr. Thomas direct.

(2) T H A T the report be referred to the Council's Planning Committee Members for information as useful guidance.

Planning Committee, having considered the decision of the Community Liaison Committee,

RESOLVED - T H A T the comments of the Community Liaison Committee be noted.

443 BUTTRILLS ROAD (PART) AND BROAD STREET (PART), BARRY:
PROPOSED ONE WAY TRAFFIC ORDER (DEER) -

Matter which the Chairman has decided is urgent by reason to make an urgent decision

Members' approval was sought to create a Traffic Regulation Order over parts of Buttrills Road (between its junctions with Gladstone Road and Broad Street) and Broad Street (between its junctions with Buttrills Road and the Gladstone Road roundabout), Barry.

It was reported that the presently ongoing Public Realm Improvement scheme in Holton Road and Thompson Street, Barry had in part been funded by the Welsh Assembly Government from the Physical Regeneration Fund.

The present contract had commenced in January 2007 and was anticipated that at the present rate of progress and for the works presently instructed, substantial completion should be achieved in mid November 2007.

The present works started at the newly refurbished King Square end of Holton Road and were to terminate at the junction of Buttrills Road and Broad Street.

For many years, the Traffic Management Team had been aware of difficulties for traffic movements, that sometimes resulted in traffic collisions, at the roundabout junction between Buttrills Road and Gladstone Road. The proposed scheme would assist in improving this situation by removing the "on" movement from the southern section of Buttrills Road.

In promoting a scheme that rendered a section of Buttrills Road one-way south bound meant that the present east bound section of Broad Street between Gladstone Road gyratory and the bottom of Buttrills Road ceased to have little value as a route, and therefore to complete the scheme it was

proposed to make this section of Broad Street also one-way in a west bound direction.

The Council had submitted an application to the Welsh Assembly Government for a retrospective, ERDF grant, to augment the presently ongoing Public Realm improvement works. If successful, the Council would be looking to expend freed up funds released as a result of gaining ERDF grant (a sum equivalent to the amount of retrospective ERDF grant given) to secure the following additional regeneration activities:

- re-paving of the square in front of the Civic Offices
- removal of the carriageway block paving over the subject length of Broad Street and relaying in a bituminous material to match the new works in Holton Road
- the implementation of the above one-way system on Buttrills Road and Broad Street as described.

RESOLVED -

(1) T H A T subject to the views of the Chief Constable and other representative organisations of road users, public notice be given of the Council's intention to create an Order under the Road Traffic Regulation Act 1984 as contained in the Schedule appended to the report.

(2) T H A T in the event of no objections being received the said Order be made and the Director of Legal, Public Protection and Housing Services be authorised to sign all necessary documents to bring the Order into effect.

Reasons for decisions

(1) To comply with the requirements of the Road Traffic Regulation Act 1984.

(2) To obviate the need for further referral to Committee if no objections are received.

444 PLANNING APPLICATIONS -

Having considered the following applications for planning permission and, where necessary, the observations of interested parties, it was

RESOLVED - T H A T in pursuance of the powers delegated to the Committee, the following applications be decided as indicated and any other necessary action taken:

2005/01694/FUL Received on 27 October 2005

P. 170

W. S. Jones & Son, C/o Cooke & Arkwright, Bayer Lodge, Western Avenue, Bridgend, CF31 3TZ

Cooke & Arkwright, Bayer Lodge, Western Avenue, Bridgend, CF31 3TZ

Whitewell Farm Buildings, Tyn Y Coed Farm, Bonvilston

Conversion of agricultural buildings to one dwelling including work from home office.

DEFERRED for a site visit.

2006/01818/FUL Received on 19 December 2006

P. 179

John Lean 68, Huddleston Road, London, N7 0AE

John Rosser RIBA 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan
CF64 4HE

9, Kymin Terrace, Penarth

New house in grounds at rear.

DEFERRED for a site visit.

2007/00109/FUL Received on 23 July 2007

P. 189

Mr. G. Johnson, The Bungalow, Slon Lane, Ogmore By Sea, Vale of
Glamorgan, CF32 0PN

Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend, CF31
1JW

The Bungalow, Slon Lane, Ogmore By Sea

First floor extension to single dwelling.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 06.19/2c received on 23 July 2007 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

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

4. The window in the first floor south elevation to the shower room, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. The screening glazing panels to the sides of the first floor balcony to the shower room, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

2007/00113/FUL Received on 26 January 2007

P. 194

Graham James Property Holdings Ltd., C/o Agent.
EPT Partnership, Ty Cefn, Rectory Road, Canton, Cardiff, CF5 1QL

Former Hyper Value site between 34/35, High Street and 106/107, Queen Street, Barry

Removal of existing redundant building and replace with 7 residential units.

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

- (a) pay a financial contribution of £20,000 to enhance public open space in the vicinity of the site;
- (b) meet the Council's standard charge set at 20% of the planning application fee, for monitoring the implementation of the Agreement.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans 1004/1001B and site location plan 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. All means of enclosure associated with the development shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial unit of any unit on site, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being brought into beneficial use.

Reason:

In the interests of the visual amenities of the area and to ensure privacy for existing and future occupiers and to meet the requirements of Policies HOUS8 and 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) 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.

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 1004/1001A and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

6. Prior to their use on site samples of the bricks, external surface finishes and slate roofing shall be submitted to the Local Planning Authority for their approval in writing and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

7. Details of the finished floor level and access through the site in relation to street level shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the slab level or access and the development shall be carried out in accordance with the agreed levels.

Reason:

To ensure a satisfactory form of development in the street scene and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

8. The development shall be carried out in accordance with the sustainability checklist submitted with the application and details of any solar heating shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason:

To safeguard the environment and to meet the requirements of Policies 2 and ENV27 of the Unitary Development Plan.

2007/00273/FUL Received on 26 February 2007

P. 202

Mr. M.J.P. Board, Moorlands Farm, Penllyn, Vale of Glamorgan, CF71 7RQ

Mr. M.J.P. Board, Moorlands Farm, Penllyn, Vale of Glamorgan, CF71 7RQ

Rear garden of Moorlands Farm, Penllyn

Construction of a two storey outbuilding to provide a workshop, garden store, gymnasium and office as ancillary accommodation to the main dwelling.

REFUSED (Written Representations)

1. The proposed annex by reason of its scale, design and siting is tantamount to a new dwelling in the open countryside that would detract from the rural character of the existing main dwelling house, its garden curtilage and the surrounding Special Landscape Area. As such, the proposal is considered contrary to Policies ENV27- Design of New Developments, HOUS7- Extension and Replacement of Dwellings in the Countryside and ENV4 - Special Landscape Area of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/00560/FUL Received on 20 April 2007

P.205

Mr. and Mrs. M. Barrett, 59, Lakin Drive, Barry, Vale of Glamorgan, CF62 8AH

Mr. and Mrs. M. Barrett, 59, Lakin Drive, Barry, Vale of Glamorgan, CF62 8AH

7, Paget Road, Barry Island

Rear extension and internal alterations to provide further residential accommodation (11 no. flats) in total. Car parking to rear.

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary obligations:

- (1) The developer shall pay the Council a sum of £25,000 for improvements to public open space.
- (2) The developer shall pay the Council a sum of £770 as a sustainable transport contribution.

- (3) The Legal Agreement will include the standard claim requiring the payment of a fee set at 20% of the value of the planning fee (£460.80 in this case).

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 20 April 2007 other than where amended by plans referenced 'PI 5, 6, 7, 10, 11 and 12 received on 2 July 2007.

Reason:

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

3. No part of the development hereby approved shall not be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. PI 5 and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN10 of the Unitary Development Plan.

4. Notwithstanding the submitted plans details of cycle parking and areas for bin storage to serve the flats hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory cycle parking and bin store areas are provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

To ensure that the visual amenities of the area are safeguarded and to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

2007/00686/FUL Received on 15 May 2007

P. 214

Mr. Rhys Price, C/O Moulton Court Farm, Moulton, Nr Barry, Vale of Glamorgan, CF62 3AB

Andrews Gay & Partners, Watson House, 2, Cora Street, Barry, Vale of Glamorgan, CF63 4EP

Curnix Farm, Moulton, Near Barry

Proposed amendments to previous consent 04/00003/FUL and to site a residential caravan on the site for 5 years to enable client to live on site while converting barn.

APPROVED 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 15 May 2007 other than where amended by plans reference 5A, 6A and 7A received on 18 June 2007.

Reason:

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

3. No works to the barn shall take place until a permanent landscape barrier is installed across the driveway leading to the shared northern access, in accordance with a detailed scheme which shall be submitted and approved have previously submitted and approved in writing by the Local Planning Authority.

Reason :

In the interests of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. No works to be barn shall take place until the southern vehicular access is improved in accordance with the approved scheme previously submitted to the Local Planning Authority on 16 June 2005 under application ref. 2005/00660/FUL. The improvements shall include for the provision of 2.4 metre by 33 metre vision splays including the maintenance of the hedgerow within 33 metres each side of the access to a maximum height of 900mm and the improvement of the surface of the access track.

Reason:

In the interests of highway safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

9. The use of barn shall not be approved by this consent until samples of ridge and roof tiles and rainwater goods have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

To ensure that the visual amenities of the area are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

10. Notwithstanding the submitted plans, prior to the commencement of development, section drawings through the main barn indicating how the first floor is to be accommodated together with a structural appraisal of the impact of any reduction in ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reason:

To ensure that the structure of the building is not compromised as a result of the development to ensure compliance with Policy ENV8 of the Unitary Development Plan.

11. Further details of the windows, doors, eaves and glazed link including sections to a scale of 1:20 shall be submitted to and approved in writing

by the Local Planning Authority prior to the commencement of development.

Reason:

In the interests of visual amenities of this rural area and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

12. No works involved in the development hereby permitted, shall be carried out during the bird nesting season between 1 March, and 31 July in any year, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason:

In the interests of nature conservation.

13. Prior to the commencement of development details, including a sample panel, of the proposed stonework and detail of the mortar type and pointing, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the visual amenities are safeguarded and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

14. No part of the development hereby approved shall be brought into beneficial use until such time as the parking and turning areas have been laid out in full accordance with the submitted details and the parking and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

15. The caravan hereby approved shall be removed from the site on or before 3 years from the date of this consent or on completion of the residential conversion of the barn hereby approved, whichever is the sooner.

Reason:

To enable the Local Planning Authority to control the nature of use in this rural location and to comply with the terms of Policies ENV1 and HOUS3 contained within the Unitary Development Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the converted barn 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.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of the converted barn shall be constructed, erected, or placed within the curtilage as hereby permitted 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.

2007/00727/FUL Received on 21 May 2007

P. 223

A. N. & M. J. Quick, C/O. Agent

White Young Green, 21 Park Place, Cardiff, CF10 3DQ

The Greendown Inn, St Georges Super Ely, Cardiff

Conversion and alteration of existing buildings for 3 No. residential units.

APPROVED subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans:

- Site Location Plan, received 21 May 2007
- Plans as Existing, received 21 May 2007
- Elevations as Existing, received 21 May 2007
- Proposed Site Plan and Elevations, Drawing. No. 29904:19, amended plans received 4 September 2007
- Proposed Floor Plans, Drawing. No. 29904:20, amended plans received 4 September 2007 and
- General Works, additional drawing received 6 September 2007.

Reason:

For the avoidance of doubt as to the approved details.

3. Prior to their use on site a full schedule of external finishes, including samples, and a 1:20 scale detail of the windows, rooflights and doors, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

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

4. Notwithstanding the submitted plans further details of the on-site parking, turning areas and driveway, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented before the first beneficial occupation of any one of the dwellinghouses hereby permitted, unless otherwise agreed in writing with the Local Planning Authority. The parking and turning facilities shall be retained on site thereafter to provide for the parking and manoeuvring of private motor vehicles associated with the dwellinghouses hereby permitted.

Reason:

To ensure adequate on site parking and manoeuvring space in the interests of highway safety in accord with Policy ENV27 - Design of New Development of the Unitary Development Plan.

5. The existing vehicular access in the south eastern corner of the site shall be permanently stopped up before the first beneficial occupation of any one of the dwellinghouses on Plots 1 and 2. Full details of the proposed closure shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of those works.

Reason:

In the interests of highway safety and visual amenity in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

6. Notwithstanding the submitted plans further details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the first beneficial occupation of any one of the dwellings hereby permitted. The scheme shall provide for robust native species and 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 the character of the Conservation Area, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the 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.

2007/00810/FUL Received on 5 June 2007

P. 234

Miss Anna Bendall, C/o RWE NPower PLC, Windmill Hill Business Park,
Whitehill Way, Swindon, SN5 6PB

Miss Anna Bendall, C/o RWE NPower PLC, Windmill Hill Business Park,
Whitehill Way, Swindon, SN5 6PB

Aberthaw Quarry, Aberthaw

Variation of various conditions relating to planning permission 05/01811/FUL for the deposition of PFA from Aberthaw Power Station in Aberthaw Quarry.

APPROVED 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. Unless otherwise specified in these conditions, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement and supporting documents received on 5 June 2007 and the additional information received on 30 August 2007.

Reason:

To define the development and in the interests of general amenity.

3. With the exception of any material specifically required for the treatment of the quarry floor or faces to prepare the site for the deposition of ash, or soils for use in the final restoration of the site, no material other than pulverised fuel ash arising from Aberthaw Power Station shall be deposited in the site.

Reason:

For the avoidance of doubt, in the interests of amenity and to comply with the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

4. All loaded vehicles carrying pulverised fuel ash for deposition in the quarry and all empty vehicles having deposited ash shall use the new entrance to the site off Castle Road approved under permission ref: 2007/00808/FUL.

Reason:

In the interests of highway safety and in order to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

5. Notwithstanding the terms of this consent the Local Planning Authority shall be formally advised in writing of the commencement date for the transportation of pulverised fuel ash by road from Aberthaw Power Station to the quarry prior to its commencement, and the transportation of ash by road to the quarry shall run for a temporary period expiring two years after the commencement date of the transportation by road, after which the transportation of pulverised fuel ash to the quarry by road shall cease, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To review the impact of transporting ash to the quarry by road and to assess alternative options of importing pulverised fuel ash into the quarry and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

6. All vehicles transporting pulverised fuel ash from the Power Station to the quarry shall be enclosed or sheeted.

Reason:

In the interests of highway safety and general amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan Unitary Development Plan 1996-2011.

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

Reason:

To safeguard local amenities and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

8. Prior to the commencement of any site preparation works in the excavated quarry bowl and prior to the deposition of any pulverised fuel ash in the quarry, a scheme for the cleaning of the wheels and chassis of vehicles leaving the site shall be implemented in accordance with details to be first submitted in writing to and approved in writing by the Local Planning Authority. All vehicles leaving the quarry having deposited pulverised fuel ash shall use the cleaning facilities, which shall be retained in use throughout the duration of tipping operations and the subsequent restoration of the site.

Reason:

In the interests of highway safety and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011.

9. Notwithstanding the Phasing Map submitted with the application, prior to the commencement of development a revised phasing scheme and method statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme and statement shall contain:
 - (a) detailed proposals to avoid disturbance to birds over-wintering and/or nesting on the lagoons on the quarry floor:
 - (b) proposals for an appropriate stand-off distance between the lagoons, the ash deposition area and any access tracks; and
 - (c) full details of the method of ash deposition within each phase, including face slopes and bench thicknesses.

Reason:

In the interests of the protection of the ecological interest in the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

10. Access to the site shall be provided at all reasonable times for the Bird Control Co-ordinator of Cardiff International Airport.

Reason:

In the interests of aviation safety and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

11. Prior to the deposition of any ash in the site, a one-metre high fence designed to restrict the movement of geese shall be erected between the high water mark of the lagoons in the quarry and the ash deposition area in accordance with details and in a location to be first approved in writing by the Local Planning Authority.

Reason:

In the interests of aviation safety and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

12. No pulverised fuel ash shall be deposited at any level higher than those shown on plan reference 5.10 submitted with the application.

Reason:

In the interests of visual amenity and to ensure the beneficial restoration of the site so as to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

13. The transportation, deposition or consolidation of ash within 500 metres of any dwelling shall not be carried out outside the hours of 0800 to 1800 on any day or at any time on Sundays or Bank Holidays.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The

volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

In order to protect groundwater resources and to comply with the objectives of Policy WAST 2 (Criteria for assessment of waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996 2011.

15. During each bird nesting season throughout the period of ash deposition at the site, a survey shall be carried out of:
 - (a) any quarry faces that may be affected or disturbed by works during the subsequent breeding season, to identify the location of any breeding Peregrine Falcon, and
 - (b) the quarry floor to identify the location of any Little Ringed Plover or any other ground nesting bird.

The complete survey, together with proposals for mitigating the effect of ash deposition operations on the identified species, shall be forwarded to the Local Planning Authority within one month of its completion, and ash deposition during the following year shall be carried out entirely in accordance with the submitted survey or any variation thereto that may be first approved in writing by the Local Planning Authority.

Reason:

In order to mitigate the effects of the operation on interests of acknowledged ecological importance.

16. Prior to the carrying out of any site preparation or ash deposition operations within the excavated quarry bowl, a scheme for the provision of an alternative Peregrine Falcon nesting platform at an appropriate location within Aberthaw Power Station shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve months of its approval and shall be so retained for use throughout the duration of ash deposition operations in the quarry.

Reason:

To ensure the protection of the ornithological interest in the site.

17. Notwithstanding the submitted documents, prior to the commencement of ash disposal in the quarry a scheme for noise attenuation and for the regular monitoring of noise from the development at or as close as

practicable to Home Farm, Fonmon, shall be submitted in writing to and approved in writing by the Local Planning Authority, and the approved scheme or such variation thereto that may first be approved in writing by the Local Planning Authority shall thereafter be fully implemented throughout all periods of ash deposition and subsequent restoration of the site. The approved scheme shall have particular regard to the advice given in Technical Advice Note 11 (Noise) and Minerals Technical Advice Note 1 (Aggregates) in assessing appropriate noise limits at dwellings.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

18. All reversing sirens on mobile plant, machinery or vehicles shall be of the self-attenuating type with a variable sound power level, automatically adjusted dependent on background noise levels such that the sound power level of the units does not exceed 10 dB above background noise levels.

Reason:

In the interests of residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011

19. Prior to the deposition of any pulverised fuel ash in the quarry, a scheme for the minimisation and mitigation of dust arising from operations at the site shall be submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall include a working plan and operational procedure to be followed, including actions, roles and responsibilities, shall be implemented at the time of the first deposition of ash in the quarry and shall be retained in operation throughout all periods of ash deposition and subsequent restoration of the site.

Reason:

In the interests of general and residential amenity and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

20. No later than twelve months following the date of commencement of ash deposition in each of the phases approved under Condition No. 9 of this permission, a detailed scheme for the restoration of that phase shall be submitted in writing for the approval of the Local Planning Authority. The approved scheme shall be implemented within twelve

months of its approval and shall make provision for the formation of top soils and subsequent seeding and appropriate aftercare.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

21. The scheme approved under Condition No. 20 above shall have particular regard to the nature and quantities of any capping material to be imported, and shall make provision for an appropriate agricultural aftercare scheme.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development plan 1996-2011.

22. All soils and soil-forming materials on the site at the date of this permission shall be retained for use in the scheme of agricultural restoration to be approved under Condition Nos. 20 and 21 above.

Reason:

To ensure the satisfactory restoration of the site and to meet the objectives of Policy WAST 2 (Criteria for assessing waste management facilities) of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.

23. Notwithstanding the provisions of planning permission ref. 1979/02300/FUL or the deemed planning permission granted by the former Minister of Fuel and Power on 3 November 1955, no further lateral extension shall take place to the southern or eastern perimeters of the ash mound at Aberthaw Power Station as existing at the date of this permission.

Reason:

In order to protect the ecological interest in the adjoining Site of Special Scientific Interest.

24. Notwithstanding the submitted details, no deposition of ash shall commence on site until full drainage details, including the proposals to discharge surface water run off to the perimeter drainage ditches and onwards, including hydraulic flow calculations, have been submitted to and approved by the Local Planning Authority and the site shall thereafter be drained in accordance with the approved details.

Reason:

In the interests of the satisfactory drainage of the site and in order to comply with the terms of Policy WAST 2 (Criteria for Assessing Waste Management Facilities) of the Vale of Glamorgan adopted Unitary Development plan 1996-2011.

2007/00841/FUL Received on 26 July 2007

P. 248

Beechwood Court Limited, 5th Floor, Harlech Court, Bute Street, Cardiff,
Powell Dobson Architects, Charterhouse, Links Business Park, St. Mellons,
Cardiff, CF3 0LT

Beechwood College, Hayes Road, Sully

Proposed 2 storey plus basement residential extension to Beechwood College.

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

- (a) pay a financial contribution of a minimum of £10,000 to improve sustainable transport facilities serving the site, and that the Head of Planning and Transportation in consultation with the Chairman of the Planning Committee, negotiate with the applicant to increase this contribution;
- (b) meet the Council's standard charge set at 20% of the planning application fee, for monitoring the implementation of the Agreement.

APPROVED subject to the following condition(s):

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

Reason:

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

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

Reason:

To ensure that the appearance of the surrounding countryside is safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. This consent shall relate to the plans registered on 8 June 2007 other than where amended by plans reference received on 31 July 2007.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

4. The extension shall be used only for the purpose(s) specified in the application and for no other purpose, whatsoever, including any other purpose in Class (2) of the Town and Country Planning (General Permitted Development) Order 1995, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

10. Notwithstanding the submitted plans and prior to their use in the construction of the extension hereby approved, details of the materials

to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

11. The parking area indicated on Drawing No. G1940(05) 104 shall be maintained at all times to serve the development in accordance with the plans hereby approved.

Reason:

In the interests of highway safety and the satisfactory development of the site and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

2007/00888/OBS Received on 19 June 2007

P. 255

Bay Pointe Ltd

Cardiff Council County Hall, Cardiff, CF10 4UW

Cardiff International Sports Village, (Whole site), Dunleavy Drive, Grangetown, Cardiff

Variation of condition 26, (and variation of conditions 1, 23, 25, 28, 29, and 55 to accord with changes to condition 26), of planning permission number 05/1754C, to increase no. of dwellings from 1127 to 2400.

That Cardiff County Council be informed of the Vale of Glamorgan Council's comments as follows:

1. There should be a staged review to monitor the actual vehicular trip generation rate relating to the Bay Pointe development prior to approval of the later phases of development, i.e. blocks 8, 9 and 10, and a requirement that all appropriate mitigation measures be implemented.
2. The provision of a pedestrian/cycle crossing of the River Ely should be required to be provided prior to any beneficial occupation of the development.
3. Concern was expressed about the visual impact of the proposal on the properties within Penarth.

(Note: Councillor Mrs. M. Kelly Owen spoke with the consent of the Committee.)

2007/01000/FUL Received on 10 July 2007

P. 258

David Housley 5, Purcell Road, Penarth, Vale of Glamorgan
Paul Rolley (MJD) Unit 10, Springmeadow Bus Park, Wentloog, Cardiff,
CF3 2ES

5, Purcell Road, Penarth

Retain a set of gates to driveway. Retain a temporary boundary fence, built in feather edge close boards and stained.

DEFERRED for a site visit.

2007/01078/FUL Received on 22 August 2007

P. 261

Chris and Mary Roach, Drope Farm, Drope Road, St Georges Ely, CF5 6ED
Alan Gillard RIBA, 7, Kemps Covert, St Donats, Llantwit Major, Vale of
Glamorgan, CF61 1YZ

The Barn adjacent to Glan Y Mor House off Heol Las, Wick

Conversion and extension of redundant agricultural barn to a dwelling including associated amenity area.

DEFERRED for a site visit.

2007/01121/FUL Received on 7 August 2007

P. 268

Newydd H.A. (1974) Ltd., Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff,
CF15 7NE
Rhodri Davies, Asbri Planning Ltd., 32 Lambourne Crescent, Llanishen,
Cardiff, CF14 5GG

Former nursery land adjacent to Cemetery Road, Barry

Erection of 66 no. affordable dwellings (made up of 42 no. houses and two blocks of 12 no. flats) and associated works.

DEFERRED and returned to applicants to reduce density of scheme (No. of units) to increase amenity space and parking, cut back the terrace closest to the cemetery and reduce the height of flats.

(Note: Councillor R.F. Curtis spoke with the consent of the Committee.)

2007/01246/FUL Received on 3 September 2007

P. 283

Mr. Z. Stoddart, 24, Almond Grove, Brentford, Middx, TW8 8NL
Mr. Mark Baldwin, 26, Chiltern View Road, Uxbridge, Middx, UB8 2PE

Penylan Farm, Llancafarn

Barn conversion into dwellinghouse.

REFUSED (Written Representations)

1. By virtue of the rural and open nature of the site, the associated curtilage and parking area and the new window opening, it is considered that the proposal would serve to overly domesticate the barn and surrounding land, intruding into the rural landscape to an unacceptable degree and failing to preserve the unspoilt rural landscape of this part of the Special Landscape Area. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings.

2006/01541/RG3 Received on 31 October 2006

P. 287

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

Chris Fray, Head of Econ. Dev. & Leisure, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Land adjacent to Cogan Hall Farm, Penarth

Layout and landscaping of public open space.

DEFERRED to assess inaccuracies in the report and confirm that no tenanted land is included within the application site.

2007/00843/RG3 Received on 8 August 2007

P. 296

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

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

Cowbridge Leisure Centre, off Eagle Lane, Cowbridge

The location of a single storey prefabricated nursery unit together with all necessary site works.

APPROVED 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 development hereby approved shall be enclosed in accordance with the details as indicated on drawing reference AL(90) 02 in terms of the location, height and extent of enclosure prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained unless the Local Planning Authority gives prior written agreement to any alteration.

Reason:

To ensure a satisfactory enclosure to define the site and in the interests of highway safety to meet the requirements of Policies ENV27 and TRAN10 of the Unitary Development Plan.

3. Prior to the development hereby approved being brought into beneficial use details of the proposed parking to serve the development and of the layout and any direction signage for the parking shall be submitted to and approved in writing by the Local Planning Authority and the approved parking and direction signage shall be fully implemented on site prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained at all times unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of pedestrian and road safety and to meet the requirements of Policies ENV27 and TRAN10 of the Unitary Development Plan.

4. This consent shall be for a temporary period only and the nursery building shall be removed from the site on or before October 2014.

Reason:

To enable the Local Planning Authority to properly consider the impact of the building on the Conservation Area.

5. Within six months of the cessation of the use of the site, the site shall be restored to its former condition, details of such restoration shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby approved.

Reason:

In the interests of the visual amenities of the area, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

2007/00936/RG3 Received on 28 June 2007

P. 301

Director of Learning & Development, Vale of Glamorgan Council, Provincial House, Kendrick Road, Barry, Vale of Glamorgan, CF62 8UF
Property Division, (J. Sen), Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF63 4RU

Llangan Primary School, Llangan

Installation of a wind turbine in the northern corner of the school premises for the purpose of generating electricity for the school, in line with the Council's and the WAG's Green Initiative.

DEFERRED for a site visit. The attendance of the Environmental Health Officer at the site visit is requested.

2007/01267/RG3 Received on 10 September 2007

P. 308

John D. Davies, Waste Management & Cleansing, Vale of Glamorgan Council, The Alps, Wenvoe, Vale of Glamorgan, CF5 6AA
Tony John, Building Services, Vale of Glamorgan Council, The Alps, Wenvoe, Vale of Glamorgan, CF5 6AA

Porthkerry Park Public Toilet block, Barry

Convert existing flat roof to pitched type, similar in appearance to cafe roof adjacent with revision of 2 no. solar panels on south elevation (amendment to app. no. 2007/00794/RG3).

APPROVED 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.

445 MATTER WHICH THE CHAIRMAN HAS DECIDED WAS URGENT BY REASON TO MAKE AN URGENT DECISION -

2007/00309/FUL Received on 26 April 2007

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

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

Crows Nest, 48, Redbrink Crescent, Barry Island

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

APPROVED subject to the following condition(s):

1. The development hereby permitted in respect of the works marked in green on the approved plan and consisting of the setting back of the extension next to No. 46 Redbrink Crescent and the construction of an internal wall and window shall be completed within 4 months from the date of this permission.

Reason:

In order to ensure the required works are undertaken and to comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. This consent shall only relate to the amended plans reference 48RC/JR/01C received on 13 June 2007 and the development shall be carried out strictly in accordance with these details in respect of the works indicated in Condition No. 1 above.

Reason:

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

VALE OF GLAMORGAN CONSERVATION ADVISORY GROUP

MINUTES of a meeting held on 1st November, 2007.

Present: Councillor A.D. Dobbinson (Vice-Chairman); Mr. D.D. Mathews (Dinas Powys Community Council), Ms. P. Goodwin (Pride in Barry), Mrs. H. March (Llantwit Major Local History Society), Mr. D. Black (Llantwit Major Chamber of Trade), Mrs. S. Allen (St. Georges Community Council), Mrs. E. Jervis (Wenvoe History Group), Councillor P.B. Williams (Wenvoe Community Council), Councillor A. Thomas (Cowbridge with Llanblethian Town Council), Councillor Mrs. C. Brown (Wick Community Council), Mr. L. Millar (Cowbridge Charter Trust), Mr. G. Haynes (Cowbridge and District Local History Society) and Mr. R. Simpson (Campaign for the Protection of Rural Wales).

Officers: Ms. V. Abraham, Mr. S. Ball and Mr. C. Hope.

(a) Apologies for absence -

These were received from Councillor Ms. R.M. Birch (Chairman), Mr. A.H. Jones (Barry Preservation Society); Councillor G.W. Bates (Colwinston Community Council), Mrs. L. Adams (Cowbridge with Llanblethian Town Council), Mr. M. Flynn (RTPI) and Mrs. J. Williams (The Victorian Society).

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 13th September, 2007 be accepted, subject to the addition of the name of Mr. A.M. Jones to the list of people who had apologised for their absence.

Mr. Haynes referred to discussions at the meeting held on 30th August, 2007 concerning works to a house in Llanblethian, and asked if further information was available.

In reply, Mr. Haynes was informed that the works to which he referred, in Chantry Rise, Llanblethian, lay outside the Conservation Area boundary, and furthermore was not a "new build". As such it had been deemed not necessary for the application to be brought before the Conservation Advisory Group for consideration.

Mr. Haynes was advised to contact the Head of Planning and Transportation if he had any objections to the works in question.

(c) Information Feedback -

AGREED - TH A T the feedback on the following applications previously considered by the Group be noted:

2007/01080/FUL	Land adjacent to 10, Clive Place, Penarth. New end of terrace dwelling. This application was approved.
2007/00727/FUL	The Greendown Inn, St. Georges Super Ely, Cardiff. Conversion and alteration of existing buildings for 3 No. residential units. This application was approved.
2007/00560/FUL	7, Paget Road, Barry Island. Rear extension and internal alterations to provide further residential accommodation (11 no. flats) in total. Car parking to rear. This application was approved following negotiation with the applicant.

Ms. P. Goodwin, in referring to the negotiation that had taken place re Application No. 2007/00560/FUL, stated that she hoped the amendments that had been made to the application were acceptable.

(d) Applications in Conservation Areas -

(i) Dinas Powys

Mr. D.D. Mathews declared an interest in this application and did not take part in the discussion.

2007/00711/FUL Received on 16 May 2007

Poill Developments (West) Ltd., C/O 26, John Batchelor Way, Penarth Marina, Vale of Glamorgan, CF64 1SD
Hoole and Walmsley Architects, 63, Ffynnonau, Crickhowell, Powys, NP8 1DB

Site at Old Farm Mews, Station Road, Dinas Powys

New housing scheme providing two semi-detached dwellings and two detached dwellings.

RECOMMENDED - REFUSAL - The Group felt that the scale and contemporary design of the proposal would neither preserve nor enhance the character and appearance of the Conservation Area.

(ii) Wenvoe

2007/01370/FUL Received on 28 September 2007

Mr. and Mrs. J. Culbertson, 4, Old Port Road, Wenvoe, Vale of Glamorgan, CF5 6AN

Mr. C. Le Guilcher, 1, Powys Road, Penarth, Vale of Glamorgan, CF64 3PB

4, Old Port Road, Wenvoe

Two storey side extension, single storey front and rear extensions first floor side extension and roof extension incorporating two dormer windows in each of front and rear roof slope.

RECOMMENDED - APPROVAL, subject to officers negotiating improvements to the fenestration.

(iii) Colwinston

2007/01338/FUL Received on 21 September 2007

Mr. Malcolm Jones, C/O/ Agent

Andrew Parker Architect, Studio One, The Great Barn, Bonvilston, Vale of Glamorgan, CF5 6TR

Cynma House, Colwinston

First floor extension.

Copies of a letter received from Councillor G.W. Bates were distributed at the meeting:

"Regrettably I am unable to attend the meeting on the 1st November, particularly as I was to speak on Agenda Item No. 6: Cynma House, Colwinston. Please would you extend my apologies for my absence.

I have set out the views of the Colwinston Community Council, and would be pleased if, with the chairman's permission, they were brought before the meeting.

The Community Council has considered the application, and did not wish to comment, in view of the fact that the external steps and door, prominent in the previous application, had been removed.

However, the owner of the adjoining property, Brynffrwd, has expressed concern that this proposal would, if approved, result in Cynma House having an overbearing and dominating aspect over his property, particularly at the rear.

The members of the Advisory Group may wish to consider this in their deliberations."

RECOMMENDED - APPROVAL.

(iv) Cowbridge with Llanblethian

2007/01285/FUL Received on 13 September 2007

Mr. Nigel England, C/O Pwll y Darren Farm, Welsh St Donats, Vale of Glamorgan, CF71 7SS
Robertson Francis Partnership, 5-7 Museum Place, Cardiff, CF10 3BD

The Old Post Office, 61, Eastgate, Cowbridge

Demolition of former post office outbuildings and replacement with 4 no 3 bedroom townhouses and associated car parking and amenity space.

Copies of an e-mail received from Mrs. L. Adams of Cowbridge with Llanblethian Town Council were distributed at the meeting:

"As a committee, we all felt kindly disposed towards the Post Office site plan as it's just the kind of infilling we need. There was a letter in last week's Gem complaining that the right of way that runs beside the site was threatened. This is not the case. A group of residents whose not very nice garages face onto the road behind asked for a meeting to complain. They talked to Sue Cox, chair of planning, and she told them our point of view and said that we did not think their back gardens would be much overlooked, but advised them to write to the Vale to express their views."

RECOMMENDED - APPROVAL.

(v) St. Georges-Super-Ely

2007/01171/FUL Received on 17 August 2007

Mr. Tony Lee, Mornington Bungalow, Drope Road, St. Georges-Super-Ely, Vale of Glamorgan, CF5 6EP
Plan-It-Design, Mr. Laurence Clarke, 17 Tyn y Cae Grove, Rhiwbina, Cardiff, South Glamorgan, CF14 6DB

Mornington Bungalow, Drope Road, St. Georges-Super-Ely

Add first floor to bungalow to provide 5 bedrooms with 2 en-suite bathrooms and 1 main bathroom. Add first floor to garage to provide office and storage space.

RECOMMENDED - REFUSAL - The Group felt that the application should be refused on the grounds that the design, scale and massing of the proposed

alterations were not appropriate and would not preserve or enhance the character of the Conservation Area.

(vi) Broughton

2007/01319/FUL Received on 19 September 2007

Mr. Ian Shearn, Box Cottage, Broughton, Cowbridge, Vale of Glamorgan,
CF71 7QR
Richard Whitaker Architects, 43, Plas St. Andresse, Penarth Haven, Penarth,
Vale of Glamorgan, CF64 1BW

Box Cottage, Broughton

Proposed new dwelling to garden of Box cottage.

RECOMMENDED - REFUSAL - The Group felt that the proposal amounted to an inappropriate form of infill development, which would fail to preserve or enhance the character of the Conservation Area.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 15TH NOVEMBER, 2007

REFERENCE FROM CABINET: 3RD OCTOBER, 2007

"C3220 LISTED BUILDINGS CONDITIONS SURVEY - LISTED BUILDINGS "AT RISK" (DEER) (SCRUTINY - ECONOMY AND ENVIRONMENT) -

Cabinet was updated on the next steps to be taken following the findings of a conditions survey of listed buildings in the Vale of Glamorgan. In March 2006 the Council had commissioned a condition survey of all the 731 listed buildings in its area and had informed Cabinet of the findings of the survey in October 2006 together with potential actions that might be progressed in respect of the 77 buildings identified as being at risk, namely:

- 17 Scheduled Monuments where consolidation and managed decay through a process of repairs was considered preferable to renovation or restoration
- 4 related to ecclesiastical buildings which were generally subject to parochial powers presided over by the local Diocese, such structures being subject to five yearly review by the Church and to a corresponding programme of planned maintenance
- the remaining 54 ranged from ruinous structures to buildings in quite reasonable condition but which were considered at risk because of the failure of a single critical element which made them vulnerable or likely to degrade exponentially in a short space of time.

When the buildings were identified as being at risk, appropriate action, relative to the degree of risk identified, might be pursued by the local authority. Outside of legislation, the local authority could encourage the undertaking of maintenance to the structures identified. In instances of deliberate or conscious neglect, the Council could utilise the Planning (Listed Buildings and Conservation Areas) Act 1990 in order to address the deterioration of listed buildings. Details were contained within the report of various sections of the Act under which Notices could be served although attention was drawn to the fact that Sections 47 - 55 were open to challenge, appeal and claims for compensation. The report to Cabinet in October 2006 provided an outline of those building where action ought to be considered based on the findings of the survey work. It was considered that further detailed reports specific to each case would be required and, if formal action was required, the detailed assessment of each case would be a matter for the Planning Committee.

Reference was made during the course of subsequent discussion to listed buildings within the ownership of the Council. Attention was drawn to the fact

that the Dock Office and the Town Hall had now been brought into full beneficial use and that discussions were ongoing in relation to the Pump House, Barry Waterfront and Old Place, Llantwit Major.

This was a matter for Executive decision.

RESOLVED -

(1) T H A T, subject to consultation with the Planning Committee, the proposed methodology of reviewing individual cases, prioritised and informed by the findings of the Buildings at Risk Survey, be endorsed.

(2) T H A T the requirement for formal action under the terms of legislation be considered by the Planning Committee on a case by case basis, with reports to include a consideration of the likely financial implications, liabilities and options inherent in the service of such Notices on each of the individual buildings concerned.

Reasons for decisions

(1) To allow progress in implementing the findings of the Buildings at Risk Survey.

(2) To allow full, detailed consideration of the need for action on a case specific basis."

THE VALE OF GLAMORGAN COUNCIL

CABINET MEETING: 3RD OCTOBER, 2007

REPORT OF THE DIRECTOR OF ECONOMIC
AND ENVIRONMENTAL REGENERATION

LISTED BUILDINGS CONDITIONS SURVEY – LISTED BUILDINGS “AT RISK”

Purpose of Report

1. This report updates Cabinet on the next steps to be taken following the findings of a conditions survey of listed buildings in the Vale of Glamorgan. This report follows a report that was presented to Cabinet on the 4th October 2006, a copy of which is attached at Appendix A.

Background

2. Full details of the Survey work is detailed in the report attached at Appendix A. As advised in that report, further to the 'listing' of buildings it is principally the role of the local planning authority to regulate any proposals for works, which might affect the character of the buildings because of proposed demolition, alteration or extension. However this 'listed building consent' process does not in itself address the potential for loss or dereliction which could occur to listed buildings by virtue of lack of maintenance, or neglect, whether intentional or otherwise. Given the importance attached to listed buildings in terms of their architectural and historic interest, the local planning authority is provided with powers to intervene, in the interests of preserving a building, if it considers its condition has deteriorated to the point where the building is considered 'at risk'.
3. In March 2006, the Council, with grant assistance from Cadw, commissioned a condition survey of all of the 731 'listed buildings' in its area. This 4th October, 2006 report to Cabinet advised of the findings of that survey, and of potential actions that might be progressed in respect of those buildings identified as being at risk. This report now details the next steps that are proposed in this process.

Relevant Issues and Options

The current situation

4. Of the 731 listed buildings surveyed, 77 were identified as being at risk. Although this figure (over 10%) may initially seem a very high proportion, this in fact conceals many varying building conditions and circumstances.

DEER.1

Of the 77 buildings which have been identified:

- 17 are 'Scheduled Monuments', whereby consolidation and managed decay through a process of repair is considered preferable to renovation or restoration.
- 4 relate to ecclesiastical buildings, which are generally subject to parochial powers presided over by the local Diocese. Such structures are subject to five yearly review by the Church, and to a corresponding programme of planned maintenance.
- The remaining 54 range from ruinous structures, to buildings in quite reasonable condition, but which are considered at risk because of the failure of a single critical element (perhaps roof covering or flashings) which makes them vulnerable or likely to degrade exponentially in a short space of time.

Potential Actions

5. Where buildings are identified as being at risk, appropriate action, relative to the degree of risk identified, might be pursued by the local authority.
6. Outside of the realms of any legislative provision, the local authority can encourage the undertaking of maintenance to the structures identified. As a consequence, in the majority of cases, 'action' by the local authority might only take the form of a 'letter of encouragement' to the owner of the building, advising of the survey findings and of the need to take on board appropriate/specialist advice. In addition, the survey also highlights a number of ruinous structures which are not scheduled monuments, but to which the philosophy of managed decay also applies as their special interest would be lost if they were to be rebuilt. In such cases it may be considered that either the encouragement of, or direct undertaking of a recording exercise may be more appropriate, than the encouragement of maintenance.
7. There are, however, instances of deliberate or conscious neglect of a number of buildings, where owners would appear to have the capacity, but not the inclination to maintain their buildings. In such instances the Council may consider the authorisation of more acute action, and in this regard, the Planning (Listed Buildings and Conservation Areas) Act 1990 provides for a number of actions that the local authority may employ in order to address the deterioration of listed buildings. The remainder of the report considers such cases and advises on a proposed course of action relevant to such cases.

8. In the more serious cases:

- Sections 54 and 55 [Urgent Works Notices] provides that a local authority may execute 'urgent works' to unoccupied listed buildings (limited to those necessary to secure the preservation, not the improvement of the building) and to seek reimbursement of its costs through the Courts as a simple contract debt. Such Notices however do not allow for prosecution through the Courts in the event of non-compliance, but rather the 'automatic' intervention of the local planning authority in carrying out the necessary works. Such Notices are not therefore to be entered into lightly given the financial implications to the authority.
- Section 56 provides for the serving of a 'dangerous structures' Notice under the Building Acts, where considered more expedient than pursuing the compulsory purchase of the building under sections 47 or 48 (as below).
- Sections 47 and 48 [Repairs Notices] provides that a local authority may serve notice on a listed building owner, requiring the undertaking of specified repair works within a limited time period, with the intent that non compliance will allow for the compulsory acquisition of the building by the authority, subject to the approval of the Welsh Assembly Government. Again, whereas the Notice requires works to be undertaken, in the event of non-compliance the sanction is the ability of the local planning authority to compulsory acquire the property.
- Where buildings are evidently the subject of deliberate neglect, the local authority may make representation to the Welsh Assembly Government for a direction of minimum compensation to the owner.
- Section 52 allows for a local authority to acquire a listed building by agreement with the owner.

9. The threat of the service of such Notices can in itself stimulate owners into undertaking repairs voluntarily. However, Cabinet should be aware that Sections 47-55 are open to challenge, appeal, and claims for compensation. Such actions are therefore not recommended lightly, and if such action was to be progressed, detailed reports would need to consider each of the individual cases in turn.

The Way Forward

10. The report of the 4th October, 2006 provided an outline of those buildings where action ought to be considered based on the findings of the survey work. It also advised that further detailed reports, specific to each case for specific authority to serve such Notices would be required. Given that the consideration to the serving of such Notices is in effect a consideration as to the merits or otherwise of taking of a form of enforcement action (the Notices will require various steps to be taken within appropriate timescales), the detailed assessment of each case will be a matter for Planning Committee.

DEER 3

11. It is therefore proposed that individual case files are opened and research progressed with a view to entering into dialogue with the owners of the subject buildings to promote and encourage remedial work. Cases will be prioritised according to the findings of the survey and the owners advised of the nature of the action that can be taken. If formal action is required, reports will be presented to Planning Committee, as indicated above. This process will be administered by the Planning and Transportation Division's Enforcement Unit with specialist input from the Conservation and Design Unit as and when required.

Resource Implications (Financial and Employment)

12. The sending of letters and survey reports to individual property owners can be undertaken within divisional budget. The review and assessment of individual cases can also be undertaken within the divisional budget, as can the service of Notices. The steps to be taken in the event of non-compliance with Notices would require further careful scrutiny, given the resource implications relating to the undertaking of works in default or compulsory acquiring property. Detailed reports on the individual buildings at risk would need to explain all the legal and financial aspects of the cases.

Legal Implications (to include Human Rights Implications)

13. The legislative provisions relating to the actions recommended are contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. It is not considered that there are any human rights implications to any requests by the Council for voluntary action by building owners. In the case of the sites where the Council is minded to progress formal action, subject to future authorisation by Cabinet, it is not considered that any human rights will be infringed. There would be legal implications arising from carrying out works in default or compulsory acquiring property which would be the subject of detailed advice on a case by case basis.

Crime and Disorder Implications

15. None directly arising out of this report.

Equal Opportunities Implications (to include Welsh Language Issues)

16. None arising out of this report.

Corporate/Service Objectives

17. This report is presented in the context of corporate and service objectives to conserve and enhance the natural and built environment. The completion of the Building at Risk Survey was an objective contained within the Planning and Transportation Service Plan.

DEER. 4

Policy Framework and Budget

18. This report is a matter for Executive Decision by Cabinet.

Consultation (Including Ward Member Consultation)

19. This report relates to issues relating to the whole of the local authority area, No individual Ward Member consultation has been undertaken.

Appropriate Scrutiny Committee

20. Economy and Environment

RECOMMENDATIONS

It is recommended that subject to consultation with Planning Committee;

- (1) Cabinet endorse the proposed methodology of reviewing individual cases, prioritised and informed by the findings of the Buildings at Risk Survey
- (2) The requirement for formal action under the terms of legislation is considered by Planning Committee on a case by case basis, with reports to include a consideration of the likely financial implications, liabilities and options inherent in the service of such Notices on each of the individual buildings concerned.

Reasons for Recommendations

- (1) To allow progress in implementing the findings of the Building at Risk Survey.
- (2) To allow full and detailed consideration of the need for action on a case specific basis.

Background Papers

Appendix A – Report to Cabinet dated 4th October 2006

Contact Officer – Rob Thomas, Head of Planning & Transportation

Officers Consulted –

Legal and Regulatory Services – Committee Reports
Operational Manager – Accountancy/Audit
Principal Accountant

Rob Quick
Director of Environmental
and Economic Regeneration

DEER. 5

THE VALE OF GLAMORGAN COUNCIL

CABINET FOR ECONOMIC AND ENVIRONMENTAL REGENERATION
4TH OCTOBER, 2006

REPORT OF THE DIRECTOR OF ECONOMIC AND ENVIRONMENTAL
REGENERATION

LISTED BUILDINGS CONDITIONS SURVEY – LISTED BUILDINGS “AT RISK”

Purpose of Report

1. This report advises Cabinet of the findings of a conditions survey of listed buildings in the Vale of Glamorgan and of the actions which may be progressed by the local authority in respect of those buildings identified as being in a vulnerable condition.

Background

2. A 'Listed Building' is a building, which is considered of architectural and / or historic interest and which appears on a list compiled by Cadw (as part of the Welsh Assembly Government), with the intent that such buildings should thereafter be preserved.
3. Further to listing, it is principally the role of the local planning authority to regulate any proposals for works, which might affect the character of the buildings because of proposed demolition, alteration or extension. However this 'listed building consent' process does not in itself address the potential for loss or dereliction which could occur to listed buildings by virtue of lack of maintenance, or neglect, whether intentional or otherwise.
4. It should be noted that there is no statutory obligation on an owner of a listed building to keep it in good condition. However because such buildings are considered of national importance in terms of their architectural and historic interest, the local planning authority are provided with powers to intervene, in the interests of preserving a building, if it considers its condition has deteriorated to the point where the building is considered 'at risk'.
5. In March 2006, the Council, with grant assistance from Cadw, commissioned a conditions survey of all of the 731 'listed buildings' which were in its area. This report advises Cabinet of the findings of that survey, and of potential actions that might be progressed in respect of those buildings which have been identified as being at risk.

DEER. 6

Relevant Issues and Options

Clarification of 'At Risk'

6. The conditions survey was based on a first hand assessment of the condition of 18 critical building elements, which were weighted and 'scored' in terms of their importance to the structural integrity / longevity of the buildings. [Called a critical element factor score]. From these findings, a statistical assessment of the overall condition of the building could be made, and those structures considered as being most vulnerable identified.
7. This is a useful and robust methodology as it allows not only for the identification of buildings in a poor condition, but also those which are most vulnerable or likely to become so, if specific problems are not addressed.

The current situation

8. Of the 731 listed buildings surveyed, 77 were identified as being at risk. Although this figure (over 10%) may initially seem a very high proportion, this in fact conceals many varying building conditions and circumstances.

Of the seventy seven buildings which have been identified:

- Eighteen are 'Scheduled Monuments', whereby consolidation and managed decay through a process of repair is considered preferable to renovation or restoration. Such works are effectively regulated by Cadw. Where buildings are both listed and scheduled, the scheduled monument legislation takes precedence. It is noteworthy however, that although fifteen of these buildings/structures are in private ownership, two are owned by the Vale of Glamorgan Council [Old Place and its boundary enclosure in Llantwit Major], and one is within the custodianship of Cadw as a building 'in care' [Old Beaupre Castle].
- Four relate to ecclesiastical buildings, which are generally subject to parochial powers presided over by the local Diocese. Such structures are subject to five yearly review by the Church, and to a corresponding programme of planned maintenance.
- The remaining fifty four range from ruinous structures, to buildings in quite reasonable condition, but which are considered at risk because of the failure of a single critical element (perhaps roof covering or flashings) which makes them vulnerable or likely to degrade exponentially in a short space of time. All of the buildings identified as being at risk appear at Annexe 'A'. It should be noted that one of these structures is also owned by the Council [the North Hydraulic Pump House in Barry].

DEER.7

Potential Actions

9. Where buildings are identified as being at risk, appropriate action, relative to the degree of risk identified, might be pursued by the local authority.
10. Outside of the realms of any legislative provision, the local authority can encourage the undertaking of maintenance to the structures identified. As stated, the degree of risk to which a building is subject is assessed in terms of its CEF score. Of the 77 buildings and structures identified as being at risk, CEF scores range from 9 (indicating an exceptionally high degree of vulnerability) to 90 (indicating that specific elements of the building only are in need of attention). Annexe A provides details of the scoring.
11. In the majority of cases then, such 'action' by the local authority might only take the form of a 'letter of encouragement' to the owner of the building, advising of the survey findings and of any appropriate/specialist advice.
12. Such letters might be best received and the potential for repairs to be undertaken increased, with the offer of potential grant assistance. No provision exists in the Council's capital programme for such grant assistance.
13. The survey also highlights a number of ruinous structures which are not scheduled monuments, but to which the philosophy of managed decay also applies as their special interest would be lost if they were to be rebuilt. In such cases it may be considered that either the encouragement of, or direct undertaking of a recording exercise may be more appropriate, than the encouragement of maintenance. Sadly, this acknowledges the fate of a number of ruinous listed structures in the Vale, but also recognises that recording may be the most honest and practical means of preservation.
14. There are, however, instances of deliberate or conscious neglect of a number of buildings, where owners would appear to have the capacity, but not the inclination to maintain their buildings. In such instances the Council may consider the authorisation of more acute action, and in this regard, the Planning (Listed Buildings and Conservation Areas) Act 1990 provides for a number of actions that the local authority may employ in order to address the deterioration of listed buildings. Specifically, Section 57 allows for the award of grant by a local authority to aid the preservation of a building.
15. In more serious cases:
 - Sections 54 and 55 [Urgent Works Notices] provides that a local authority may execute 'urgent works' to unoccupied listed buildings (limited to those necessary to secure the preservation, not the improvement of the building) and to seek reimbursement of its costs through the courts as a simple contract debt.
 - Section 56 provides for the serving of a 'dangerous structures' notice under the Building Acts, where considered more expedient than pursuing the compulsory purchase of the building under sections 47 or 48 (as below). **DEER. 8**

- Sections 47 and 48 [repairs notices] provides that a local authority may serve notice on a listed building owner, requiring the undertaking of specified repair works within a limited time period, with the intent that non compliance will allow for the compulsory acquisition of the building by the authority, subject to the approval of the Welsh Assembly Government.
 - Where buildings are evidently the subject of deliberate neglect, the local authority may make representation to the Welsh Assembly Government for a direction of minimum compensation to the owner.
 - Section 52 allows for a local authority to acquire a listed building by agreement with the owner.
16. The threat of the service of such notices can in itself stimulate owners into undertaking repairs voluntarily. However, Cabinet should be aware that Sections 47-55 are open to challenge, appeal, and claims for compensation. Such actions are therefore not recommended lightly, and if Cabinet were to endorse the principle of such action, further detailed reports for specific authority to serve such notices would be provided for approval at a later date.

Council Owned Buildings

17. Welsh Office Circular 61/96 [Planning and the Historic Environment] suggests that local authorities should set a good example in the manner in which their care for their own listed building stock. The Council should continue to address the repairs issues to the North Hydraulic Pump House at Barry Docks as a matter of urgency, and continue to liaise with Cadw regarding Old Place in Llantwit Major, with whom dialogue is ongoing.

Buildings where more acute action is recommended.

18. There are 14 buildings at risk where Cabinet may consider authorising more acute action:

Urgent Works Notices at:

- (1) Farm Range NE of Brooks Farm, Wick.
- (2) Barn and Stables at Great Frampton Farm, Llantwit Major
- (3) Operators Cabin to Sliding Bridge at Barry Dock, Barry
- (4) Barn on Ewenny Down, Ewenny
- (5) Barn at West Aberthaw Farm, St Athan
- (6) Heavy Horse Stable at West Aberthaw Farm, St Athan
- (7) Grand Lodge, St Brides Major
- (8) Barn at Home Farm, Sully

The above structures ((1) – (8)) exhibit varying degrees of risk and necessary repairs.

DEER. 9

- (9) Llandough Castle Flats are derelict and unsecured, and although informal discussions have taken place regarding the refurbishment of the building, no applications have yet been received. It is therefore considered prudent to at least secure the building pending any application and decision.
 - (10) Marine Buildings, Penarth is vacant and has been boarded for a number of years. The development of the site has been the subject of much debate between the owners of the building and the Council, and also of the subject of a withdrawn planning application. However the condition of the building is now such that the taking of action to address removal of vegetation and to ensure that the building is secure and waterproof is considered appropriate.
19. In the form of a Repairs Notice (potentially leading to compulsory purchase):
- (11) Penllyn Castle, Penllyn is an extensive building in need of roofing repairs an urgent works notice cannot be served as the building is occupied.
 - (12) The Old Rectory (Balfour House), St Athan Requires attention to roofing, flashings and rainwater discharge systems.
20. By the service of both Urgent Works and Repairs Notices:
- (13) Great Frampton, Llantwit Major is important as one of the few Georgian country houses in the Vale, which has itself evolved from an earlier building. The building has been damaged by fire in the past but sufficient structure remains to consider its rebuilding justifiable in listed building terms.
 - (14) Brynwell Farmhouse, Michaelston was listed in 2002 and was in a poor state of repair at listing. The property has continued to deteriorate since this time despite several attempts to encourage the owner to secure and repair the building. The property is unoccupied and considered the subject of deliberate neglect. The taking of further action in respect of this property is considered a priority.

Further detailed reports on these sites will be provided to Cabinet outlining potential costs and risks, prior to undertaking such actions.

Resource Implications (Financial and Employment)

- 21. The sending of letters and survey reports to individual property owners can be undertaken within divisional budget.

DEER.10

22. The service of Notices can be undertaken within the divisional budget, However the cost of works required by such Notices, which may have to be borne by the Council, at least for the period prior to the seeking of reimbursement through the Courts, and indeed the potential costs of compulsory purchase, could be substantial and would not be within the budget. Furthermore detailed reports on the individual buildings at risk would need to explain all the legal and financial aspects of the specifications.

Legal Implications (to include Human Rights Implications)

23. The legislative provisions relating to the actions recommended are contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. It is not considered that there are any human rights implications to any requests by the Council for voluntary action by building owners. In the case of the sites where the Council is minded to progress formal action, subject to future authorisation by Cabinet, it is not considered that any human rights will be infringed.

Crime and Disorder Implications

25. It is hoped that should any repair works be undertaken to the buildings identified as being at risk, that this will mitigate against the likelihood of vandalism in the case of isolated structures and may also bring some buildings back into beneficial use where the likelihood of crime against property would also be lessened.

Equal Opportunities Implications (to include Welsh Language Issues)

26. None.

Corporate/Service Objectives

27. This report is presented in the context of corporate and service objectives to conserve and enhance the natural and built environment. The completion of the Building at Risk Survey is an objective contained with the Planning and Transportation Service Plan 06/07.

Policy Framework and Budget

28. This report is a matter for Executive Decision by the Cabinet.

Consultation (Including Ward Member Consultation)

29. This report relates to issues relating to the whole of the local authority area, No individual Ward Member consultation has been undertaken.

Appropriate Scrutiny Committee

30. Economy and Environment

DEER 11

RECOMMENDATIONS

It is recommended that subject to consultation with Planning Committee;

- (1) Cabinet endorse the findings of the report as summarised at Annexe 'A'.
- (2) That all owners of buildings identified as being "at risk" are advised of the outcome of the survey by letter and encouraged to address the issues raised.
- (3) Cabinet endorses the further investigation of the merit of service of urgent works and repair Notices on the owners of those properties indicated in the report and that further reports be produced, including details of the likely financial implications, liabilities and options inherent in the service of such Notices on each of the individual buildings concerned.

Reasons for Recommendations

- (1) That Cabinet be made aware of the current condition of the listed buildings in the Vale of Glamorgan Area, recognise their importance in contributing to the architectural and historic interest of the environment, and support and assist in their maintenance where able.
- (2) To make owners aware of the condition of their property and to provide an opportunity for the undertaking of voluntary maintenance.
- (3) That Cabinet support the pursuit of more acute action in circumstances where the service of legal notices is likely to be the most expedient and effective course of action in preserving those historic assets.

Background Papers

Annex A –

A Summary table of the 77 buildings identified as being at risk, their degree of vulnerability, and proposed actions.

Contact Officer – Richard Cole, Senior Planning Officer (Conservation & Design)
Telephone No. 01446 704628

Officers Consulted –

Operational Manager – Building Control
Operational Manager – Development Control
Head of Building and Visible Services
Legal and Regulatory Services – Committee Reports
Operational Manager – Property
Operational Manager – Accountancy/Audit
Principal Accountant

Rob Quick
Director of Environmental
and Economic Regeneration

DEER. 12

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15th NOVEMBER, 2007

REPORT OF THE DIRECTOR OF LEGAL, PUBLIC PROTECTION AND
HOUSING SERVICES

SITE INSPECTIONS

Relevant Issues

1. The Committee is asked to note the attendance of the following Councillors at the sites indicated below on 9th October, 2007.
2. Apologies for absence were received from Councillor R.J. Bertin (sites a, b, and c), Councillor Mrs. A.J. Preston (site b) and Councillor Mrs. C.V.L. Clay (site b).

(a)	The Bungalow, Slon Lane, Ogmore-by-Sea	Councillor A.D. Dobbinson (Chairman) Councillors G.A. Cox, A.M. Ernest, E. Hacker, Mrs. V.M. Hartrey, Mrs. A.J. Preston and Mrs. M. Randall
(b)	Rear garden of Moorlands Farm, Penllyn	Councillor A.D. Dobbinson (Chairman) Councillors G.A. Cox, A.M. Ernest, E. Hacker, Mrs. V.M. Hartrey and Mrs. M. Randall
(c)	Former nursery land adjacent to Cemetery Road, Barry	Councillor A.D. Dobbinson (Chairman) Councillors G.A. Cox, R.F. Curtis, A.M. Ernest, E. Hacker, M.R. Harvey, A.G. Powell, Mrs. A.J. Preston and Mrs. M. Randall

Resource, Legal, Crime and Disorder, Equal Opportunities, Corporate /
Service Objectives, Policy Framework and Budget and Consultation
Implications

3. None.

RECOMMENDATION

The Committee is requested to note the report.

Background Papers

Nil.

Contact Officer: Mr. C. Hope Tel: 01446 709855
E-mail: CHope@valeofglamorgan.gov.uk

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15th NOVEMBER, 2007

REPORT OF THE DIRECTOR OF LEGAL, PUBLIC PROTECTION AND HOUSING SERVICES

SITE INSPECTIONS

Relevant Issues

1. The Committee is asked to note the attendance of the following Councillors at the sites indicated below on 6th November, 2007.
2. Apologies for absence were received from Councillors R.J. Bertin, G.A. Cox, E. Hacker for sites (d) and (e) and Mrs. A.J. Preston for Sites (c) and (d).

(a)	The Barn adjacent to Glan Y Mor off Heol Las, Wick.	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. A.J. Preston and Mrs. M. Randall
(b)	Llangan Primary School, Llangan	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, G.C. Kemp, Mrs. A.J. Preston and Mrs. M. Randall
(c)	Whitewell Farm Buildings, Tyn Y Coed Farm, Llancarfan.	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, E. Hacker, A.D. Hampton, Mrs. V.M. Hartrey, G.C. Kemp and Mrs. M. Randall
(d)	5 Purcell Road, Penarth.	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. M. Kelly Owen and Mrs. M. Randall.
(e)	9 Kymin Terrace, Penarth.	Councillor A.D. Dobbinson (Chairman); Councillors A.M. Ernest, A.D. Hampton, Mrs. V.M. Hartrey, Mrs. M. Kelly Owen, Mrs. A.J. Preston and Mrs. M. Randall.

Resource, Legal, Crime and Disorder, Equal Opportunities, Corporate / Service Objectives, Policy Framework and Budget and Consultation Implications

3. None.

RECOMMENDATION

The Committee is requested to note the report.

Background Papers

Nil.

Contact Officer: Mrs. K. Bowen Tel: 01446 709856

E-mail: KBowen@valeofglamorgan.gov.uk

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING
CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2007/0026/PV	AC	12, Westminster Drive, Sully	Single storey ground floor rear extension forming new bathroom and WC
2007/0028/PV	AC	67, Court Road, Barry	Alterations to kitchen and bathroom
2007/0271/BN	A	8, Tenby Close, Dinas Powys	Front extension to bedroom, bathroom and kitchen.
2007/0482/CW	A	3, Angle Close, Barry	Cavity wall insulation
2007/0483/CW	A	14, Dyfan Road, Barry	Cavity wall insulation
2007/0484/CW	A	12, Coychurch Rise, Barry	Cavity wall insulation
2007/0485/CW	A	420, Gladstone Road, Barry	Cavity wall insulation
2007/0486/CW	A	23, St. Brides Road, Wick	Cavity wall insulation
2007/0487/CW	A	21, Hawthorne Avenue, Penarth	Cavity wall insulation
2007/0488/CW	A	34, Plas Taliesin, Penarth	Cavity wall insulation
2007/0489/CW	A	23, Coldbrook Road East, Barry	Cavity wall insulation
2007/0490/CW	A	14, Woodland Place, Penarth	Cavity wall insulation

2007/0491/CW	A	30, Four Acre, Llantwit Major	Cavity wall insulation
2007/0492/CW	A	27, Ewenny Close, Barry	Cavity wall insulation
2007/0493/CW	A	1, Aneurin Road, Barry	Cavity wall insulation
2007/0494/CW	A	27, Le Sor Hill, Peterston Super Ely	Cavity wall insulation
2007/0495/CW	A	8, McQuade Place, Barry	Cavity wall insulation
2007/0496/CW	A	220, Barry Road, Barry	Cavity wall insulation
2007/0497/CW	A	98, Dochdwy Road, Penarth	Cavity wall insulation
2007/0580/BR	AC	45, Boverton Brook, Boverton, Llantwit Major	Demolition of existing garage and single storey rear extension and erection of new two storey extension to side and single storey extension to rear.
2007/0599/BR	AC	51, Norwood Crescent, Barry	Double storey extension to existing dwelling, to comprising of kitchen extension, dining room and wc to ground floor.
2007/0602/BR	AC	54, Bron Awelon, Barry	Two storey side and rear extension
2007/0605/BR	AC	25, Hickman Road, Penarth	Change of use of 1st and 2nd Floor flat into 2 no. dental surgeries and associated function
2007/0611/BR	AC	Coed Mansel, Llangan	Single storey rear extension to extend kitchen. Garage conversion to games room and altering stairs to provide larger study (as amended)
2007/0613/BR	AC	1, Four Acre, Llantwit Major	Two storey extension
2007/0615/BR	AC	10, Cae Gwyn, Penarth	Extensions to side and utility room alterations

2007/0616/BR	AC	Westridge, Church Close, Ogmore by Sea	Loft conversion and single storey dining/kitchen extension
2007/0625/BR	AC	6, Porth Y Green Close, Llanblethian, Cowbridge	Single storey extension comprising utility room and shower room and internal alterations.
2007/0632/BR	AC	38, Beechwood Drive, Penarth	Single storey extension to the rear with a dormer extension to the roof.
2007/0633/BR	AC	64, Main Street, Cadoxton, Barry	Change of use from shop to residential (4 No. units)
2007/0641/BR	AC	152, Westbourne Road, Penarth	Single storey rear extension
2007/0642/BR	AC	1, Chapel Terrace, Twyn yr Odyn, Wenvoe	Two storey rear extension
2007/0645/BR	AC	St. Peters Church, Church Road, Rhoose	Foundation pads to site port cabin jack legs
2007/0648/BR	A	2, Church Road, Penarth	Garage to replace existing
2007/0656/BR	AC	16, Plymouth Road, Barry	Re-roofing of existing rear extension and internal alterations
2007/0660/BR	AC	Maes Yr Awel, Treoes	First floor extension to existing bungalow alterations to north, east and west elevations.
2007/0671/BR	AC	40, Victoria Road, Barry	Demolish outbuilding and construct single/two storey rear extension
2007/0678/BR	A	4, Trem Echni, Rhoose Point	Single storey ground floor extension
2007/0679/BR	AC	4, Cedar Road, St. Athan	Two storey extension
2007/0681/BR	AC	15, Forrest Road, Penarth	Extension to ground and first floor

2007/0682/BR	A	Dow Corning Ltd, Cardiff Road, Barry	Phase 2, of foul sewer system replacement/renewal within the curtilage of chemical plant. There systems replace existing systems and remove elements of surface water from foul system.
2007/0696/BR	AC	St. Richard Gwyn School, Argae Lane, Barry	Installation of portacabins
2007/0697/BR	AC	Oak Field Primary School, Amroth Court, Caldy Close, Barry	Installation of portakabins.
2007/0698/BR	AC	Gwaun Y Nant School, Amroth Court, Caldy Close, Barry	Installation of portacabins
2007/0699/BR	AC	Bryn Hafren Comprehensive School, Merthyr Dyfan Road, Barry	Installation of portacabins.
2007/0700/BN	A	6, Channel View, Penarth	Replacement of small garage roof with flat roof to form balcony to bedroom with balastrade, door to replace existing window.
2007/0704/BR	AC	55, Laburnum Way, Penarth	Extension to side and rear of property.
2007/0705/BR	AC	87, Heol Y Frenhines, Dinas Powys	Two storey extension to side of property
2007/0706/BR	A	13, Drylla, Dinas Powys	Convert bathroom to disability standard install stair lift
2007/0709/BR	AC	107, Cedar Way, Penarth	Extension to side and rear of property
2007/0710/BR	A	33, Elfed Avenue, Penarth	Two storey rear extension
2007/0711/BR	AC	10, Cattwg Close, Llantwit Major	Room in roof space with dormer

2007/0715/BR	AC	1, Glynne Tower, 12, Bridgeman Road, Penarth	Internal alterations including new bathrooms and formation of new dormer roof windows.
2007/0719/BR	AC	3, Grange Avenue, Wenvoe	Loft conversion and single storey extension to rear to enlarge dining room and kitchen
2007/0720/BR	AC	Griffington, Grant's Field, The Downs, St. Nicholas	Loft conversion to create master bedroom and en-suite
2007/0725/BR	AC	The Old Vicarage, 33, Victoria Road, Penarth	Single storey extension to form sun room
2007/0729/BR	AC	Maesgarmon, 11, Craig Yr Eos Road, Ogmore By Sea	Extension to existing dwelling
2007/0734/BN	A	4, Port Mews, Port Road East, Barry	Underpin side wall of property with piles and cantilevered needle beams
2007/0735/BN	A	13, Whitehall Close, Wenvoe	Dormer extensions to roof to create additional bedroom
2007/0736/BR	AC	Penarth Leisure Centre, Andrew Road, Penarth	Change of use and conversion of health suite to a youth room
2007/0737/BN	A	29, Primrose Close, Cowbridge	Two storey extension incorporating existing garage to provide playroom, utility room and two bedrooms and one en-suite
2007/0738/BN	A	8, Cedar Road, St. Athan	Single storey rear extension
2007/0739/BN	A	8, Southbourne Court, Plymouth Road, Barry	Shower room adaptation - alterations to external shower waste drainage
2007/0741/BN	A	17, Oyster Bend, Sully	Replacement upvc windows

2007/0742/BN	A	Gwern y Gedrych Farm, Peterston Super Ely	Reduce height of two storey extension by 1.35 metres and build in 3 No. dormers into new roof.
2007/0743/BN	A	16, Heol Leubren, Pencoedtre	New exterior opening to integral garage
2007/0744/BN	A	Lille Hus, 22, Church Hill Close, Llanblethian, Cowbridge	Change two bedroom windows to juliette windows and replace windows and glazing with K glass, day room french doors, lounge window, windows to bed 3 are bathroom.
2007/0745/BR	A	Old Barn, Picketston, St Athan	Extension and alterations to form ground floor shower and bedroom and first floor office study.
2007/0747/BN	A	78, Cornerswell Road, Penarth	Removal of a single exterior door to allow part of the exterior wall to be knocked out to provide a opening.
2007/0749/BR	AC	13, Seys Close, Cowbridge	First floor extension
2007/0751/BN	A	4, The Vines, Colwinston	Removal of internal load bearing wall, new RSJ to support loads.
2007/0752/BR	A	11, Wimbourne Crescent, Sully	Single storey kitchen extension to the rear
2007/0753/BR	AC	Trevellian, Ham Lane South, Llantwit Major	Dormers on front and rear elevations
2007/0755/BN	A	25, Starling Road, St. Athan	Loft conversion to create third bedroom/office space.
2007/0757/BR	AC	8, Clos Ogney, Llantwit Major	Side single storey extension to enlarge dining room.
2007/0758/BN	A	54, Ludow Street, Penarth	To knock an opening between two rooms.
2007/0759/BR	AC	17, Matthew Road, Rhoose	Extension to existing property

2007/0760/BR	AC	4, Purcell Road, Penarth	Two storey rear extension
2007/0761/BN	A	1, Heol Tre Forys, Caversham Park, Penarth	Single storey extension
2007/0763/BR	AC	St. Athan Community Centre, St. Athan	Provision of a new FD30s fire door between the kitchen and committee room.
2007/0764/BN	A	Germonds Farm Barn, Watery Lane, Welsh St. Donats	Barn conversion forming dwelling within existing building
2007/0765/BN	A	29, Teasel Avenue, Penarth	Double storey extension to enlarge bedroom and shower room and study.
2007/0766/BN	A	2, Whitcliffe Drive, Penarth	Double bay extension and balcony to front
2007/0767/BN	A	46, Cornerswell Road, Penarth	Turn two smaller rooms into large kitchen. Turn two smaller rooms into larger bath room.
2007/0769/BN	A	49, Pencoedtre Road, Barry	Extension to existing attached garage
2007/0773/BN	A	13, Brookfield Avenue, Barry	Garage conversion
2007/0774/BN	A	54, Clos Ogney, Llantwit Major	Garage conversion
2007/0775/BN	A	8, Charter Avenue, Barry	Double storey extension to side
2007/0776/BR	A	3, Gilbert lane, Pencorotre Village, Barry, Vale of Glamorgan, CF63 1BQ	Rear single storey extension to form sunroom
2007/0777/BR	A	27, Livingstone Way, St. Athan	Special needs single storey extension bedroom / en- suite.
2007/0778/BR	AC	21, Smithies Avenue, Sully	1st floor rear extension and attic extension with alterations.
2007/0780/BN	A	2, Cherwell Road, Penarth	Internal alterations

2007/0781/BN	A	3, Willow Crescent, Barry	First floor extension on top of existing garage
2007/0782/BN	A	6, Shearwater Close, Penarth	Single storey rear extension
2007/0783/BN	A	Ash Tree Cottage, 10, The Vines, Colwinston	Conversion of one of two integrated garages to enlarge existing playroom.
2007/0784/BN	A	The Stables, St. Brides Road, Wick	New detached two storey dwelling
2007/0785/BN	A	6, Love Lane, Cowbridge	Replacement windows
2007/0786/BN	A	10, The Verlands, Cowbridge	Conversion of part of existing single storey garage, integral to house, into a playroom.
2007/0787/BN	A	101, Lakin Drive, Barry	Single storey extension to the rear of the property incorporation a living space and utility.
2007/0788/BN	A	West Lodge, Crossway, Llyswoerney	Removal of internal wall and reinforced with steel beam
2007/0790/BN	A	44, Brean Close, Sully	Kitchen extension
2007/0791/BN	A	5, Boverton Court, Llantwit Major	Conservatory and first floor extension - master bedroom, walk in wardrobe, shower/toilet. New bedroom in roof space. Ground floor alterations.
2007/0792/BN	A	The Croft, Sigginstone Lane, Sigginstone	Double storey extension lounge to ground floor, two bedrooms on first floor and en-suite bathroom.
2007/0795/BR	A	40, Elizabeth Avenue, Barry	Rear single storey extension comprising of bathroom / utility room.
2007/0796/BN	A	Ivy cottage, Llanmaes	Making an opening in an internal stone wall

2007/0797/BN	A	The Coach House, 1, Ivy Street, Penarth	Conversion to a three bedroom house
2007/0799/BR	AC	The Old School House, St. Mary Hill	First floor extension over existing garage
2007/0800/BR	A	12, Laburnam Way, Penarth	Single storey extension shower/wc and lobby
2007/0802/BN	A	11, Carmarthen Road, Dinas Powys	Single storey extension on side of property - to extend kitchen.
2007/0803/BN	A	Broadshoard House, 13, Westgate, Cowbridge	Minor internal alterations, conversion utility room to wet room. Renewal of glass roof and flat roof new drain connection to existing manhole.
2007/0808/BR	AC	Dros Y Mor Farm, St. Donats Road, Llantwit Major	Single storey kitchen extension
2007/0809/BN	A	98, South Road, Sully	Single storey extension to rear enlarging lounge and dining room plus single garage to side
2007/0810/BN	A	Cottrell Park Golf Club, Bonvilston	Conversion of ground floor of existing building to form a staff flat
2007/0811/BN	A	23, Mayflower Way, Rhooose	Loft conversion
2007/0813/BN	A	34, Station Road, Penarth	Single storey extension and new relocated wc.
2007/0816/BN	A	36, Cwm Barry Way, Barry	Internal alterations to kitchen
2007/0818/BR	A	7, Ravenshoe Road, Barry	Single storey extension to provide ground floor bedroom.
2007/0819/BN	A	The White Bungalow, Church Crescent, St. Mary Church, Cowbridge	Section 101A Water Industry Act 1991 - First Time Sewerage Scheme - connection to mains sewer

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2007/0789/BN	R	168, Jenner Road, Barry	Attic conversion with dormer windows
2007/0801/BR	R	2, Teifi Drive, Barry	Hall, living room, bedrooms and bathroom extension

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2007/0095/AI	A	7, Darren Close, Cowbridge	Single storey rear conversion
2007/0096/AI	A	37, South Road, Sully	Single storey and two storey extensions
2007/0097/AI	A	Amelia Trust Farm, Five Mile Lane, Llancarfan	Assembly
2007/0098/AI	A	38, Fontygary Road, Rhoose	Structural Opening
2007/0099/AI	A	Colhugh House, Colhugh, Llantwit Major	Two storey side extension
2007/0100/AI	A	5, Chantry Rise, Penarth	Loft conversion
2007/0101/AI	A	13, Church Avenue, Penarth	Internal alterations

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER
DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	B - No observations (OBS)
C - Unclear if permitted (PN)	E - Split Decision
F - Prior approval required (PN)	G - Approved the further information following "F" above (PN)
H - Allowed : Agricultural Condition Imposed : Appeals	N - Non permittal (OBS - objections)
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	V - Variation of condition(s) approved
O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)	

2007/00312/FUL	A	Efail y Roper, Trerhyngyll, nr Cowbridge	Proposed two storey extension
2007/00456/FUL	R	114, Cornerswell Road, Penarth	Change of use of existing dwellinghouse to 1 No. one bedroom flat and 1 No. two bedroom flat
2007/00938/FUL	A	13, Montgomery Road, Barry	Proposed front, rear and side extension

2007/01031/LBC	A	Ty Fry Lodge, Near Pendoylan	Demolish garden store to rear. Construct new two storey extension inc forming enlarged openings through existing windows. Walls - fine finish render. Roof - natural blue/black slate. Doors/windows - clear douglas fir.
2007/01053/FUL	A	Trevithyn Farm, Llancarfan	Erection of one detached agricultural dwelling
2007/01067/FUL	A	16, Ceri Avenue, Rhoose	Build new extension with adjoining garage
2007/01094/LBC	A	Lower House Farm, Rhoose Road, Rhoose	Single storey extension to existing kitchen at rear of property and existing cupboard under stairs off kitchen to be removed
2007/01096/LBC	A	The Coach House, Penarth	External alterations to existing listed building consent
2007/01112/FUL	A	Greave Farm Barns, Port Road, Wenvoe	Construction of outdoor swimming pool to the rear of existing buildings
2007/01114/FUL	A	87, Plymouth Road, Penarth	Replacement of UPVC double glazed windows with timber frame sash windows (double glazed) as original design
2007/01118/FUL	A	17, Windsor Road, Penarth	Change of use from retail (use class A1) to cafe/ restaurant bar (use class A3) and associated alterations including new shopfront.
2007/01120/FUL	A	29, Teasel Avenue, Penarth	Two storey side extension
2007/01122/FUL	A	Pwll y Min Farm, Main Avenue, Peterston Super Ely	Part demolition of existing structure - two storey extension to side and rear of existing property - additional windows to existing roof space

2007/01124/FUL	A	Porth-y-Green House, Love Lane, Llanblethian	Extension at ground and first floors to provide kitchen, bedroom and bathroom and alterations to building
2007/01132/FUL	R	5, Cog Road, Sully	Demolition of existing building and construction of five apartment building (4 No. 2 bed units and 1 No. 1 bed unit) with associated parking
2007/01140/FUL	A	Rhiw Goed, Westra, Dinas Powys	Two storey extension to rear of house, providing new kitchen/dining area (ground floor) and new master bedroom with ensuite and dressing area (first floor).
2007/01143/FUL	A	11, Porthkerry Road, Barry	Extension at rear of existing residential home
2007/01157/FUL	A	10, St Davids Crescent, Penarth	Single storey rear extension
2007/01172/FUL	A	Regwyn House, 12a, Lower Farm Court, Rhoose	Conservatory and first floor Balcony
2007/01175/FUL	A	4, Evelyn Street, Barry	Dormer loft conversion
2007/01183/OUT	A	Wilcot, Higher End, St. Athan	One dwelling on infill plot
2007/01187/FUL	A	5, Glan y Mor, Boverton	Single storey extension
2007/01208/FUL	A	3, Sherbourne Close, Barry	Proposed detached garage
2007/01226/FUL	A	7, Swanbridge Grove, Sully	Replacement of flat roof to porch and garage with a pitched roof to match existing main roof. New window to side elevation.
2007/01227/FUL	A	10, St. Andrews Road, Wenvoe	Removal of existing extension and building of new extension to accommodate kitchen and dining area

2007/01288/LAW	A	57, Caer Worgan, Llantwit Major,	Conservatory to rear and garage to side
2006/01052/FUL	A	Garage and yard, Salop Place, Penarth	Proposed development of garage and yard to a two storey house
2007/00065/OUT	A	Land at Weston Street, Barry	Single detached dwelling
2007/00514/FUL	A	The Coach House, Cowbridge Road, Ystradowen	Residential conversion of coach house
2007/00530/FUL	R	The Spinney Holiday & Leisure Park, Beach Road, Swanbridge	Replacement of existing timber building with traditional unit as park managers living accommodation
2007/00731/FUL	A	12, Market Street, Barry	To Convert the ground floor to a wine bar.
2007/00935/FUL	R	Greenway Cottage, Bonvilston	Proposed improvement to existing garage and extension with slate pitched roof. To enlarge garage and form hobby room to first floor
2007/00999/FUL	R	The Warren, 60, Craig yr Eos Road, Ogmore by Sea	Extension to existing dwelling
2007/01037/FUL	A	Plwcca Dafydd, Tredodridge	Conversion of existing stables to form a dwelling
2007/01092/FUL	A	5, Holmes Street, Barry	Conversion of 5 bedroom, end of terrace house into two two bedroom flats including renovation of single storey side addition and installation of roof lights to roof
2007/01101/FUL	A	Ewenny Quarry, Ewenny	Erection of readymixed concrete plant
2007/01123/FUL	O	Penuchadre Farm, St Brides Major	Erection of a 27.40m x 15.25m livestock/machinery/fodder shed

2007/01158/FUL	A	33, Westgate, Cowbridge	Rear extension above garage to form new bedroom
2007/01159/FUL	A	11, Stradling Place, Llantwit Major	Demolition of single storey utility to side and erection of new two storey extension to side and rear with new front porch
2007/01160/FUL	A	24, Rhodfa Sweldon, Barry Waterfront, Barry	Proposed gable end ground & first floor extension
2007/01161/FUL	R	2, Spitzkop, Llantwit Major	Ground & first floor extension, new double garage
2007/01163/FUL	A	9, Cwrt y Vil Road, Penarth	Replacement of existing UPVC windows with white UPVC sash windows as detailed on enclosed specification. 3 windows to front of property.
2007/01165/FUL	A	57, Brenig Close, Barry	Front bedroom extension
2007/01167/FUL	A	1, Archer Terrace, Penarth	Internal alterations to existing end of terrace dwelling and single storey extension to side of rear annexe
2007/01169/FUL	A	23, Cowslip Drive, Cogan	Two storey extension to include ext kitchen new W.C. and playroom on ground floor. First floor new bedroom with en-suite and dressing room.
2007/01174/FUL	A	Ty Newydd, Westgate, Cowbridge	Two storey and single storey extension with integral garage
2007/01176/FUL	A	Ash Tree House, Bonvilston	New double garage to match existing property. New entrance gates and wall as per proposed drawing

2007/01177/FUL	A	1, Ivor Street, Barry Island	Convert existing coach house into habitable area and to be incorporated, within existing dwelling
2007/01188/FUL	A	Dochdwys House, Llandough, Cowbridge	New stone wall to the front of the building at 1.4m Height adjacent to the highway
2007/01209/FUL	A	Gospel Hall, 56, Plassey Street, Penarth	Demolish existing rear hall kitchen and toilets and replace with new extension to incorporate meeting room, kitchen and toilets with disabled access
2007/01215/FUL	A	2, Church Road, Wick	Construct detached garage to replace existing
2007/01222/FUL	A	22, Llys y Coed, Barry, Vale of Glamorgan	Installation of UPVC conservatory to rear elevation
2007/01231/FUL	A	Ydfa, Corntown	Two storey extensions to dwelling
2007/01233/FUL	R	Maes-yr-Awel, Treoes	First floor extension to existing bungalow. Alterations to north, east, and west elevations
2007/01248/FUL	A	The Nest, St Hilary	An obscure glasswindow to the side (south west) elevation to the walk in wardrobe at first floor
2007/01257/FUL	A	200, Westbourne Road, Penarth	First floor extension above existing dining room
2007/01260/FUL	A	26, Ludlow Street, Penarth	Single storey rear extension, and alterations
2007/01262/FUL	A	6, Heol y Fro, Llantwit Major	A single storey rear extension (utility room)
2007/01265/FUL	A	6, Raglan Close, Dinas Powys	Single storey to the rear of the house

2007/01268/FUL	A	Anwylfan, Main Road, Ewenny	Conversion of garage to kitchen/family room/utility Extend rear first floor over balcony. Extend first floor side over entrance porch.
2007/01275/FUL	A	Ash Tree Cottage, 10, The Vines, Colwinston	Conversion of existing integral double garage into a single garage and incorporation of converted garage into existing playroom.
2007/01363/LAW	A	Aberthaw Power Station, The Leys, Aberthaw	Preparation of an area adjacent to existing ash mound for the temporary storage of pulverised fuel ash
2007/00022/FUL	A	South of Bendricks Road, Atlantic Trading Estate, Barry	Extension of an existing 2.5m palisade fence including a new 5m wide 2.5m high access gate
2007/00260/FUL	A	Highway verge approximately midway between the villages of St Mary Church and the Herberts and verge to the south of St. Marys Church	Foul sewage pumping station control kiosks and lay-by to the north and south of the village
2007/01087/FUL	A	6, Purcell Road, Penarth	Two storey and single storey extensions to rear and side of property
2007/01170/FUL	A	16, Chandlers Way, Penarth	Conversion of garage to living accommodation
2007/01181/FUL	A	Holy Cross Church, Church Street, Cowbridge	Lime rendering and limewash to tower.
2007/01186/FUL	A	Ash Tree House, Bonvilston	Conservatory to the South West Corner of the property with balcony above, extend entrance porch, second entrance altered to fill layout windows and an additional ground and first floor window to the front elevation

2007/01193/FUL	R	The Dairy, Michaelston Le Pit	Single storey extension to house generator operated by water power obtained from adjacent lake and also housing general storage area. Existing pump house to be demolished
2007/01196/FUL	R	30, Munro Place, Barry	Proposed rear single storey extension with double storey extension on side
2007/01199/FUL	R	28, Liscum Way, Barry	Two storey side extension, front porch
2007/01203/FUL	A	The Gables, Station Road East, Wenvoe	To retain extension approved ref. 05/01697/FUL and window to kitchen as constructed, to replace glass with obscured glass.
2007/01204/FUL	A	Former Browns Printing Works Site, adjacent to No 8, The Limes, Cowbridge	Construct new 3/4 bedroom dwelling including associated amenity and parking areas
2007/01205/FUL	R	8, Stanton Way, Penarth	Proposed demolition of existing dwelling and erection of 2 new dwellings
2007/01212/FUL	A	39, Hillside Drive, Cowbridge	Garage extension and conversion
2007/01214/FUL	R	New Access off St. Lythans Road, St. Lythans Court, St. Lythans, Cardiff	New access off St. Lythans Road
2007/01216/FUL	A	11, Wimbourne Crescent, Sully	Proposed single storey kitchen extension to the rear
2007/01221/FUL	A	2, Cora Street, Barry	Proposed flat conversion to first and second floors
2007/01224/FUL	R	50, Plas Taliesin, Penarth Marina	Increase in size of balcony

2007/01229/OUT	R	Land adjacent to 21, Henry Street, Barry	Outline application for detached three bedroom dwelling
2007/01236/FUL	R	Upper Barn, Treguff, St. Mary Church, Cowbridge	Extension to kitchen with timber windows render panels and eternit slates
2007/01253/FUL	R	9, Caer Worgan, Pentre Cwrt, Llantwit Major	Two storey extension
2007/01284/FUL	A	10, Anglesey Close, Llantwit Major, Boverton	Single storey rear extension
2007/01289/FUL	A	1, Fairfield Crescent, Llantwit Major	Erect a UPVC conservatory to rear of property
2007/01291/FUL	A	46, Borough Avenue, Barry	white lean to style porch
2007/01301/FUL	R	87, Heol Y Frenhines, Southra Park, Dinas Powys	Two storey side extension with dormer to rear
2006/01105/FUL	A	Dormy, Ogmore By Sea	Alterations to convert existing coach into ancillary residential accommodation and construction of double garage
2006/01497/FUL	A	16, Meadow Court, St. Brides Major	2 storey extension, relocation of double garage and change of use of land to garden
2007/00215/FUL	A	Land at rear of 1, Baron Close, Penarth (Baron Lane)	Demolition of existing light industrial unit and the erection of a detached private dwelling
2007/00294/FUL	A	Land between Pets Choice and Penarth Carpets, 1-3, Queens Gate Mews, Albert Road, Penarth	Construction of 2 No retail units
2007/00636/FUL	A	Jenner Street, Barry	Retention of 5 dwellings
2007/01004/FUL	A	Pensarn Barn and Field, Llanmaes	Four 12 feet x 12 feet stables plus 12 feet x 12 feet tack room/feed room and to retain and to clad existing hay barn

2007/01058/LBC	A	Former Penarth Baths, The Esplanade, Penarth	Minor revisions to previously approved scheme for conversion of buildings to form new residential houses/apartments, new external landscaping, new windows
2007/01145/FUL	A	29, Glastonbury Road, Sully	Ground floor extension to reform new living area, utility and w.c. first floor extension to form new bedroom & ensuite
2007/01164/OBS	S	Land at Roath Basin and, Locks Road, Butetown, Cardiff	Change of use of locks road to cycleway/footpath. Construction of temporary vehicle access road from cargo road to locks road. Temporary installation of 30m foot/cycle bridge over roath basin lock (South).
2007/01184/FUL	A	Coed Mansel, Llangan	Single storey rear extension, new porch and garage to games room
2007/01211/FUL	A	The Dormers, St Athan Road, Cowbridge	Two storey rear extension
2007/01218/FUL	A	Cae Rhys Ddu, Llansannor	New machine building with open grid grassed hardstanding and new pitched roof to existing outbuilding
2007/01220/FUL	A	Tyle Cottage, Penllyn	First floor extension
2007/01230/FUL	A	9, Cwrt y Vil Road, Penarth	To demolish dilapidated garage & adjust site location/reconstruct new garage
2007/01232/FUL	A	9, Cwrt y Vil Road, Penarth	To extend to rear of dwelling
2007/01235/FUL	R	The Barn, Newton	Demolition of existing outbuilding and construction of new day room

2007/01243/FUL	A	2, Plas St. Pol de Leon, Portway Marina Penarth	Loft conversion including the insertion of 4 velux roof lights
2007/01244/FUL	A	Wenvoe Quarry, Wenvoe	Variation of condition 3 of planning permission 0452 to allow continued extended operation hours for Wenvoe Coating Plants
2007/01245/FUL	A	Tesco Store, Culverhouse Cross	Re location of customer pick up point
2007/01247/FUL	A	1 and 2, Argoed Cottages, Llanharan	Two storey extension to the cottages, providing equal additional accommodation to each, comprising new dining and family room at ground floor and new bedroom and ensuite at first floor.
2007/01255/FUL	A	89, Arlington Road, Sully	Proposed single storey extension to side
2007/01256/LAW	A	21, Uppercliff Close, Penarth	Single storey extension with flat roof access to a balcony area.
2007/01258/FUL	A	21, Archer Road, Penarth	Single storey extension to side/rear of property
2007/01263/FUL	A	Orchard House, Port Road, Wenvoe	Removal of balcony/extend master bedroom/convert ensuite bathroom to bedroom/create new ensuite bathroom internally
2007/01278/FUL	A	Unit 20, Vale Business Park, Llandow	Second floor extension over existing premises. Workshop extension on east elevation
2007/01282/FUL	A	Lower Farm House, Rhoose Road, Rhoose	Single storey extension to rear of property, to enlarge existing kitchen
2007/01314/FUL	A	3, Courtenay Road, Barry	Proposed conversion to 2 no self contained flats

2007/01316/FUL	A	4, Tyle House Close, Llanmaes	Single storey extension and alterations to kitchen and garage. Re-locate car port, alter crossover to road. New stone wall to part of boundary
2007/01323/FUL	A	186, Redlands Road, Penarth	Two single storey extensions and to retain gates and pillars to front of site.
2007/00770/FUL	A	Land next to 24, Cedar Road, Eglwys Brewis, St Athan	Detached five bedroom house with associated parking
2007/01198/FUL	A	Plot 01, Trehill, St Nicholas	Amendment of one house and garage
2007/01207/FUL	A	Marks & Spencer, Culverhouse Cross, Cardiff	Installation of additional roof plant
2007/01238/FUL	A	2, Beach Road, Penarth	Amendment to 05/01511/FUL for 8 No. apartments, including alteration to roof
2007/01249/FUL	A	The Red Lion, Bonvilston	Proposed new kitchen extension, new disabled toilet and internal improvements
2007/01254/FUL	A	45, Plymouth Road, Barry Island	Single storey utility & lounge extension, hard standing at rear of property
2007/01266/FUL	A	18, Four Acre, Llantwit Major	Proposed loft conversion with dormer windows to rear elevations
2007/01309/FUL	A	55, Laburnum Way, Penarth	Two and single storey extension to rear of property. Pitched roof over front canopy.
2007/01310/FUL	R	33, Mountjoy Avenue, Penarth	Dormer loft conversion to side and rear
2007/01313/PNT	A	In footway jcn Elm Grove Road, Dinas Powys	Remove pole from garden of 12, Elm Grove Road and resite at footway

2007/01318/FUL	R	79, Porthkerry Road, Barry	Construct garage/shed to rear
2007/01333/FUL	R	Griffinton, Grants Field, St. Lythans Downs	Replacement of existing dormer roof & window to roof with larger gable roof & window
2007/01339/FUL	A	The Anstees, Duffryn Crescent, Peterston Super Ely	Roofspace alterations to include insertion of 2 new velux windows, new juliette balcony, new window and new gabled roof
2007/01351/FUL	A	27, Willow Close, Penarth	Two storey house extension
2007/01357/FUL	A	85, Plassey Street, Penarth	Demolition and rebuilding of front elevation

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2007/00626/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2051908
Appellant: Mark Harvey,
Location: **24, Beryl Road, Barry**
Proposal: Dormer on attic conversion
Start Date: 12 October 2007

L.P.A. Reference No: 2007/00483/OUT
Appeal Method: Written Representations
Appeal Reference No: 07/2053453
Appellant: Barratt South Wales,
Location: **Land adjacent to 71 & 73, Brookfield Avenue, Barry**
Proposal: Outline application for 4 bungalows
Start Date: 24 September 2007

L.P.A. Reference No: 2006/01491/FUL
Appeal Method: Hearing
Appeal Reference No: 07/2054837
Appellant: Mr. Paul Llewellyn,
Location: **Land formerly part of Rectory Farm, Llandough**
Proposal: Agricultural dwelling - resubmission of application
05/01712/FUL
Start Date: 1 October 2007

L.P.A. Reference No: 2006/01731/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2055228
Appellant: Mr. C. O'Shea,
Location: **15, Heol Eryr Mor, Barry Island**
Proposal: Two storey rear extension with attic conversion and
extra parking spaces on land opposite (Appeal against
condition 4 relating to obscure glazing in windows)
Start Date: 2 October 2007

L.P.A. Reference No: 2007/01032/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2055895
Appellant: Mr. Roger Kingdom,
Location: **42, Coleridge Avenue, Penarth**
Proposal: Extension to porch to provide downstairs toilet facilities
Start Date: 8 October 2007

L.P.A. Reference No: 2007/00437/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2055771
Appellant: Mr. David Edwards,
Location: **Hafod Lodge, Hensol**
Proposal: Conversion of existing garage into holiday accommodation for the disabled
Start Date: 11 October 2007

L.P.A. Reference No: 2007/00840/FUL
Appeal Method: Hearing
Appeal Reference No: 07/2058083
Appellant: Ms. Whithouse
Location: **17, Tyle House Close, Llanmaes**
Proposal: Two storey side extension
Start Date: 25 October 2007

Enforcement Appeals Received

L.P.A. Reference No: ENF/2004/0512/M
Appeal Method: Written Representations
Appeal Reference No: C/07/1202064
Appellant: Maureen Jones & James Davies
Location: **Land at and adjacent Pengelli Farm, Prisk**
Proposal: Without the benefit of planning permission making a material change the use of the land from agriculture to use as a residential garden extension to the accepted and historic residential curtilage of Pengelli Farm
Start Date: 5 October 2007

L.P.A. Reference No: ENF/2004/0583/E
Appeal Method: Written Representations
Appeal Reference No: C/07/1202065
Appellant: James George Davies
Location: **O.S. Field Parcel 5349, Prisk Farm, Prisk**
Proposal: Without the benefit of planning permission making a material change the use of the land from agriculture to use as a residential garden extension to the accepted and historic residential curtilage of Prisk Farm
Start Date: 5 October 2007

(b) Planning Appeal Decisions

L.P.A. Reference No: 2007/00006/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2048620
Appellant: Mr. S. J. Richardson
Location: Land adjacent to Lyndhurst and Amberley Houses,
Llantwit Road, Wick
Proposal: New house within the residential curtilage in
accordance with the permission for development dated
November 1985 ref 85/0975(OGWR)
Decision: Appeal Dismissed
Date: 15 October 2007
Inspector: Mr. P. G. Horridge
Council Determination: Committee

Summary

The Inspector considered the main issues in this appeal are whether the proposal complies with local policies governing the location of new residential development and the effects on the character and appearance of the area. The Inspector felt that the appeal site had a particularly rural appearance, and felt that the erection of a two-storey dwelling would noticeably extend the built-up limits of Wick into the countryside setting. He also commented that the removal of part of the roadside hedge to form a vehicular access would further harm the rural appearance of the area. In dismissing the appeal, the Inspector concluded that, overall, the proposal would not accord with local policies governing the location of new residential development, and would harm the rural character and appearance of the area.

L.P.A. Reference No: 2006/01347/FUL
Appeal Method: Written Representations
Appeal Reference No: 07/2047366
Appellant: Mr. Mark Aston,
Location: Pencyrn Barns, Ystradowen
Proposal: Conversion of two barns into dwelling and alteration of
access to highway
Decision: Appeal Dismissed
Date: 3 October 2007
Inspector: Mr. Hywel Jones
Council Determination: Committee

Summary

The Inspector considered the main issue in this case to be whether the buildings are suitable for the proposed residential use, particularly in terms of any effect on the character and appearance of the area and the generation of car-borne journeys, having regard to local and national planning policy.

The Inspector made the following comments:

- The proposed works would result in a building that would appear materially different to the present structure.
- The proposed removal of a significant section of the indigenous roadside hedge and repositioning of the access would open up views of the site to the detriment of the intimate, pleasant character of this country lane.

- The scheme would create a large area of residential curtilage around the two buildings; both national and local planning policies recognise the harmful impact that such domestication can have on rural areas.
- The manifestations of residential use of the site, such as external lighting, parked vehicles, garden furniture and play equipment, would erode the landscape quality of the area contrary to the aim of Policies ENV4 and ENV8(v).

The Inspector considered the harm to the area's character and appearance outweighs any potential benefits that would arise from the scheme, including the removal of the dilapidated structures, the refurbishment of the buildings and the scope for landscape planting.

In dismissing the appeal, the inspector concluded that the proposed development would harm the character and appearance of the area and would lead to future occupiers being dependent on a private car to access most day-to-day services.

(c) April 2007 – March 2008 Appeal Statistics

		Determined Appeals			Appeals withdrawn (Invalley)
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	WR	19.5	10.5	30	4
	H	2	1	3	1
	PI	-	-	-	-
Planning Total		21.5 (65%)	11.5 (35%)	33	5
Enforcement Appeals	WR	1	2	3	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (33.33%)	2 (66.67%)	3	-
All Appeals	WR	20.5	12.5	33	4
	H	2	1	3	1
	PI	-	-	-	-
Combined Total		22.5	13.5	36	5

(d) Other Matters

None.

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer - Justina M Walsh, Tel: 01446 704690

Officers Consulted:

Not applicable.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved
E - Split Decision

R - Refused

2007/01252/TPO	A	Land adjacent to Pwll Y Min Farmhouse, Main Avenue, Peterston Super Ely	Works to 4 Chestnut front verge & 2 Oak rear paddock
2007/01269/TPO	A	1, Merevale, St. Andrews Road, Dinas Powys	Fell 4 Sycamores
2007/01297/TCA	A	3, Hill Head Cottages, Llantwit Major	Fell 3 Conifers
2007/01377/TPO	A	Llandough Hospital, Llandough	Fell two Norway Maples; crown raise two Sycamores up to 6m and one Sycamore up to 5m; crown raise Norway Maple up to 6m and remove lowest branch from Ash
2007/01337/TCA	A	Raismere, Park Road, Penarth	Yew and Bay - reduce and shape by 30%, fell 2 Sycamores, fell Ash
2007/01385/TCA	A	Church Cottage, Bonvilston	Fell young self-sown Ash to west side of dwelling and reduce canopy of horse chestnut by 30%.
2007/01395/TCA	A	6, Ger y Llan, St. Nicholas	Fell one Cherry

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

7. ENFORCEMENT ACTION

NO. 15, ST. AMBROSE CLOSE, DINAS POWYS, VALE OF GLAMORGAN:
WOODEN DECKING (INCLUDING BALUSTRADES AND A RAISED WALKWAY)
ON TOP OF AN EXISTING EXTENSION

Background

1. A complaint was received by the Local Planning Authority on 8 February 2007 concerning the erection of decking, along with balustrades and a raised walkway, on top of an existing, unauthorised extension at No. 15 St. Ambrose Close, Dinas Powys, Vale of Glamorgan.
2. Following an initial site inspection conducted in July 2007, it was noted that a balustrade had been erected to enclose the decked roof area of an existing flat roof extension to the rear of No. 15 St. Ambrose Close in Dinas Powys. The balustrade encloses the perimeter of the extension roof across its 5.2 metres width and 4.1 metres length. The balustrade has a height of 0.9 metres and the height of the extension and decking is approximately 2.8 metres.
3. Access to the extension roof is gained via a raised walkway from the rear garden. The rear garden is terraced as the land to the rear of the garden is at a higher level. As a result the raised walkway has a maximum height of 2 metres from the remaining terrace of the garden. The raised walkway has a length of 3.9 metres and a width of 0.85 metres. Again the balustrade has a height of 0.9 metres.
4. The development does not benefit from permitted development rights granted under the Town and Country Planning (General Permitted Development) Order 1995 and, therefore, requires the benefit of planning permission. However, in view of the fact that an application to retain the development would be unlikely to receive a favourable recommendation, the owners of the property were requested to remove the balustrades and raised walkway by Monday 20 August 2007.

5. Given that the application for planning permission had not been received by the Council, as requested, it was considered expedient to acquire authorisation for the service of a Planning Contravention Notice (PCN), with a view to pursuing formal enforcement action. The subsequent PCN, which was hand-delivered to the property in question on Monday 10 September 2007, was completed and returned to the Planning Enforcement Unit on Tuesday 2 October 2007.

Relevant Issues and Options

6. None.

Planning History

7. There have been no previous applications for planning permission submitted in respect of No. 15 St. Ambrose Close. The owners confirmed that the extension upon which the raised balustrade has been erected was built approximately 20 years ago. Although permission was not sought at the time, it was likely to have been required. The extension is, however, considered to be lawful development as it was substantially completed more than four years ago.

The Issues

8. The main issues in this matter is the appearance of raised walkway and balustrade, and the privacy implications that result from the use of the raised walkway and the flat roof of the extension, facilitated by the presence of the balustrade around the perimeter of the roof of the extension.
9. The balustrade has been erected on the perimeter of the roof of an extension which adjoins the boundary of the property at No. 17 St. Ambrose Close. The height of the balustrade, together with the height of the existing extension result in a structure of approximately 3.6 metres along 4.1 metres of the boundary with No. 17 St. Ambrose Close. The resultant structure is considered to be overbearing and has a cluttered appearance which is considered to have an unacceptable effect on the visual amenities of the adjoining occupier. In addition to this, as the balustrade and walkway are elevated, this is a structure that is also visible for other properties in the vicinity as well as from the walkway to the rear of the site. The resultant development is out of keeping with the character of host building and is an incongruous feature that is detrimental to the general visual amenities of the area. The appellant has recently erected a 1.8 metre high bamboo screen in an attempt to overcome the privacy implications detailed below. This screen only serves to worsen the visual impact of the development.
10. In view of the visual impact of the development, it is not considered to accord with Policy ENV27 of the Vale of Glamorgan Unitary Development Plan Adopted March, 2005. Neither does it accord with Policy 1 of the Council's 'Supplementary Planning Guidance: Amenity Standards' approved January, 1999.

11. The decked area of the extension roof is now used as a sitting out area by the occupiers of No. 15 St. Ambrose Close. The use of this area allows the occupiers to overlook the gardens at both sides of the property from a vantage point of approximately 2.8 metres high. More importantly, the use of this area allows close range views (at approximately 2 metres distance) into the adjoining occupier's bedrooms (No. 17 St. Ambrose Close). Whilst the Council do not have any powers to prohibit the use of the extension roof as a sitting out area, this privacy infringement is considered to be wholly unacceptable. The raised walkway and balustrade facilitate that use of the extension roof as a sitting out area. These forms of development are, therefore, considered to be contrary to Policy 1 of the Council's 'Supplementary Planning Guidance: Amenity Standards' approved in January, 1999, as they facilitate the use of the extension roof as a sitting out area resulting in serious and wholly unacceptable privacy implications for the occupiers of the property adjoining the site. Whilst it is accepted that a privacy screen can be erected to prevent overlooking and obscure views into the bedrooms of the adjoining property, this is considered to be unacceptable in visual amenity terms (see the comments in the paragraphs above). The recently erected 1.8 metre high bamboo screen is ineffective as a privacy screen as it is, to an extent, transparent.
12. In view of the comments above, it is considered expedient to require the removal of the balustrade and walkway.

Resource Implications (Financial and Employment)

13. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

14. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
15. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

16. None.

RECOMMENDATIONS

- (1) That the Director of Legal and Regulatory Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the removal of the raised walkway and the balustrade erected to enclose the walkway and the decked roof of the existing extension to the rear of No. 15 St. Ambrose Close, Dinas Powys.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reasons for Recommendations

- (1) The development is not considered to accord with Policy ENV27 of the Vale of Glamorgan Unitary Development Plan Adopted March, 2005. Neither does it accord with Policy 1 of the Council's 'Supplementary Planning Guidance: Amenity Standards' approved January, 1999.
- (2) To progress action in the event of non compliance with the Enforcement Notice.

Background Papers

Enforcement File Ref: ENF/2007/0055/PC

Contact Officer – Miss Justina M Walsh, Tel: 01446 704690

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

REPORT TO PLANNING COMMITTEE TO PROPOSE THE CONFIRMATION
OF A TREE PRESERVATION ORDER

SITE AND TREE DESCRIPTION

Within the village of and along the approach roads into Sigginstone, near Cowbridge.

TREE HISTORY

A provisional Tree Preservation Order was served as the first stage towards re-surveying trees within the Vale of Glamorgan's area with a view to updating existing records of which, 15% are 40 years old and completely unrepresentative of the current position.

Sigginstone was last surveyed in 1973 and there appears to be no trace of the documented Order and, moreover, the Order does not appear to have been confirmed and therefore, had no legal status.

The Order refers to some 94 individual trees, 16 groups of trees and 3 woodland tracts (see Appendix A – listing species and plans).

REPRESENTATIONS

An e-mail dated 25 September 2007 from a resident concerned that the costs involved in carrying out the re-survey appear excessive and that the monies would have been put to better use on improved street lighting.

A letter of the 28 September 2007 from the owner/occupier of Barn Rise stating that the re-survey is "...a complete waste of time and ratepayers' money..." and that it should go towards education. Sees the protection of T18 Red Hawthorn as outside interference. *Re-visited by the tree officer and T18 removed from the Order.*

Two separate letters, 28 September and 1 October, 2007, from the owner/occupier of Ty Hir, where T86 Horse Chestnut and T85 Ash are addressed individually. Inclusion of these trees in the Order is objected to on grounds of their "...very limited visual amenity..." and nuisance factor caused by proximity of the tree's canopies to cables. *Re-visited and both T85 and T86 removed.*

Letter 26 September 2007, from owner/occupier of No. 4 Orchard Close objecting to inclusion of T58 Pissardi's Plum in the Order because its situation close to driveway requires frequent pruning. *Re-visited and T58 removed.*

Letter 3 October 2007, from owners/occupiers of Hill House commenting that T20 Ash is located on top of a boundary/retaining wall, and because their ground level is two metres above some neighbouring properties, the tree needs frequent pruning to prevent roots/growth undermining the wall. T19 Birch is being treated with similar caution. *T20 and T19 removed from the Order.*

E-mail of 4th October, 2007, from owners/occupiers of No. 1 Orchard Close, objecting to the inclusion of T22 a variegated Maple within the Order given the legal implications of the Tree Preservation Order which is perceived as a "...high-handed, police state approach..." ...Also concerned that excessive numbers of trees have been included. *Re-visited and T22 removed from the Order on the basis that although located in an elevated position over the main road through Sigginstone, the tree is considered too small a specimen to be significant to local visual amenity.*

Letter 2 October 2007, from resident of "Mayfield" stating "...no objection to these proposals...", however, concerned about what work can be undertaken by himself. *Response sent outlining works to protected trees which may be considered exempt from formal application process.*

Letter 9 October 2007, from owner of land to the rear of properties: Mayfield, Springfield, Conifers and Greenmeadow agreeing in principle to the Order but objecting to the inclusion of G13 (group of Apple), and an individual tree T52 Sycamore. The former because they are only partially visible and are old and near the end of their life. The latter because its contribution to visual amenity is nominal being a poor example. *Re-visited and G13 and T52 removed.*

Letter received 24 October 2007, from the owner/occupier of The Old Malt House objecting to the extent of the Order within this property's curtilage. The main issue concerns the type of trees included described variously as ornamental; overlarge shrubs; inappropriately located self-sown small trees or non-native species. *Response sent agreeing to remove G12 (group of mixed deciduous and evergreen) because of landscaping works in the vicinity already underway; remove T45 Horse Chestnut, T49 self-sown Oak which is close to septic tank and T46 Magnolia which is situated between two structures and its growth is likely to be hampered.* It is recommended that the remaining trees be retained within the Order because they constitute good native hedgerow trees and are adjacent to a public footpath or, as is the case for T48 Weeping Beech, the specimen is uncommon in the locality and possibly a wider sphere.

See Appendix B for full representations.

REPORT

Sigginstone was selected as a first step or pilot study in order to establish a consistent survey methodology, testing administration procedures and to help quantify the resources and timeframe for a re-survey programme for the Vale of Glamorgan. Best practice suggests a pilot study should incorporate an area taking in 100 to 200 dwellings – Sigginstone, including some properties along the approach roads, amounts to 62, making it a manageable survey to be undertaken by an individual.

Mainly trees which contribute to the visual amenity by softening harsh lines of predominantly modern dwellings in Sigginstone were included in the Order. There is a paucity of trees in some parts of the village and as a consequence some trees selected are small young specimens but with potential to grow. There are no particularly outstanding examples of any species within the village which led to the survey taking account of the wooded tracts on the land between Sigginstone and Llanmihangel.

Accommodations have been made in respect of residents concerns and the modifications to the proposed Order are detailed in Appendix C.

RECOMMENDATION

- (1) That the Tree Preservation Order should be confirmed as modified.

Reason for Recommendation

- (1) To accommodate concerns of residents of Sigginstone.

Background Papers

Tree Preservation Order (No. 19), 2007.

Contact Officer – M. Krzemieniewski, Tel: 01446 704742

Officers Consulted:

None applicable.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

Insert title
of Order
(including
year)

APPENDIX A

THE VALE OF GLAMORGAN COUNCIL
TREE PRESERVATION ORDER (No 19) 2007



Relating to ~~T6-Eucalyptus~~

T1-T3 Horse Chestnut, T4-Pissardi's Plum, T5-Sycamores, ~~T6-Ash~~, T7-Sycamore - T8- Crab Apple, T9-T11 Cherry, T12- Cherry, T13/T14 - Sycamores, T15- Horse Chestnut, T16 - Ash, T17 - Willow, ~~T18-Red Hawthorn~~, ~~T19-Birch~~, ~~T20-Ash~~, T21-Poplar, ~~T22-Variegated Maple~~, T23-Laburnam, T24-Lilac, T25-Blue Atlas Cedar, T26-Laburnam, T27-Copper Beech, T28-Laburnam, T29-Holly, T30-T31 Sycamore, T32-Ash, T33-T36 Sycamores, T37-T39-Birch, T40-Whitebeam, T41-Magnolia, T42-Cyress, T43-Hawthorn, T44-Holly, ~~T45-Horse Chestnut~~, ~~T46-Magnolia~~, T47-Pine, T48-Weeping Birch, ~~T49-Oak~~, T50-T51Hawthorn, ~~T52-Sycamore~~, ~~T53-Purple leaved plum~~, T55-Blue Atlas Cedar, ~~T56-Portuguese laurel~~, T57-Ash, ~~T58-Pissardi's Plum~~, T59-Japanese Maple, T60-Laburnum, T61-Ash, T62-T63-Oak, T64-Ash, T65-Oak, T66-Ash, T67-Beech, T68-Oak, T69-Ash, T70-Oak, ~~T71-Purple leaved Plum~~, T72-73-Birch, T74-Cherry, ~~T75-T6-Sycamore~~, T77-T79-Ash, ~~T80-Hawthorn~~, T81-T82-Ash, T83-Oak, T84-Birch, ~~T85-Ash~~, ~~T86-Horse Chestnut~~, T87-Ash, T88-Alder, T89-Willow, T90-Oak, T91-Willow, T92-T94- Horse Chestnut, T95-Birch, T96-T99- Horse Chestnut,

GROUPS - G1- mainly Ash, G2-Ash, Sycamore and Hawthorn, G3-Hazel, Hawthorn, Sycamore, Guelder rose and Spindle, G4-Cherry, Birch, Crab Apple, G5-Sycamore x5, Ash x3, G6-Sycamore x4, G7-Sycamore, Pine and Catalpa, G8-Sorbus, Birch, Horse Chestnut, Sycamore, G9-Hawthorn, G10-Sycamore, G11-Pleached Beech x7, ~~G12-Birch, Magnolia, Hazel and Horse Chestnut~~, ~~G13-Apple~~, G14-Ashx3, Sycamore, G15-Hawthorn, G16-Ashx9, Sycamore x1, ~~G17-Hawthorn, Alder, Ash, Hazel~~, G18 - Poplar

WOODLAND - W1- Pine, Cypress, Birch, Sycamore, Beech, Cherryx1, Variegated Holly x1, Hazel, Hawthorn, Ash, Field Maple x1, Victoria Plumx2, Applex1, and Eucalyptusx1 - W2-Ash, Sycamore, Hazel, Hawthorn - W3-Ash, Sycamore, Hazel, Oakx1

AT THE VILLAGE OF SIGGINSTONE, NR. COWBRIDGE

Insert name
of Council

The VALE OF GLAMORGAN COUNCIL

in exercise of the powers conferred on them by sections 198 & 201^(a) of the Town and Country Planning Act 1990^(b)

Insert name
of
appropriate
authority

I hereby certify this is a true copy of
an original document produced and
shown to me at Civic Offices,
Milton Road, Barry

hereby make the following Order:—

Citation

on 18th day of September 2007

Insert title
of Order
(including
year)

- This Order may be cited as The Vale of Glamorgan Council - Tree Preservation Order No. 19 2007
(as above)

David Thomas,
Solicitor

Interpretation

- In this Order "the authority" means the VALE OF GLAMORGAN COUNCIL

Name of
Council
making the
Order

and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

[Application of section 201]

- The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 18TH SEPTEMBER 2007

Prohibited acts in relation to trees

- Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)^(c) [or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall—
 - cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
 any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the

24 SEP 2007

24 SEP 2007

A

TREE PRESERVATION ORDER (Nº 19), 2007 - SIGGINSTONE NR. COWBRIDGE

Westgarth

T1

T2

T3

W1

Ceirios

T1 to T3 - Horse Chestnut

W1 includes,

Pine
 Cypress
 Birch
 Sycamore
 Beech
 1 x Cherry
 1 x Variegated Holly
 Hazel
 Hawthorn
 Ash
 1 x Field Maple
 2 x Victoria Plum
 1 x Apple
 1 x Eucalyptus



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The Vale of Glamorgan Council

Department:

Title:

Drawn By:

VALE of GLAMORGAN

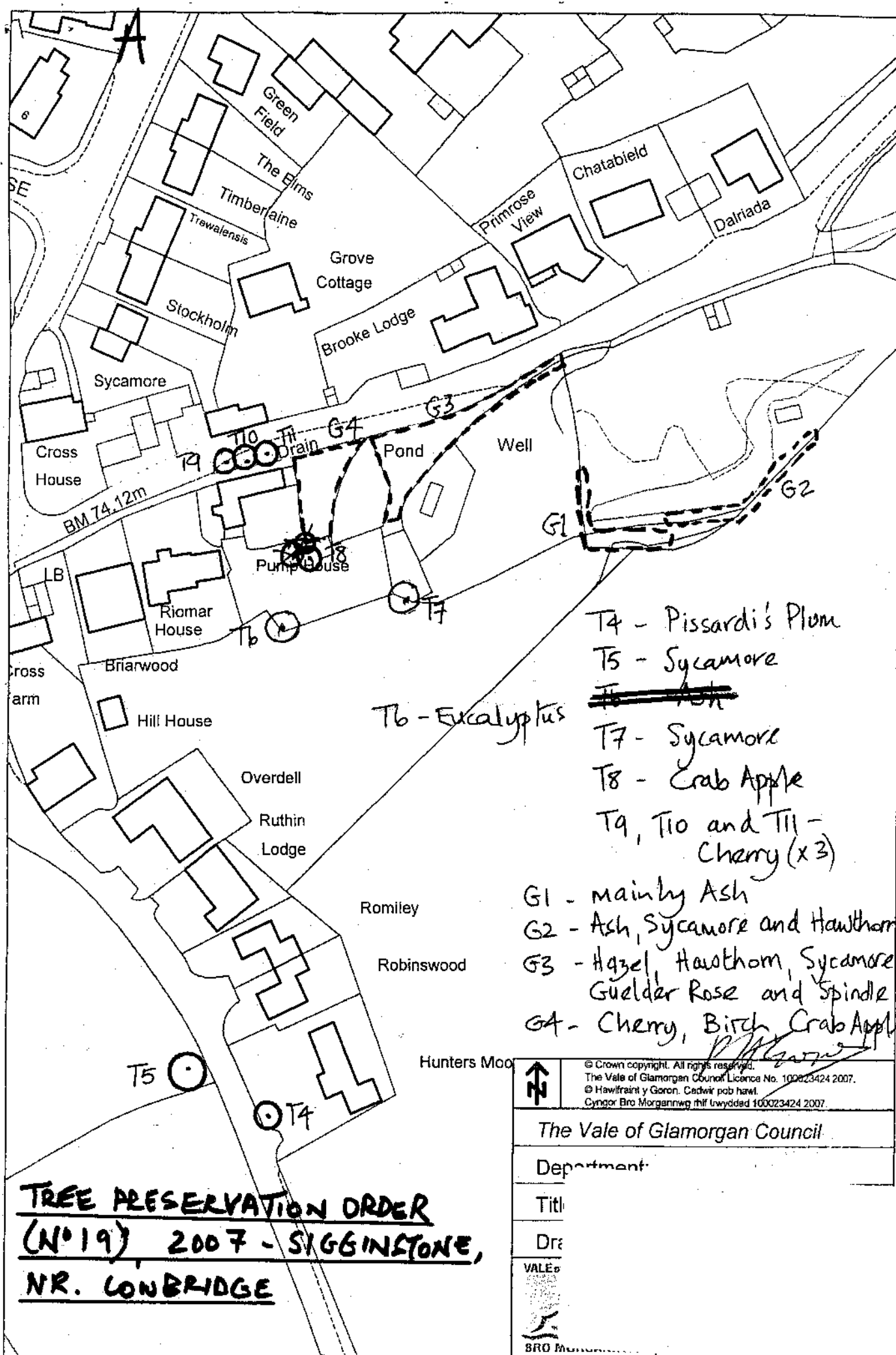


BRO MORGANNWG

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Time 02:09:06 PM

Date 9 Aug 2007

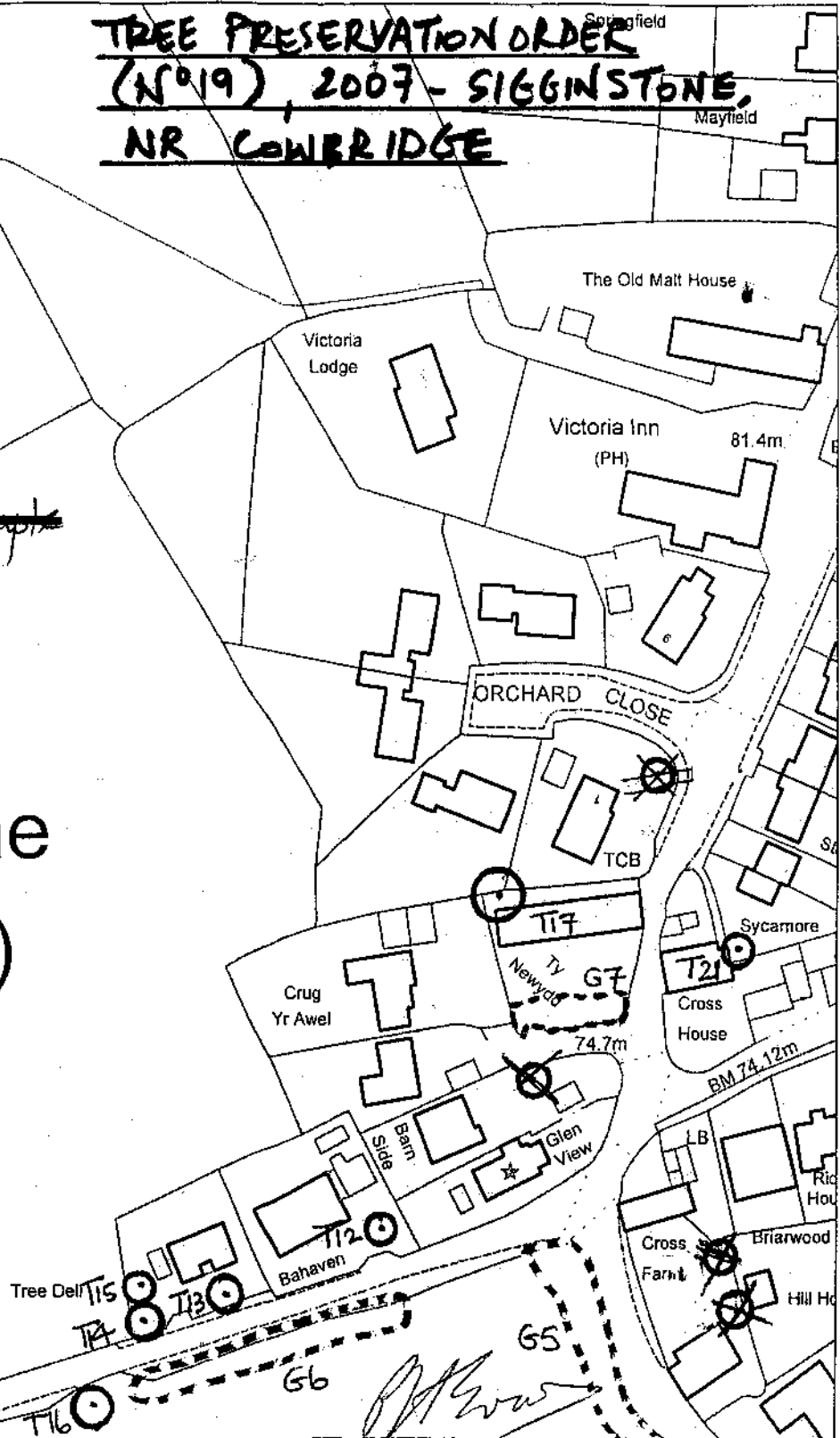


TREE PRESERVATION ORDER
(Nº19) 2007 - SIGGINSTONE,
NR. LONBRIDGE

- T12 - Cherry
 T13 - Sycamore
 T14 - Sycamore
 T15 - Horse Chestnut
 T16 - Ash
 T17 - Willow
~~T18 - Red Hawthorn~~
~~T19 - Birch~~
~~T20 - Ash~~
 T21 - Poplar
~~T22 - Variegated Maple~~

TREE PRESERVATION ORDER
(Nº19), 2007 - SIGGINGSTONE,
NR LOWBRIDGE

Sigingstone
(Tresigin)



G5 - 5 Sycamore + 3 Ash

G6 - 4 Sycamore

G7 - Sycamore, Pine + Catalpa

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	The Vale of Glamorgan Council
BRO MORGANNWG	Date 9 Aug 2007

W2 - Ash, Sycamore, Hazel, Hawthorn

W3 - Ash, Sycamore, Hazel, Oak(x1)

G8 - Sorbus, Birch, Horse Chestnut
and Sycamore

G9 - Hawthorn

G10 - Sycamore

Spring

Spring

65.5m

Spring

Park Farm

**TREE PRESERVATION ORDER
(N°19), 2007 - SIGGINSTONE,
NR CONBRIDGE**



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The Vale of Glamorgan Council

Department:

Title:

Drawn By:

VALE of GLAMORGAN



BRO MORGANNWG

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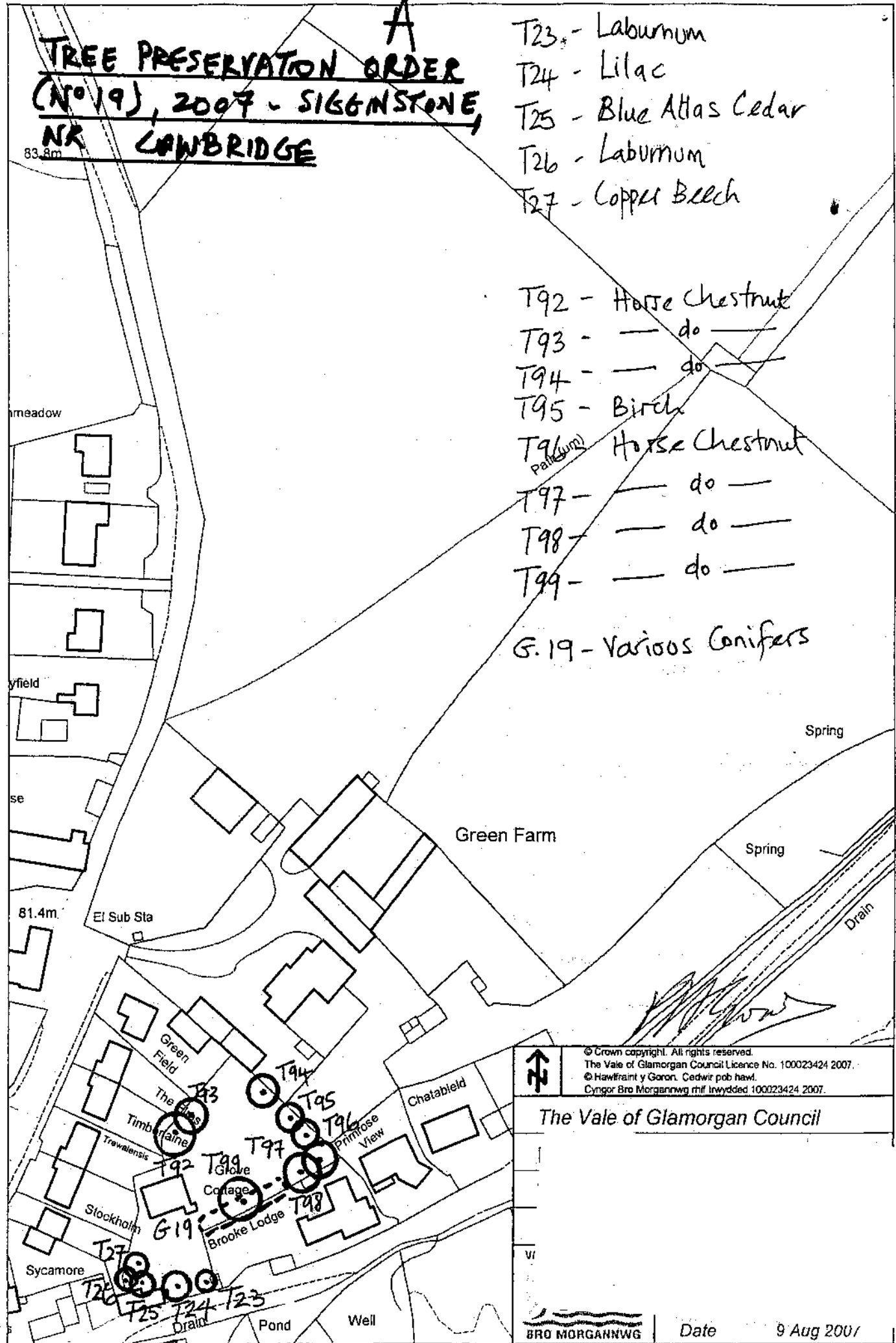
Date 9 Aug 2007

TREE PRESERVATION ORDER (No 19), 2007 - SIGENSTONE, NR CAMBRIDGE

- T23 - Laburnum
- T24 - Lilac
- T25 - Blue Atlas Cedar
- T26 - Laburnum
- T27 - Copper Beech

- T92 - Horse Chestnut
- T93 - — do —
- T94 - — do —
- T95 - Birch
- T96 (um) Horse Chestnut
- T97 - — do —
- T98 - — do —
- T99 - — do —

G.19 - Various Conifers

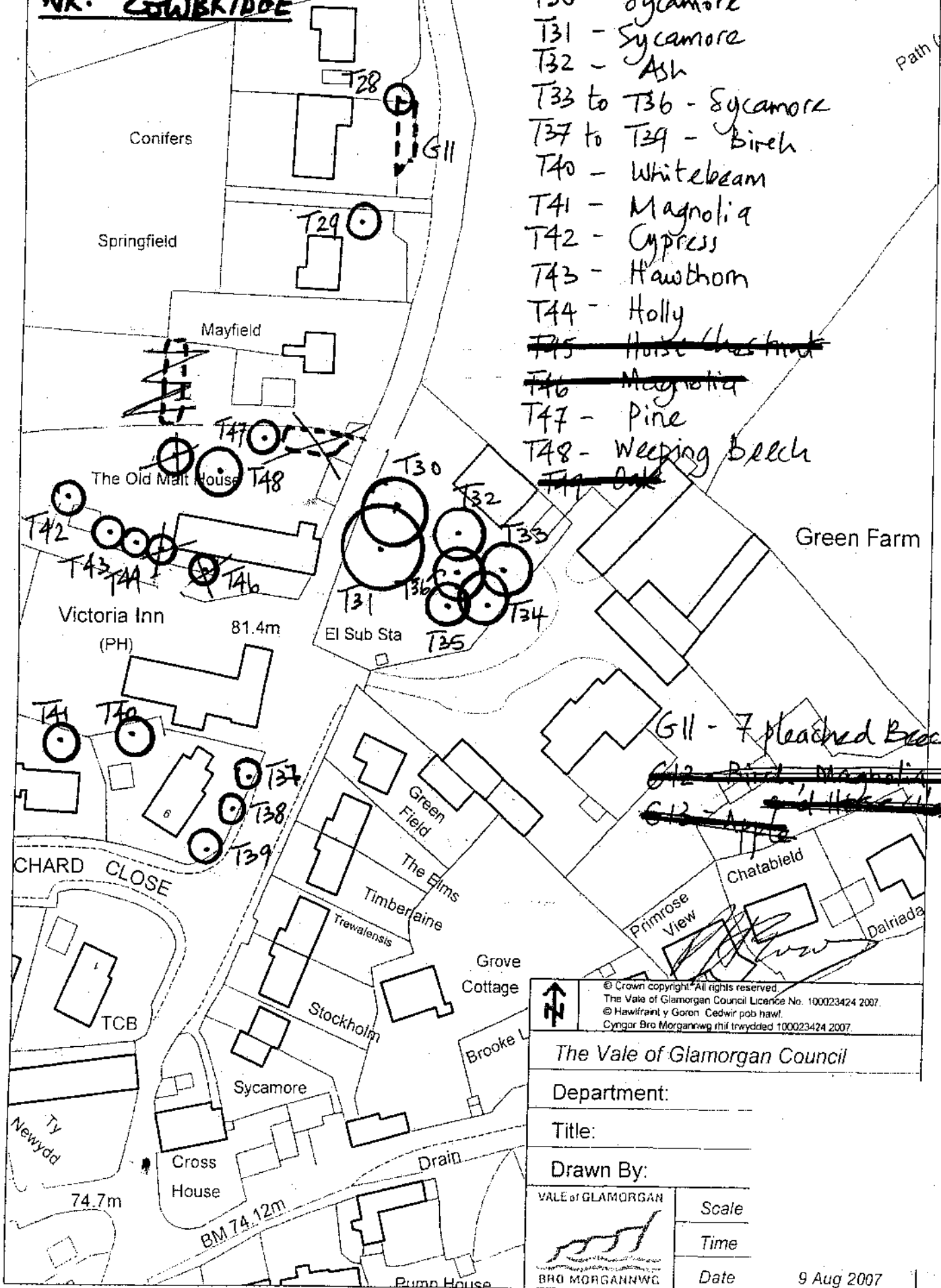


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BRO MORGANNWG | Date 9 Aug 2007

TREE PRESERVATION ORDER (No 19), 2007 - SIGGINSTONE, NR. COWBRIDGE



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Department:

Title:

Drawn By:

VALE of GLAMORGAN



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Scale

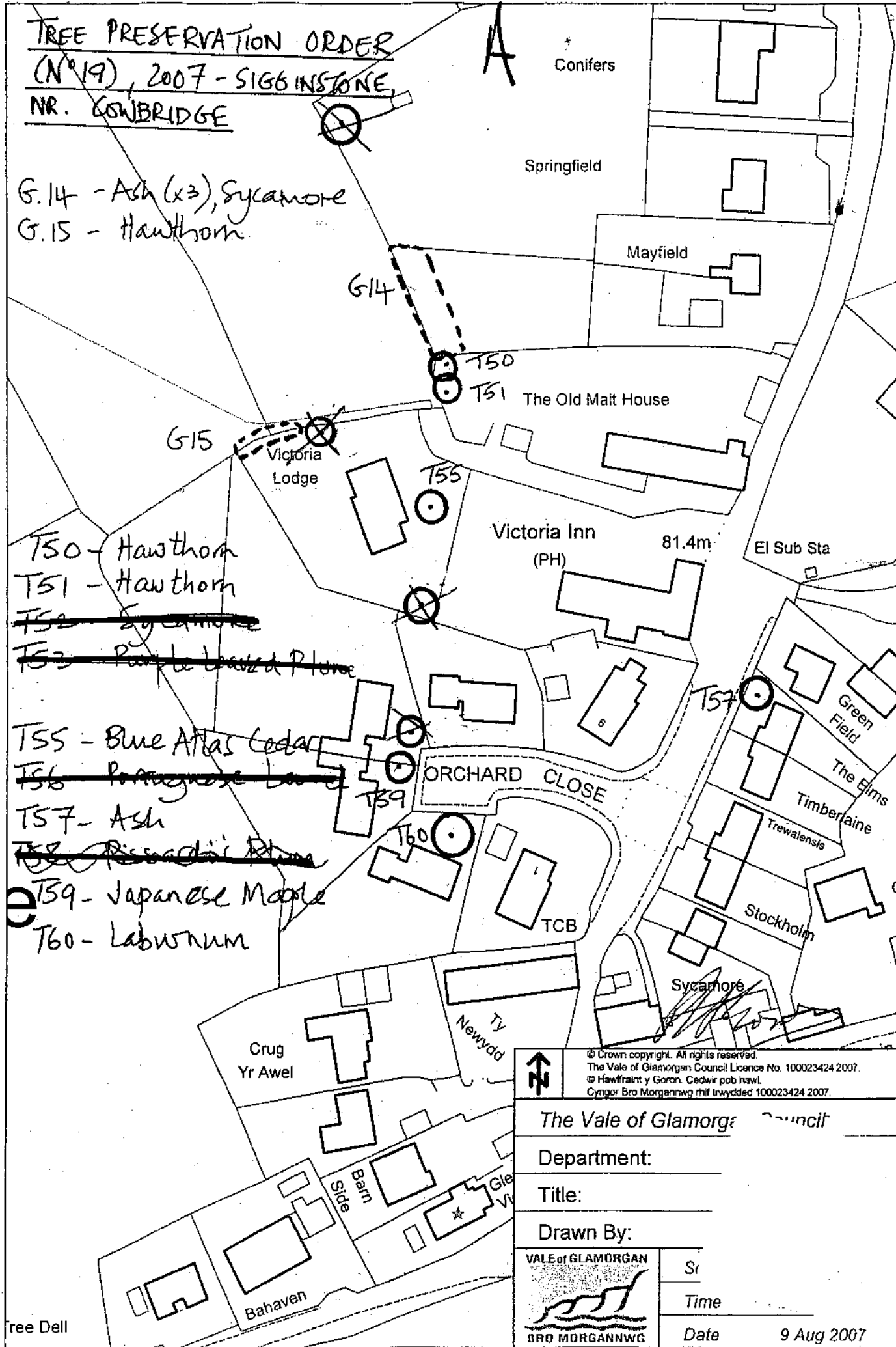
Time

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9 Aug 2007

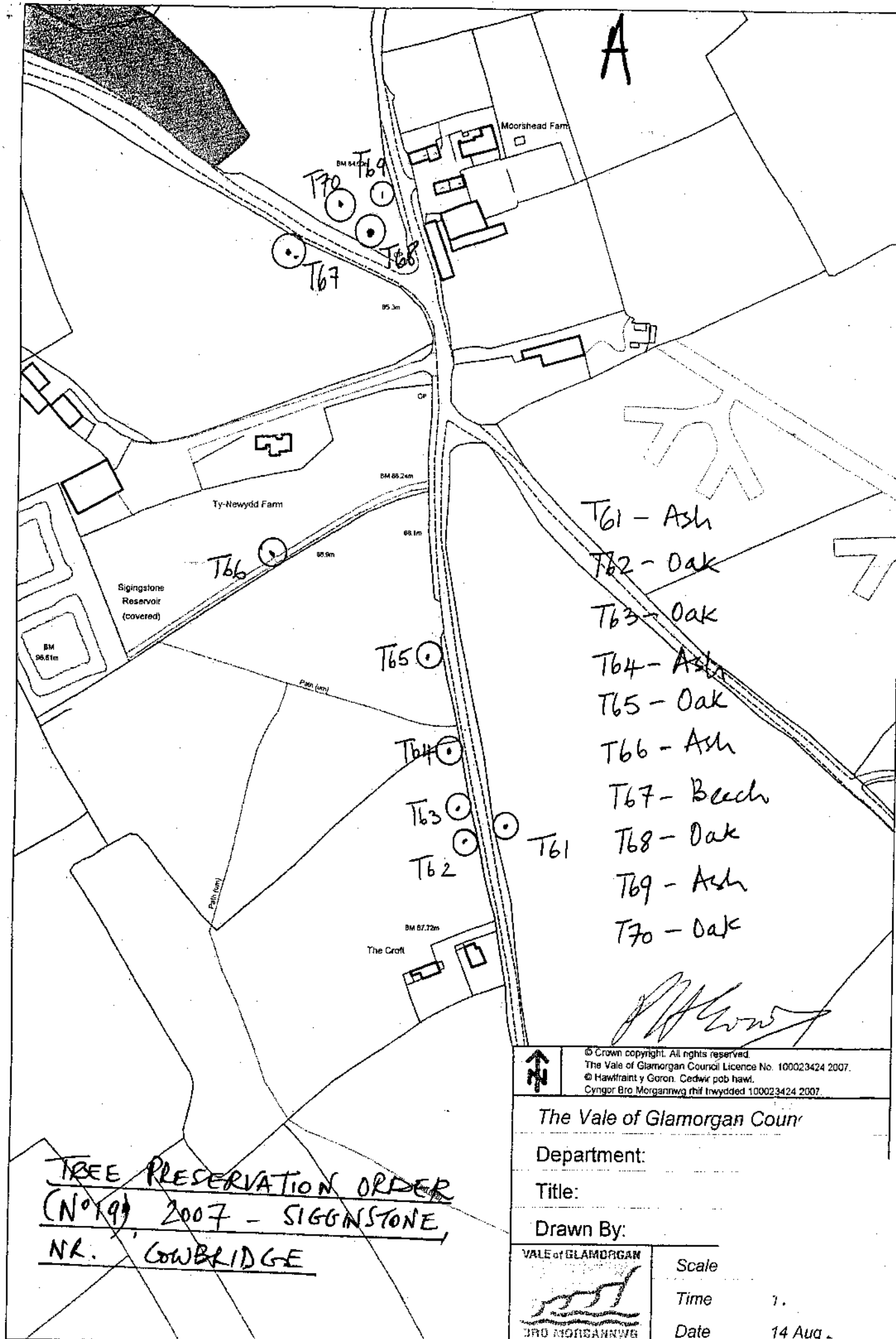
TREE PRESERVATION ORDER (Nº 19), 2007 - SIGGINSTONE, NR. CONBRIDGE

G.14 - Ash (x3), Sycamore
G.15 - Hawthorn



- T50 - Hawthorn
- T51 - Hawthorn
- ~~T52 - Sycamore~~
- ~~T53 - Purple Leaved Plum~~
- T55 - Blue Atlas Cedar
- ~~T56 - Portuguese Laurel~~
- T57 - Ash
- ~~T58 - Pissardi's Plum~~
- T59 - Japanese Maple
- T60 - Laburnum

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TREE PRESERVATION ORDER
(No 19) 2007 - SIGINSTONE,
NK. COWBRIDGE



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Department:

Title:

Drawn By:

VALE of GLAMORGAN



Scale

Time

Date

1.

14 Aug.

A

TREE PRESERVATION ORDER (N°19), 2007 -
SIGGINSTONE, NR. CONBRIDGE

G16 - Ash x 9
Sycamore x 1



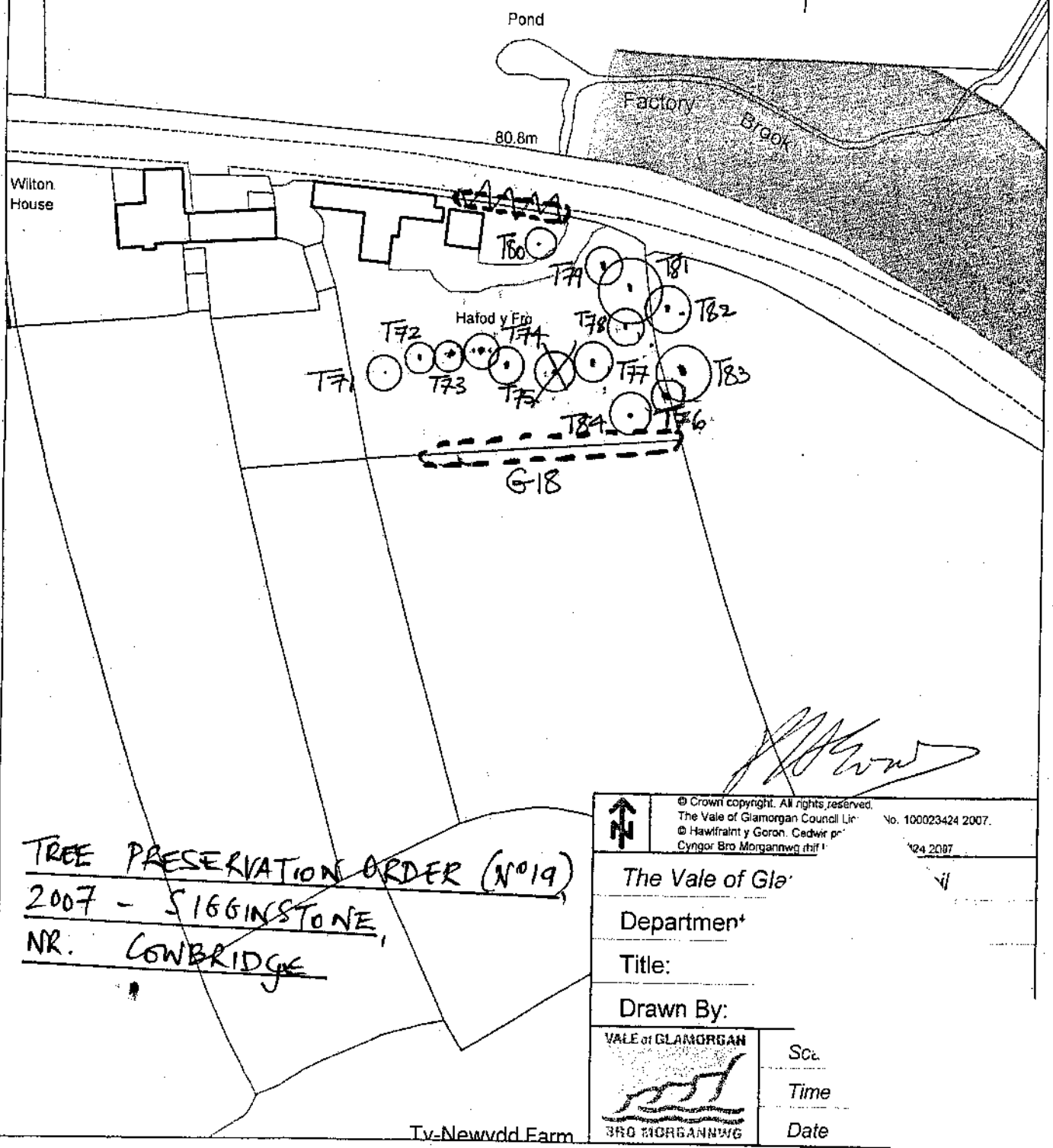
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	Date

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- ~~T71 - Poplar/Leaved Plum~~
- T72 - Birch
- T73 - Birch
- T74 - Cherry
- T75 - Canadian Maple
- T76 - Poplar
- T77 - Ash
- T78 - Ash
- T79 - Ash

- ~~T80 - Hawthorn~~
- T81 - Ash
- T82 - Oak
- T83 - Ash
- T84 - Birch

- ~~G.17 - Hawthorn/Alder/Ash~~
- G.18 - Poplar
- ~~H.30~~



TREE PRESERVATION ORDER (Nº19)
2007 - S166INSTONE,
NR. COWBRIDGE

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	Title:	
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VALE OF GLAMORGAN BRO MORGANNWG	Sc	
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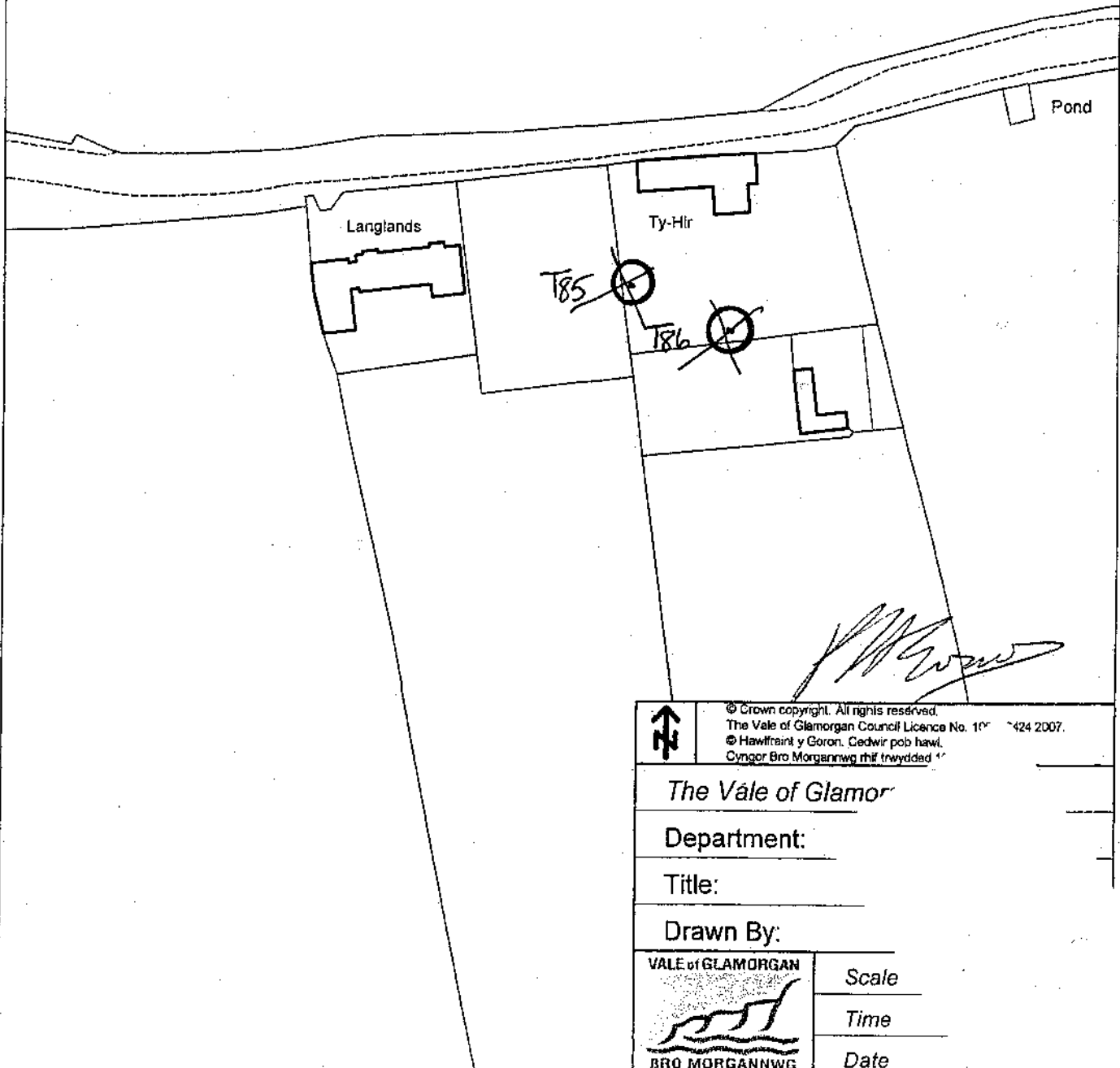
Ty-Newydd Farm

TREE PRESERVATION ORDER (NO 19), 2007 - SIGGINSTONE, NR LOWBRIDGE

~~T85 - Ash~~

A

~~T86 - Horse Chestnut~~

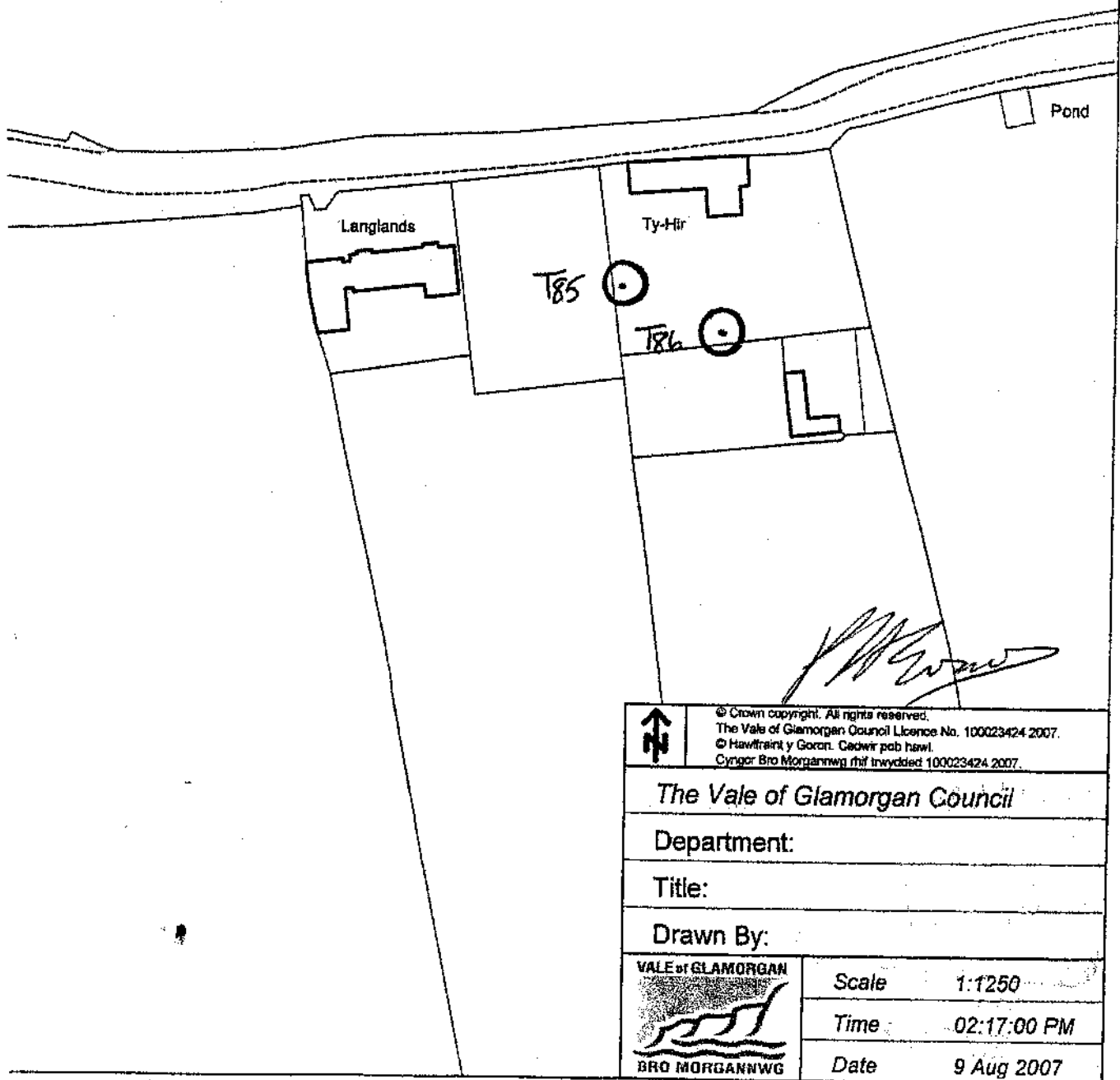


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Title:		
Drawn By:		
VALE of GLAMORGAN BRO MORGANNWG	Scale	
	Time	
	Date	

T85- Ash

T86 - Horse Chestnut

A



A

T87 - Ash
T88 - Alder
T89 - Willow
T90 - Oak
T91 - Willow

Goldway House

Pond

Issues

[Signature]

TREE PRESERVATION ORDER (Nº 19)
SIGGINSTONE,
NR. COWBRIDGE
2007



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The Vale of Glamorgan Council

Department: PLANNING

Title:

Drawn By:



Scale

Time

Date

Krzemieniewski, Margaret

APPENDIX B

From: Thompson, Dorrett
Sent: 26 September 2007 08:44
To: 'Alan'
Cc: Krzemieniewski, Margaret
Subject: RE: Tree preservation

Dear Mr Beckwith,

Thank you for voicing your concerns. I shall discuss the points you have raised with my colleagues in the planning department to see if we can carry out the statutory consultation and notification process in a more informal, streamlined and environmentally friendly way.

Your Sincerely
Dorrett Thompson

-----Original Message-----

From: Alan [mailto:ztynyop@btinternet.com]
Sent: 25 September 2007 19:49
To: DThompson@valeofglamorgan.gov.uk
Subject: Tree preservation

I was initially going to contact you to determine why I was selected to receive the letter concerning trees in Sigingstone. I have since found out that it is pretty general. I must say that I am amazed that so much expense has been devoted to this exercise, in terms of somebody's time carrying out the survey, the time spent preparing the maps, and finally the rain forest that has provided all of the paper to circulate the results! Considering that Margaret is resident in the village, a cheaper option would have been to carry out a more face to face exercise to assess the possible level of interference with the trees. All this in a village where the standard of street lighting is poor, and presenting a safety hazard in the evenings!! Surely a more valuable outlet for the cash!!

Alan Beckwith
01446 775836

B

Head of Planning and Transportation
Dock Office
Subway Road
Barry Docks
CF63 4RT

Barn Rise
Sigingstone
Cowbridge
Vale of Glamorgan
CF71 7LP

01446 772036

28.09.2007

Your Ref DT/MLFCO4-0508

Dear Sir/Madam,

TREE PRESERVATION ORDER – SIGINGSTONE

I have a number of concerns regarding the above.

Firstly I think the whole exercise is a complete waste of time and ratepayers' money and will achieve nothing at a time when there are so many other areas in need of extra finance. (Schools in particular)

The trees in my garden (including T18) have all been purchased, planted, and nurtured by me on land that I own. I would like to think I could continue in the same way without interference from any outside body. It is good practice, in a small garden, to keep trees trimmed and shaped to enhance their overall amenity value.

I have a problem with the red hawthorn, T18 that overhangs the private road serving four properties. For the last twenty years I have trimmed this tree on a regular basis to allow access for cesspit and oil tankers. On the occasions that I have allowed the branches to overhang they have been broken off by these vehicles.

I have no wish to be challenged by any of the dedicated staff members from your Development Control Section, so could you please advise as to whether I should continue trimming this tree or just accept that it will get broken.

Also I would be most grateful if you could advise me of the criteria used to select trees for Preservation Orders so that I can plan future changes to my garden to avoid any further outside interference.

Yours faithfully,

A. E. Crellin.

(Ann E. Crellin)

B

Ty Hir
Sigingstone
Cowbridge
Vale of Glamorgan
CF71 7LP

28th September 2007

Horse Chestnut

**Objection to tree identified as T86 being included in the
proposed TPO No: 19 2007**

Dear Mr Thomas

I recently received the Formal Notice dated 18th September of making of TPO (No: 19) 2007 for trees situated at the village of Sigginstone (*sic*), Nr Cowbridge. The notice identifies 2 trees, T85 (Ash) and T86 (Horse Chestnut) on land in which I have an interest. I enclose a copy of the map on which the trees are identified.

The purpose of this letter is to object to the inclusion of tree identified as T86 in TPO No: 19 2007.

The Council's grounds for making the order are that this tree is of high amenity value and therefore should be protected.

My grounds for objection are that the very limited visual amenity of this tree precludes it from being appropriate to being included in the proposed order.

The enclosed map indicates the location of this tree as being to the rear of the property. The tree is not yet fully mature and its position - set well back from the road and behind the house - coupled with its small size means that the complete tree is only visible by the public from a 3 metre stretch of the road - and that only when the gate is open. The tree is partially visible from a 20 m stretch of the road, but recent landscaping work has reduced the size and extent of the hedges on either side of the gateway. When these hedges grow back to their full size, then this partial view will be further restricted.

The tree is located directly under power lines and has already reached its maximum height. It will shortly be lopped for safety reasons. As the tree will not be able to grow any taller, there will be no future increase to the current very limited visual amenity it offers.

B

Planning Guidance (Wales), Technical Advice Note (Wales) 10, Enforcement of Planning Control – 1997 states that TPOs should be used to protect trees and woodlands whose removal would have a significant impact on the environment and its enjoyment by the public.

Tree Preservation Orders: A Guide to the Law and Good Practice (2006) states that the following criteria should be taken into account:

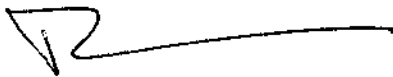
- (1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;
- (2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area.

Tree T86 has very limited visibility and will have to be frequently lopped to control its height. It therefore does not fulfil these criteria

In short, there is no sound reason for tree T86 to be included in the proposed TPO No:19 and it should therefore be precluded.

I would welcome a pre-arranged visit by a member of the Planning Department to discuss any of the issues raised in this letter of objection.

Yours truly,



Richard Downs

RECEIVED

01 OCT 2007
ENVIRONMENTAL
AND PLANNING
RECEIVED

B

Ty Hir
Siggingstone
Cowbridge
Vale of Glamorgan
CF71 7LP

1st October 2007

Ash

**Objection to tree identified as T85 being included in the
proposed TPO No: 19 2007**

Dear Mr Thomas

I recently received the Formal Notice dated 18th September of making of TPO (No: 19) 2007 for trees situated at the village of Siggingstone (*sic*), Nr Cowbridge. The notice identifies 2 trees, T85 (Ash) and T86 (Horse Chestnut) on land in which I have an interest. I enclose a copy of the map on which the trees are identified.

The purpose of this letter is to object to the inclusion of the Ash tree identified as T85 in TPO No: 19 2007.

The Council's grounds for making the order are that this tree is of high amenity value and therefore should be protected.

My grounds for objection are that the very limited visual amenity of this tree precludes it from being appropriate to being included in the proposed order.

The enclosed map indicates the location of this tree as being to the rear of the property. The position of this tree - set well back from the road and behind the house - means that the complete tree not visible by the public from any point to which they have access. The tree is only partially visible above the roof of the house from a 30m stretch of the road when approaching from the east, and from a 90m stretch of the road when approaching from the west. At no position is it possible for a member of the public to view the tree in its entirety. As the tree is mature, there will be no future increase to the current very limited visual amenity it offers.

B

Planning Guidance (Wales), Technical Advice Note (Wales) 10, Enforcement of Planning Control – 1997 states that TPOs should be used to protect trees and woodlands whose removal would have a significant impact on the environment and its enjoyment by the public.

Tree Preservation Orders: A Guide to the Law and Good Practice (2006) states that the following criteria should be taken into account:

- (1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;
- (2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area.

Tree T85 has very limited visibility. It offers very limited visual amenity and any possible future removal or lopping would not have a significant impact on the environment and its enjoyment by the public. As the tree is mature, there is no future potential for the very limited visual amenity to increase. Being an Ash tree it has no rarity value and has no value as a screen.

In short, there is no sound reason for tree T85 to be included in the proposed TPO No:19 and it should therefore be precluded.

I would welcome a pre-arranged visit by a member of the Planning Department to discuss any of the issues raised in this letter of objection.

Yours truly,



Richard Downs

B

N Cryer
4 Orchard Close
Sigingstone
Vale of Glam.
CF71 7LY

26/09/07

Head of Planning and Transportation
Dock Office
Subway Road
Barry Docks

Ref: DT/MLF/CO4-0508
Tree preservation order (No 19) 2007

Dear Sir/Madam

Re: Objection to tree preservation order (Sigingstone, map ref T58)

This tree is adjacent to and overhangs the driveway entrance to 4 Orchard Close. It requires frequent pruning of lower branches to maintain access to the property. I therefore respectfully request that a preservation order is not placed on this tree.

Yours faithfully



N Cryer

B

Hill House,
Sigingstone,
Nr Cowbridge,
Vale of Glamorgan.
CF71 7LP
3rd October, 2007

FAO Head of Planning and Transport

Dear Sir / Madam,

Re: Tree Preservation Order (No 19), ref DT/MLF/C04-0508

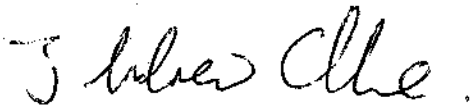
Thank you for your letter dated 18th September 2007. Whilst we are generally in favour of the tree preservation order, we would like to make comments regarding trees T19 and T20.

Both the above trees are situated on our property, next to the boundary wall. This wall is also a retaining wall as our property is approximately 2 metres higher than the field and yard next door. We request that the preservation order does not apply to these two trees as we have a regular need to cut back tree T20 (this is required on at least an annual basis) and will need to do the same in the near future to T19. This is to protect the retaining wall from the roots of these trees and preserve its integrity.

We have also had to fell two far more substantial trees in a very similar location due to a dispute with our neighbour. The ability to trim these trees will therefore help their preservation.

We look forward to your response.

Yours faithfully,



Mr A. and Mrs E. Clarke

Krzemieniewski, Margaret

B

From: Thompson, Dorrett
Sent: 04 October 2007 16:32
To: 'PETER GOLDSWORTHY'
Cc: Krzemieniewski, Margaret
Subject: RE: Tree Preservation Order (No19)2007

Dear Mr and Mrs Goldsworthy,

Thank you for your email. I note your concerns about the rather formal nature of the TPO process. I'll discuss with my colleagues in Planning how to be more friendly in our approach.

Yours Sincerely

Dorrett Thompson

-----Original Message-----

From: PETER GOLDSWORTHY [mailto:peterval@btinternet.com]

Sent: 02 October 2007 16:23

To: Dthompson@valeofglamorgan.gov.uk

Subject: Tree Preservation Order (No19)2007

Dear Mr. Thompson

When your planning officer called at our house to discuss the matter of tree preservation, I was more than happy to assist her in this venture, and to share with you and everyone else our garden, which has taken us 27 years to cultivate to this point.

However having received your paper work, and read the implications of your planning laws, we are appalled, and saddened by your high handed, police state approach.

Could I remind you we are talking about a 10yr. old variegated maple tree No T22 on your list. We bought this tree planted it on our land, and have nurtured for it for the last 10yrs, and are very happy with the position.

.However, for some unknown reason known only to yourselves, you now see fit to take control of its future, by imposing a list of regulations, and removing it from our care, this situation incites me to rebel.

I would therefore like you to note that we object very strongly to the preservation order imposed on our tree.

The number of trees listed in your schedule for preservation in Sigingstone is approx 140 in a village of this size the ratio is about 3 trees to each house, I would suggest we have an overkill situation here.

The position we find ourselves in speaks more of your behaviour than of the preservation of trees. I strongly urge you to revise your approach if you want PEOPLE PARTICIPATION.

Yours Faithfully

Peter & Valerie Goldsworthy

1 Orchard Close Siggingstone Cowbridge.CF71 7LY.

PS:-Please note correct surname

B

"Mayfield"
Sigingstone
Cowbridge
CF71 7LP

2 October 2007

Your Ref: DT/LMF/CO4-0508

Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Subway Road
Barry Docks
Barry CF63 4RT

Dear Sir

TREE PRESERVATION ORDER (NO 19) 2007

I have received the formal notice served on 24 September in respect of tree preservation at Sigingstone.

I am affected by groups 12 and 13 and tree T47 and although I have no objection to these proposals the Hazel and Lime in group 12 cause a nuisance to me in that I have to trim them back periodically to maintain both my boundary and light in my garden.

Both types of tree lie within my neighbour's garden and the lower branches grow sideways intruding into my garden. I have had to re-site a green house at this location due to the increasing loss of sun light as these trees grew; finally erecting a new one at a different location.

I enclose a photograph taken at midday last Thursday (27,9,07) illustrating the loss of natural light and boundary encroachment and respectfully request that I may be allowed to continue to trim these quick growing trees laterally to avoid the ongoing nuisance caused.

Yours faithfully



T J Cole

B

89 Mayfield Avenue
Southend on Sea
Essex
SS2 6NR

Head of Planning and Transportation,
Dock Office,
Subway Road,
Barry Docks.

Your Reference: DT/MLF/C04-0508

9th October 2007

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)
Tree preservation Order (No 19) 2007-09-25
Trees situated in the village of Sigingstone, Nr Cowbridge

Thank-you for your letter of the 18th ultimo regarding the above matter. My interest in your consultation document is twofold, firstly as a landowner on whose land tree preservation orders (TPOs) are proposed and secondly as a frequent visitor to the Vale who enjoys the unique scenery this part of the country offers. As a visitor I am pleased to see TPOs being placed on some of the more mature trees located within the Vale, I can also express this sentiment as a landowner; however, I feel that I must object to the placement of TPOs on some of the trees located within my landholding boundary (the land area to the west of Mayfield, Springfield, Conifers and Greenmeadow in the village of Sigingstone). The trees located within the curtilage of my land are:

G13 – Apple
G14 – Ash (x3), Sycamore
T52 – Sycamore

As I understand it, the basic function of the law, with regard to TPOs, is to enable the protection of valuable trees that contribute to an area's landscape and amenity. As such TPO trees are usually mature, of good form and, most importantly, can be clearly seen from a public area. However, other factors are also relevant such as historic value, practical value (e.g. screening, sound suppression etc.) and as a harbour of protected wildlife. The Local Planning Department may make a TPO if it is deemed that the tree offers amenity value to the surrounding area, and that its loss would have a significant impact on the environment and its enjoyment by the public. To this end, the tree(s) would normally be visible from a public place and would contribute to the landscape in some way.

Using the above definition I can accept the justification for imposing TPOs on tree group G14 principally because these trees are located on or close to a field boundary with another landowner, are mature specimens and are visible from a public footpath. Consequently no objection is proposed for TPOs on these trees.

B

I do, however, object to the placement of TPOs on the Apple Trees G13 and sycamore T52. The trees in G13 offer little in the way of amenity value especially since they are only partially visible from the public highway (the trees are effectively screened from the road by the houses and property located to the east and only glimpses are afforded to passers by. In addition, the trees are not boundary features nor do they offer significant haven for wildlife. It is also important to point out that the apple trees are not in the best of condition; they are aged trees approaching the end of their lives. The sycamore T52 is not a particularly impressive tree nor does it occupy a boundary position, it is my opinion that it would be hard to justify maintaining such a tree as it is neither aesthetically pleasing nor a particularly fine example of its type. To conclude it is considered that trees G13 and T52 have very limited conservation or cultural benefits and should not be considered as TPO candidates.

Although some of the trees on my land have been awarded TPO status I am surprised that the most impressive tree present within my landholding, a solitary mature ash of majestic stature located to the south of G13, does not even merit a mention within your plans. To me, this tree ticks every box with regard to a TPO; I would therefore request that a TPO be placed on this tree.

If you require any further information or require clarification of any of the above points then please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Darren Cole', written in a cursive style.

Darren Cole

B

The Old Malthouse,
Sigingstone,
Cowbridge,
CF71 7LP
Oct 8th 2007

Re Tree preservation Order

Dear Mrs Krzemieniewski,

I am writing to object to the extent of the proposed TPO on my property.

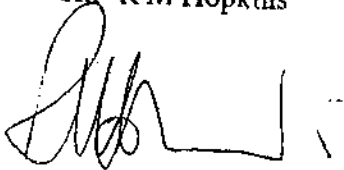
The majority of the trees in my garden have been planted as ornaments by us or the previous owners. The only tree of sorts is the weeping beech T48 on your plan. We have already taken professional advice on how best to preserve this specimen and it may involve pruning or removal of trees in the vicinity. The horse chestnuts you refer to as T45 and G12 are ornamental chestnuts that have sprouted from seed. The holly T44, magnolia T46 G12 are ornamental shrubs that have been left to grow too big. The oak T49 self seeded and is unlikely to flourish as its roots are near to a septic tank.

In summary the only tree I agree in principle is the beech but would prefer that this was not included as it has been grafted and not native to this area.

I am a responsible member of the community and the having TPOs on my property will adversely affect the tree maintenance programme we have in place.

Yours sincerely,

Cllr R M Hopkins



01446 772174

T45 Horse C
G12
T49 Oak
T46 Magnolia

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

VARIOUS ROADS, LLANDOUGH : PROHIBITION OF WAITING ORDER :
OBJECTIONS RECEIVED

Purpose of Report

1. To advise Members of the objections received to the proposal to introduce a Traffic Regulation Order to prohibit the waiting of vehicles between the hours of 8:00 am and 6:00 pm on Mondays to Fridays inclusive along sections of Dochdwy Road, Pantycelyn Road, Waverley Close, Grassmere Close, Greenhaven Rise and Uplands Crescent, Llandough.

Background

2. Members will recall at their meeting on 6 September 2007 approving the following recommendation:

That Members resolve to give public notice of the Council's intention to make an Order under Section 1 of the Road Traffic Regulation Act 1984, the effect of which is described in Appendix A and shown on Drawing No. T/07/93/MS.

That in the event of no objections being received, the Order be made.

A copy of this report is reproduced in full in Appendix A.

3. Dochdwy Road is the main spine road and a bus route through a residential estate which is located immediately to the east of the Llandough Hospital site. The road also provides access to the Llandough County Primary School.
4. The Cardiff and Vale NHS Trust has adopted a policy of charging for car parking at Llandough Hospital. One effect of this policy is that some members of the Hospital's staff elect to park on-street rather than within the Hospital site. The above proposal, if accepted, will be the latest of a set of waiting restrictions introduced in the surrounding streets since 1998 directly linked to this problem.
5. Accordingly, public notice of the proposals was given on 14 September 2007 with any objections being received in writing by the 5 October 2007.

Relevant Issues and Options

6. The following letters of objection have been received:

Mrs. Gail Jackson of No. 66 Dochdwy Road, Llandough, dated the 28 September enclosing a 28 signature petition and 36 completed questionnaires (refer to Appendix B).

N. Utterley of No. 50 Dochdwy Road, Llandough, dated the 2 October 2007 (refer to Appendix C).

Ms. Rita Davies of No. 27 Dochdwy Road, Llandough, dated the 30 September 2007 (refer to Appendix D).

Mr. H. R. Hodge of No. 65 Uplands Crescent, Llandough, received on 2 October 2007 (refer to Appendix E).

A combined letter from Mr. & Mrs. Griffiths and Mrs. B. Holland of Nos. 35 and 33 Dochdwy Road, Llandough respectively, dated 23 September 2007 (refer to Appendix F).

Mrs. M. P. Radcliffe of No. 63 Uplands Crescent, Llandough, dated 25 September 2007 (refer to Appendix G).

Mr. & Mrs. Jackson of No. 66 Dochdwy Road, Llandough, dated 25 September 2007 (refer to Appendix H).

R. A. Parr of No. 63 Pantycelyn Road, Llandough, dated 25 September 2007 (refer to Appendix I).

Mr. & Mrs. R. J. Parr of No. 6 Grassmere Close, Llandough, dated 27 September 2007 (refer to Appendix J).

Mr. & Mrs. Parr of No. 11 Greenway Road, Llandough, dated 24 September 2007 (refer to Appendix K).

Ms. Shelly of No. 2 Daniell Close, Llandough, dated 22 September 2007 (refer to Appendix L).

Mrs. C. Moore of No. 11 Penlan Rise, Llandough, dated 26 September 2007 (refer to Appendix M).

The main points of objection are as follows:

- i. *Speed is self governing due to the presence of on-street parking. Speeds will increase if this parking is removed creating safety issues for children and residents.*

Response

I concur with the sentiments of the objection. It is highly likely that sterilising the road of parking will increase traffic speeds, which may result in subsequent request for enforcement or traffic calming.

- ii. *No parking for Parents outside Llandough Primary School.*

Response

I concur with the sentiments of the objection. Whilst loading and unloading will be permitted, the waiting at anytime will be exempt. Therefore, Parents not displaying a blue badge will have to park outside the area of the proposed restriction and walk their children to school.

- iii. The scheme is too far reaching and will create further parking problems in the estate.

Response

I concur with the sentiments of the objection, the scheme is too far reaching and will displace parking into Cul-de-sacs and other roads where on-street parking was not as prevalent. It is likely that the Council would receive subsequent requests for residents only parking or other forms of parking restrictions that the Police would not support unless there were tangible safety concerns.

- iv. *Visitors, including friends and family would not be able to park outside the houses affected by the proposed restrictions.*

Response

I concur with the sentiments of the objection. Unless there is sufficient room on driveways, visitors not displaying a disabled blue badge will have to park outside the area of the proposed restriction and walk.

- v. *Decrease in the value of homes fronting the proposed parking restrictions.*

Response

This is a subjective statement as the value of homes fluctuates with market conditions and local environment. The purpose of the restrictions is ostensibly to prevent hospital commuter parking only. Such a significant length may deter prospective home buyers.

- vi. *Residents who do not have driveways will not be able to park outside their homes.*

Response

Residents affected by the proposed scheme and not displaying a disabled blue badge will not be able to park outside their homes during the hours of 8:00 am to 6:00 pm from Monday to Friday. Outside of these hours, unrestricted parking will be permitted.

7. The following letters of support have been received:

A 12 signature petition, the first signatory being Mr & Mrs. J. Arroyo of No. 74 Dochdwy Road, Llandough, dated 28 September 2007 (refer to Appendix N).

The main points of support are as follows:

- i. *The presence of on-street parking – prevents pedestrians from crossing the road safely.*

Response

Dochdwy Road is a residential road generating very low traffic volumes and speeds, which is augmented by a survey carried out in July 2007:

The highest two-way 24 hour flows was 1,137 vehicles and the highest recorded 85th percentile speed was 24.2mph.

It must be pointed out that nature of the business of the vehicle owner is completely irrespective and during numerous site visits, one of which was with the South Wales Police, it was noted that traffic speeds and flows were light and there were no safety concerns with crossing the road.

- ii. *Vehicles' parking close to driveways obstructs visibility when pulling out.*

Response

Parking close to driveways does take place, but absence of road traffic collisions involving personal injury augmented with low traffic volumes and speeds gives tangible evidence that the road is relatively safe.

Furthermore, it is likely that neighbours and other visitors will park just as close as the hospital staff outside the proposed times of the parking restrictions but this does not appear to be a problem for the residents.

- iii. *The residents objecting to the scheme do not have problems with cars parking outside their homes.*

Response

Regrettably, this statement cannot be substantiated because a parking survey has not been conducted by the Council.

- iv. *Residents suffer verbal abuse when politely asking drivers to park further away from driveways so that residents can get their cars in and out. Not all of these problems have been reported to the Police because the residents are concerned about wasting Police time.*

Response

Obstruction to driveways is a matter for the Police to deal with as and when such instances happen. In cases of persistent occurrences, the laying an access protection road marking in front of the drive (at the expense of the resident) can be considered. Whilst the marking has no legal standing and is merely advisory it gives a clear indication that the area is a driveway and will assist in enforcement.

- v. *The proposed restrictions will reduce traffic entering Doehdwy Road and therefore reduce the instances of speeding. Furthermore, the introduction of a 20mph zone as part of Llandough County Primary School Safe Routes to Schools bid will reduce traffic speeds even further.*

Response

It is highly likely that the proposed parking restriction will result in a marginal decrease in through traffic by preventing commuter parking. However, the instances of speeding as a result of sterilising on-street parking are still likely from motorists who have business in or around Doehdwy Road.

The travel plan submitted by Llandough County Primary School did not identify the need for a 20mph zone along Doehdwy Road; this could be due to the fact that speeds and flows did not cause a safety concern for the school. However, a 20mph zone could always be added to an additional travel plan that the school may wish to submit in the future.

- vi. *The Council, Police and Highways Department have acknowledged a very serious and dangerous parking problem in the area.*

Response

It appears that the concerns raised at the PACT meetings have been met with sympathy from the representatives of the Police and a temporary traffic officer who no longer works for the Council.

Parking along Dochdwy Road is no more or less serious than many other residential roads in the Vale of Glamorgan, with no tangible evidence of road traffic collisions involving personal injury and low traffic speeds and volumes.

I find it difficult to reconcile the difference between the safety concerns voiced by the residents regarding on-street parking during the day by commuters and on-street parking during the evening and weekends by residents and visitors.

Support for the proposed Order appears to be seen as a mechanism to remove commuter parking but disguised as a road safety concern.

Resource Implications (Financial and Employment)

8. The scheme costs are estimated to be £4,000, which will be met from the Traffic Management Group's operational budget 2007/8.
9. The proposal will utilise the Council's own resources for administration, design and installation.

Legal Implications (to include Human Rights Implications)

10. Section 1 of the Road Traffic Regulation Act 1984 empowers highway authorities to create Orders to avoid danger to persons or other traffic using the road or any other road, or to prevent the likelihood of such danger arising, and to improve the amenities of the area through which the road runs. The Council as Highway Authority has a responsibility to ensure the safety of the highway user.

Crime and Disorder Implications

11. The proposed order will improve highway safety and help to reduce the potential for incidents of disorder.

Equal Opportunities Implications (to include Welsh Language Issues)

12. The proposal will benefit all sectors of the community by improving road safety.
13. Traffic signs used in the proposal will adopt the Council's requirements of the Welsh Language Scheme.

Corporate/Service Objectives

14. Corporate service objectives: to provide a safe highway infrastructure.
15. The results of the publication of the notice are the subject of this report.

RECOMMENDATIONS

- (1) That the objections are acceded to and the Order is significantly reduced in length as indicated in Schedule 1 and Drawing No. T/07/93A/MS contained in Appendix O to this report.
- (2) That the revised Order be made and the works progressed.
- (3) That the supporters of the original proposal are advised of the Committee's decision.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To permit the proposed Traffic Regulation Order to be introduced and the works undertaken.
- (3) To clarify Committee's decision.

Background Papers

Vale of Glamorgan Traffic File IF/36A.

Contact Officer - Mark Simpson, Tel: 029 2067 3070

Officers Consulted:

Operational Manager, Legal Services
Operational Manager, Highway Maintenance
Community Safety Officer, Community Services
Accountant, Building and Visible Services

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 6TH SEPTEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

VARIOUS ROAD, LLANDOUGH,
PROHIBITION OF WAITING ORDER.

Purpose of Report

17. To seek Members' approval to introduce a traffic regulation order to prohibit the waiting of vehicles between the hours of 8:00 am and 6:00 pm on Mondays to Fridays inclusive along sections of Dochdwy Road, Pantycelyn Road, Waverley Close, Grassmere Close, Greenhaven Rise and Uplands Crescent, Llandough.

Background

2. Dochdwy Road is the main spine road and a bus route through a residential estate which is located immediately to the east of the Llandough Hospital site. The road also provides access to the Llandough County Primary School.
3. The Cardiff and Vale NHS Trust has adopted a policy of charging for car parking at Llandough Hospital. One effect of this policy is that some members of the Hospital's staff elect to park on-street rather than within the Hospital site. The above proposal, if accepted, will be the latest of a set of waiting restrictions introduced in the surrounding streets since 1998 directly linked to this problem.

Relevant Issues and Options

4. Currently the unrestricted section of Dochdwy Road, between its junctions with Penlan Road and Pantycelyn Road is subject, throughout the working day, to high levels of parking by vehicles belonging to employees attending the nearby Hospital site. Parked vehicles regularly obstruct the two way flow of traffic along the spine road and create a potential road safety hazard for parents and pupils attending the local primary school.
5. It is considered that, in the interests of highway safety and to assist traffic flow, this extraneous parking should be discouraged by the introduction of a prohibition of waiting between the hours of 8:00 am and 6:00 pm on Mondays to Fridays inclusive. This would enable genuine visitors to premises along Dochdwy Road to park outside the restricted hours.

6. It is also recognised that one effect of introducing these waiting restrictions will be to displace extraneous parking to other parts of the residential estate. In anticipation of this, it is suggested that the restrictions should extend along Dochdwy Road, to a point south of its junction with Greenhaven Rise, include other junctions along the spine road and include a section of Pantycelyn Road south of its junction with Dochdwy Road. The extent of these proposals is set out in Schedule 1 and Drawing No. T/07/93/MS appended to this report.
7. The Chief Constable and Local Member have been consulted and no objections were raised.

Resource Implications (Financial and Employment)

8. The scheme costs are estimated to be £4,000, which will be met from the Traffic Management Group's operational budget 2008/9.
9. The proposal will utilise the Council's own resources for administration, design and installation.

Legal Implications (to include Human Rights Implications)

10. Section 1 of the Road Traffic Regulation Act 1984 empowers highway authorities to create Orders to avoid danger to persons or other traffic using the road or any other road, or to prevent the likelihood of such danger arising, and to improve the amenities of the area through which the road runs. The Council as Highway Authority has a responsibility to ensure the safety of the highway user.

Crime and Disorder Implications

11. The proposed order will improve highway safety and help to reduce the potential for incidents of disorder.

Equal Opportunities Implications (to include Welsh Language Issues)

12. The proposal will benefit all sectors of the community by improving road safety.
13. Traffic signs used in the proposal will adopt the Council's requirements of the Welsh Language Scheme.

Corporate/Service Objectives

14. Corporate service objectives: to provide a safe highway infrastructure.
15. Currently, there has been no Stakeholder Consultation. This will take place on publication of the notice, should the recommendation be approved.

Policy Framework and Budget

16. The issues contained in this report are within the Council's Policy Framework and Budget.

RECOMMENDATIONS

- (1) That Members resolve to give public notice of the Council's intention to make an Order under Section 1 of the Road Traffic Regulation Act 1984, the effect of which is described in Appendix A and shown on drawing T/07/93/MS.
- (2) That in the event of no objections being received, the Order be made.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To permit the proposed Traffic Regulation Order to be introduced.

Background Papers

Vale of Glamorgan Traffic File IF/36A.

Contact Officer – Mark Simpson 029 2067 3070

Officers Consulted:

Operational Manager, Legal Services
Operational Manager, Highway Maintenance
Community Safety Officer, Community Services
Accountant, Building and Visible Services

Rob Quick
Director of Environmental
and Economic Regeneration

committees\planning\8genplan\1*1*

SCHEDULE 1.

Prohibition of Waiting 8:00am – 6:00pm Monday to Friday

Dochdwy Road.

On the south side from a point approximately 40metres east of its junction with Penlan Road in south-easterly direction to a point approximately 15metres south of its junction with Greenhaven Rise, a total distance of approximately 375metres.

On the northeast side at its junction with the access road to Llandough County Primary School in a south-easterly direction to a point approximately 15metres south of its junction with Greenhaven Rise, a total distance of approximately 305metres.

Pantycelyn Road.

On the west side from its junction with Dochdwy Road southwards to a point approximately 18 metres northeast of its junction with Summerland Crescent, a total distance of approximately 73metres.

On the east side from its junction with Dochdwy Road southwards to a point approximately 18metres northeast of its junction with Summerland Crescent, a total distance of approximately 137metres.

Waverley Close.

On both sides from its junction with Dochdwy Road, northwards for a distance of approximately 15metres.

Grassmere Close.

On both sides from its junction with Dochdwy Road, northwards for a distance of approximately 15metres.

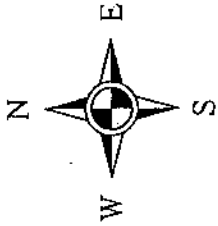
Uplands Crescent.

On both sides from its junction with Dochdwy Road, eastwards for a distance of approximately 13metres.

Greenhaven Rise.

On both sides from its junction with Dochdwy Road, westwards for a distance of approximately 15metres.

To accompany Drawing No. T/07/93/MS



Rev	By	Description of Amendment	Revised	Chk by	Date

VALE OF GLAMORGAN

ENVIRONMENTAL AND ECONOMIC
REGENERATION

Director:
Rob Quirk
EA (Econ), Dept. MRP1
Head of Vehicle Services
Miles Puckley



BRO MORGANNWG

ENGINEERING DESIGN
AND PROCUREMENT

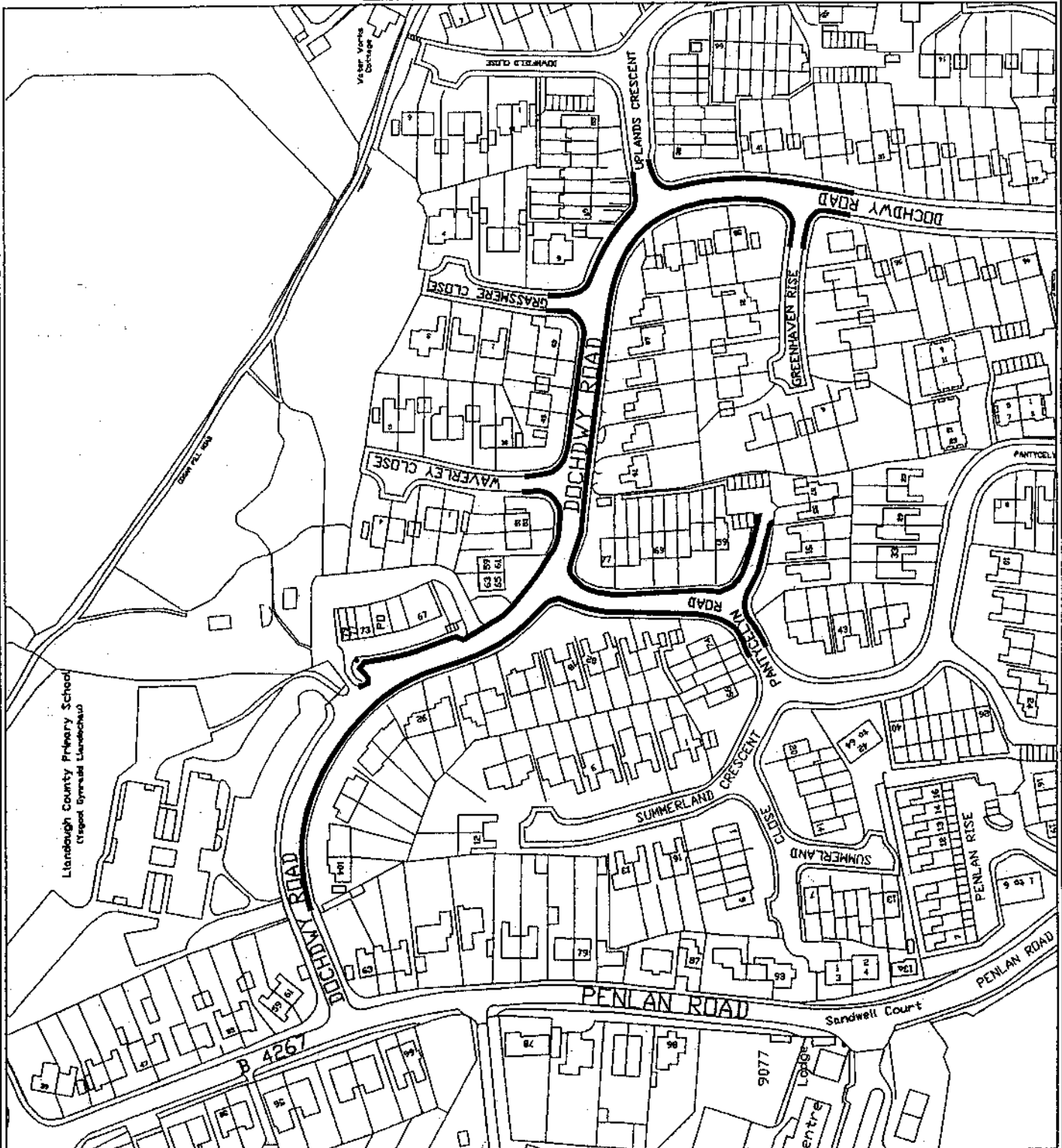


The Vale of Glamorgan Council

Client: The Vale of Glamorgan Council
Project: Prohibition of Waiting
8:00am to 6:00pm Monday to Friday

Drawing Title: Doctwy Road, Pantteilyn Road, Waverley Close, Grassmere Close, Uplands Crescent & Greenhaven Rise, Llandough.

Drawn by: M. Morgan	Scale: 1:2000	Drawing No: 1/07/93/MDS
Date: 24/08/97	File: Waverley	Rev:
Checked:		Date:



APPENDIX B.

Letter from Mrs. Gail Jackson of 66 Dochdwy Road, Llandough, dated the 28th September, enclosing a 28 signature petition and 36 completed questionnaires.

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

28 September 2007

Dear Mr Punter

Ref: Traffic Proposal T/07/93/MS **LETTERS OF OBJECTION**

Please find enclosed 64 objections to the above proposal. (36 letters and a 3 page petition with 28 names)

We have collected these from just a small number of homes and interested parties that we have been able to canvas within this limited time frame.

We are sure you can clearly see the objections held to the proposal.

We look forward to receiving your response in due course.

Yours sincerely
Gail Jackson

Gail Jackson

For and on behalf of objectors to the proposal.

Environmental and Economic Regeneration	
28 SEP 2007	
DMS / CLARKE	
Case No.	071904
Acknowledged	
Assigned to	Perpetua
HVS	☒
FORM	
FILED	
DATE	
TIME	
BY	
INITIALS	
REMARKS	

MS.

B

1/3

September
2007

Petition Against

Traffic Proposal T/07/93/MS

We the undersigned object to the aforementioned traffic proposal for the following reasons:

- Visitors and householders will not be able to park outside the 65 houses directly effected by the yellow line thus pushing parking of all vehicles further down and across the estate and its small cul de sacs, causing further problems and potential safety issues.
- At present, speed is self governing due to the natural traffic calming provided by parked cars. Speed will increase if this proposal is granted.
- There will be no parking around Llandough Primary School for parents taking and collecting their children.
- This scheme is too far reaching.

It is accepted that there are parking issues but do not believe that this proposal is the correct resolution.

Name (please print)	Address	Signature	
NICK HUTCHINSON	1 GRASSMERE CLOSE LLANDOUGH.	Nick Hutchinson	✓
MR. CARSON	45, DOCHDAWY RD	Mr. Carson	✓
V. GRIFFITHS	35 DOCHDAWY ROAD	V. Griffiths	✓
MICHAEL PINKNEY	GREENHAVEN COTTAGE DOCHDAWY RD	M. Pinkney	✓
T. C. HOLLAND	1 GREENHAVEN RISE	T. C. Holland	✓
S. Holland	1, Greenhaven Rise	S. Holland	✓
G. SOMERVILLE	12 GREENHAVEN RISE	G. Somerville	✓
D. NORTH	67 WILKINSON'S CRESC	D. North	✓
S. C. WORTHINGTON	1 1 1 1	S. C. Worthington	✓
V. COX	1 Pantyucelyn Road	V. Cox	✓
A. J. COOK	NO 1 SYCAMORE CLOSE LLAN	A. J. Cook	✓
T. RAICES	67 Penlon Rd Llandough	T. Raices	OSA
S. SMITH	The Cottage, Cogens Park Rd	S. Smith	✓
M. RIGBY	35 North Road Barry	M. Rigby	OSA
T. LANG	19 LEWIS RD, Llandough	T. Lang	OSA
KAYES	8, TUSCAN CLOSE, Llandough	K. Kayes	OSA
B. HENNESSY	5 THE GREEN LLEWIS VILLAGE	B. Hennessy	OSA

2/3

Petition Against Traffic Proposal T/07/93/MS

- Visitors and householders will not be able to park outside the 65 houses directly effected by the yellow line thus pushing parking of all vehicles further down and across the estate and its small cul de sacs, causing further problems and potential safety issues.
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- There will be no parking around Llandough Primary School for parents taking and collecting their children.
- This scheme is too far reaching.

[illegible]

3/3

Petition Against Traffic Proposal T/07/93/MS

- Visitors and householders will not be able to park outside the 65 houses directly effected by the yellow line thus pushing parking of all vehicles further down and across the estate and its small cul de sacs, causing further problems and potential safety issues.
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- This scheme is too far reaching.

[illegible]

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I /We object to the aforementioned traffic proposal for the following reason/s.

- ☐ I am currently able to park outside my own house and will no longer be able to do so. The limited available parking may be some distance away.
- ☐ Visitors to my home will no longer be able to park outside my house. /My daughters house.
- ☒ At present, speed is self governing due to the natural traffic calming provided by intermittent parking. I believe speed along the open road will increase creating safety issues for children and residents
- ☒ No parking for parents outside Llandough Primary School.
- ☒ This scheme is too far reaching and will create further parking problems on the estate.
- ☐ Potential decrease in my house value due to parking restrictions.
- ☒ Other: I drop off and collect my grandchildren and will have to park for a day for me to walk and collect them.

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

B. Punter

Date *24.09.07*

Name

B. Punter

Address

*4 Dwyddan Road, Penarth
Vale of Glam.*

C19642RT

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ I am currently able to park outside my own house and will no longer be able to do so. The limited available parking may be some distance away.
- ☒ Visitors to my home will no longer be able to park outside my house.
- ☐ At present, speed is self governing due to the natural traffic calming provided by intermittent parking. I believe speed along the open road will increase creating safety issues for children and residents
- ☐ No parking for parents outside Llandough Primary School.
- ☐ This scheme is too far reaching and will create further parking problems on the estate.
- ☐ Potential decrease in my house value due to parking restrictions.
- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature M. Nixse Date 28.9.07

Name MRS M. NIXSE

Address 3 GLASTENBURY RD SULLY

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

☒ /We object to the aforementioned traffic proposal for the following reason/s.

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- ☐ No parking for parents outside Llandough Primary School.
- ☒ This scheme is too far reaching and will create further parking problems on the estate.
- ☒ Potential decrease in my house value due to parking restrictions.
- ☐ Other:.....

☒ /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

S. Preece

Date

24/9/07

Name

S. Preece

Address

37 DOCHWY RD, LLANDOUGH, CF64 2PD

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I/We object to the aforementioned traffic proposal for the following reason/s.

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- ☒ Visitors to my home will no longer be able to park outside my house.
- ☒ At present, speed is self governing due to the natural traffic calming provided by intermittent parking. I believe speed along the open road will increase creating safety issues for children and residents
- ☐ No parking for parents outside Llandough Primary School.
- ☒ This scheme is too far reaching and will create further parking problems on the estate.
- ☒ Potential decrease in my house value due to parking restrictions.
- ☒ Other: *effective & realistic consultation to address the issues at the school, rather than carte blanche 'easy' option of painting yellow everywhere!*

I/We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

M. Mudie

Date *27/9/07*

Name

MRS J.E. MUDIE

Address

9 GRASSMERE CLOSE, LLANDOUGH, CF64 2AT

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I /We object to the aforementioned traffic proposal for the following reason/s.

- ☒ I am currently able to park outside my own house and will no longer be able to do so. The limited available parking may be some distance away.
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- ☒ At present, speed is self governing due to the natural traffic calming provided by intermittent parking. I believe speed along the open road will increase creating safety issues for children and residents.
- ☒ No parking for parents outside Llandough Primary School.
- ☒ This scheme is too far reaching and will create further parking problems on the estate.
- ☒ Potential decrease in my house value due to parking restrictions.
- ☒ Other: *Being disabled and needing access to a wheel chair I am not able to utilize most of my narrow drive and at times require to park on the road outside my home your plans would cause me great inconvenience.*
I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

RG White

Date *24 SEPT 2007*

Name

RONALD G. WHITE

Address

*8 GRASSMERE CLOSE LLANDOUGH PENARTH
CF64 2PT*

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I /~~We~~ object to the aforementioned traffic proposal for the following reason/s.

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- ☒ This scheme is too far reaching and will create further parking problems on the estate.
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- ☐ Other:.....

I /~~We~~ accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature J. L. Salter Date 23/9/07

Name THELMA SALTER
Address 7 GRASSMERE CLOSE, LLANDOUGH, PENARTH

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I /We object to the aforementioned traffic proposal for the following reason/s.

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☐ No parking for parents outside Llandough Primary School.

☒ This scheme is too far reaching and will create further parking problems on the estate.

☒ Potential decrease in my house value due to parking restrictions.

☐ Other:.....
.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature J. Tocken Date 24.9.07

Name J. Tocken

Address 10, Llandough Primary School

VB

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature DEBBIE COCKFIELD Date 24/9/07

Name DEBBIE COCKFIELD

Address 9, WAVERLY CLOSE, LLANDOUGH

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☒ Potential decrease in my house value due to parking restrictions.
- ☐ Other:

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature J. L. Walsh Date 24.9.07

Name J. WALSH

Address 8 Waverley Close LLANDOUGH

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature B. Robinson Date 24-9-07

Name B. Robinson

Address 4 Wensley Chase Llandough

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☒ This scheme is too ^{DRACONIAN} far-reaching and will create further parking problems on the estate.
- ☒ Potential decrease in my house value due to parking restrictions.
- ☒ Other: 8-6 is too wide a road. Suggest 8-10 AM
from 8-10 AM coming too far into close - 5m
to 200m

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature L Walker Date 24/9/07

Name L WALKER

Address 6 WAYERLEY CLOSE

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☒ This scheme is too far reaching and will create further parking problems on the estate.
- ☒ Potential decrease in my house value due to parking restrictions.
- ☒ Other: DUE TO THE RESTRICTIONS THE HOSPITAL STAFF WILL PARK FURTHER ON THE ESTATE IN THE TURNING SPACE OUTSIDE MY HOUSE STOPPING ANY VISITORS PARKING WHEN VISITING.

I/We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

DAVE & JULIA ANSELL

Date 24/9/07

Name

DAVE & JULIA ANSELL

Address

4, WAVERLEY CLOSE, LLANDOUGH

THE PROBLEM STEMS FROM THE PARKING ~~CONGESTION~~ OF STAFF AND VISITORS FOR LLANDOUGH HOSPITAL.

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

D. Moreau

Date

24/9/07

Name

DAVID MOREAU

Address

2 WAVERLEY CLOSE

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☒ Potential decrease in my house value due to parking restrictions.
- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

A.M. Bale

Date 29/9/07

Name

A.M. BALE

Address

1 WAVERLEY CLOSE, LLANDOUGH

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

~~✗~~/We object to the aforementioned traffic proposal for the following reason/s.

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- ☒ Potential decrease in my house value due to parking restrictions.
- ☐ Other:.....

~~✗~~We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature *C Grant* Date 27/9/2007

Name MRS. CHERYL GRANT

Address 77 PANT-Y-CELYN RD. LLANDOUGH. CF64 2PF

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

☒ /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

C PENNY

Date 24/9/07

Name

C PENNY

Address

67 PAUPCELYN

ROAD

Llandough.

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

I ~~We~~ accept that there is a parking issue but do not believe that this proposal is the correct resolution. — Residential Permits

Yours sincerely,

Signature  Date 25/9/07

Name Richard Alan Pugh

Address 63 Pantycelyn Road - Llandough -

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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☐ Other:.....
.....

I ~~We~~ accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature C Daery Date 26.9.07

Name MR CHRIS DAERY

Address 55 PANTYCELYN ROAD LLANDOUGH PENARTH
CF64 2PF

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

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Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....
.....

☒ /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature



Date 24/9/07

Name

Mrs J.A. Coks

Address

53, Pantycelyn Road
Llandough, Penarth,

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

4 /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

Name

Address

J. Edwards
Date *24/9/07*
MR J EDWARDS
51 Panty Cynog Rd
Llandough

Per Anst

Vale of Glamorgan
CF64 2PF

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature M. J. James Date 24-9-2007
Name MRS M. JAMES MR H. JAMES
Address 16 PANTYCELYN ROAD LLANDOUGH PENARTH

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

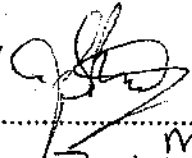
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- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature  Date 23-9-07
Name Mr Paul
Address 10 Docuway Rd
Llandough

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature J. Greenaway Date 23.9.07
Name JOHN GREENAWAY
Address 68. DOCHDOWY ROAD
..... LLANDOUGH CF64 2PE

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I /We object to the aforementioned traffic proposal for the following reason/s.

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I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature Date 23.9.07

Name Joy Lorraine Hall

Address 58 Llandough Rd Llandough

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature Carina Lewis Date 26/9/07
Name CARINA LEWIS C D LEWIS
Address 49, DOCHDOWY RD, LLANDOUGH

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

☒ /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

S. Preece

Date

24/9/07

Name

S. Preece

Address

37 DORCHURY RD, LLANDOUGH, CF64 2PD

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

Mark Griffin

Date 23/9/07

Name

Mark Griffin

Address

43 VOGH. RD. LLANDOUGH
CF64 2PE

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

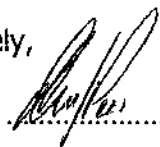
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- ☐ Other:.....

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature   Date 25 Sept 07

Name A. J. PARR M PARR (MRS)

Address 11 GREENWAY CLOSE LLANDOUGH

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

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- ☐ At present, speed is self governing due to the natural traffic calming provided by intermittent parking. I believe speed along the open road will increase creating safety issues for children and residents
- ☐ No parking for parents outside Llandough Primary School.
- ☐ This scheme is too far reaching and will create further parking problems on the estate.
- ☐ Potential decrease in my house value due to parking restrictions.

☒ Other: I often park during the day to visit my sister.
It is unacceptable to put down lines

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature

A. Hartland

Date 24/9/07

Name

A. HARTLAND

Address

5 ABBEY CLOSE, TAFFS WELL

B

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I /We object to the aforementioned traffic proposal for the following reason/s.

- ☐ I am currently able to park outside my own house and will no longer be able to do so. The limited available parking may be some distance away.
- ☐ Visitors to my home will no longer be able to park outside my house.
- ☐ At present, speed is self governing due to the natural traffic calming provided by intermittent parking. I believe speed along the open road will increase creating safety issues for children and residents
- ☐ No parking for parents outside Llandough Primary School.
- ☐ This scheme is too far reaching and will create further parking problems on the estate.
- ☐ Potential decrease in my house value due to parking restrictions.
- ☒ Other: WILL NOT BE ABLE TO PARK, TO PICK UP NIECE & NEPHEW FROM SCHOOL.

I /We accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature



Date 24-9-07

Name

~~68~~ MR. R. MORTIMER

Address

68 WORDSWORTH AVE, PENARTH, CF64 2RN

13

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

September 2007

Dear Mr Punter

Re: Traffic Proposal T/07/93/MS

I /We object to the aforementioned traffic proposal for the following reason/s.

- ☐ I am currently able to park outside my own house and will no longer be able to do so. The limited available parking may be some distance away.
- ☐ Visitors to my home will no longer be able to park outside my house.
- ☐ At present, speed is self governing due to the natural traffic calming provided by intermittent parking. I believe speed along the open road will increase creating safety issues for children and residents
- ☒ No parking for parents outside Llandough Primary School.
- ☒ This scheme is too far reaching and will create further parking problems on the estate.
- ☐ Potential decrease in my house value due to parking restrictions.
- ☐ Other:.....

I /~~We~~ accept that there is a parking issue but do not believe that this proposal is the correct resolution.

Yours sincerely,

Signature C. A. Griffiths Date 24.9.07

Name C. A. Griffiths
Address 3 Denmory Road, Barry

APPENDIX C.

50 Dochdwy Road
Llandough
Vale of Glamorgan
2/10/2007

Dear Mr Punter,

I am writing in relation to the proposed restrictions to parking on Dochdwy Road, Llandough. As per the notice, I object to this planned change on the grounds that no consideration has been made towards residents of the area.

These parking restrictions will pose particular problems for residents of Dochdwy Road particularly households that have more than one car. In addition, some properties in Llandough don't have driveways. I understand if the purpose of this restriction is to prevent increasing numbers hospital staff clogging up and parking on roads in Llandough. However, this approach is not the answer, as it will only force the Hospital staff to park on roads further into Llandough.

If these proposed highway restrictions are to go ahead, I would be grateful if you can confirm that provision will be made for residents of Llandough and in particular residents of Dochdwy Road for whom these changes are most likely to affect.

Yours Sincerely

N Utterley

Environmental and Economic Regeneration				
-5 OCT 2007				
DMS / FLARE				
Case No.	071291			
Acknowledged				
Assigned to	Forwarded to			
HVS				
OMHM				
OMED	✓	ASH / MS		
OMWMC				
OMPGM				
HBVS				
OMPS				

APPENDIX D.

27 Dochdwy Road
Llandough
Nr Penarth CF64 2PD
30/09/2007

Head of Visible Services
Vale of Glamorgan Council Offices
Barry

Dear Mr Punter

**DOCHDWY ROAD PROHIBITION OF WAITING ORDER 2007 PLAN NO
T/07/93MS**

I am concerned about this proposed above mentioned plan and I object to this going ahead as I have three adult children living at my address and it would mean that they could not park near our house between the hours of 08.00am-06.00pm.

I understand that you are trying to control hospital workers parking on Dochdwy Road especially by the school. However we live in a village environment and on an estate away from a main road which was one of the factors that people move out of the city so that they are able to park outside or close to their property.

At present my husband has had to use a wheel chair since he was in hospital and our drive is too narrow and steep to accommodate a wheel chair and car so I need to park outside for this purpose.

Surely there is a better way to control this situation rather penalize the residents.

I am forwarding this letter to you to pass on because of the impending post strike and I am also forwarding my neighbours letter to you also.

I look forward to hearing your comments

Yours Sincerely

Rita Davies

Environmental and Economic Regeneration	
- 4 OCT 2007	
DMS / FLARE	
Case No.	071292
Acknowledged	
Assigned to	Forwarded to
HVS	☒
OMHM	☐
OMED	☐
OMWMC	☐
OMPGM	☐
HBVS	☐
OMEVS	☐

CE → ms.
5/10

APPENDIX E.

Letter from Mr H.R. Hodge of 65 Uplands Crescent, Llandough, received on 2nd October 2007.

Environmental and Economic Regeneration	
- 2 OCT 2007	
DMS/FLARE	
Case No.	071260
Acknowledged	
Assigned to	Forwarded to
HVS	
OMHM	
OMED	✓ <i>AKH</i>
OMWMC	
OMPGM	
HEVS	
OMRVS	

⤵

Mr. H.R. Hodge.
65, Uplands Cres.,
Llandough,
Penarth.
CF64 2PS.

T/07/93/MS

CE → MS

Dear Sir,

I object to the new traffic regulations in Llandough for the following reasons:

There will be a no parking restriction for half of Doehdwy Road & 13metres from most junctions some residents will not be able to park outside their homes, they will have to find alternative spaces which will have a knock on effect for other people. The police stated that there should be no parking within 10 metres of all junctions, which most people have adhered to.

It will also cause problems especially for elderly people when unloading shopping from their cars.

I understand the reason for these new regulations is to keep Doehdwy Road clear for the local bus & to deter hospital staff from parking along this road, but it will only make life difficult for other residents as staff will park further into the estate so this will not solve the problem. Could this be a resident only parking area as it is in some parts of Penarth & Barry, as without the staff parking there would not be a traffic problem.

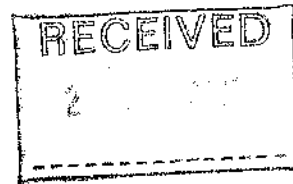
Yours sincerely

H.R. Hodge

APPENDIX F.

A combined letter from Mr. & Mrs. Griffiths and Mrs. B. Holland of 35 and 33
Dochdwy Road, Llandough respectively, dated 23rd September.

F



Mr. M. Punze
Head of Visible Service:
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

23rd September 2007

Dear Sir

Re: Traffic Proposal T/07/93/MS

We find the proposed instruction that parking at certain areas on the estate, is only available outside working hours, unfair to the residents. It appears the residents of the estate are being penalised for the mismanagement of parking at Llandough hospital.

Although we agree that something needs to be done to ease congestion, caused by visitors and staff from the hospital using our estate as a car park, it surely should not make it even more difficult for the residents of the estate, who through no fault of their own, will have the facility of parking outside their homes, removed in working hours.

May we suggest that a solution to ensure that residents are able to park outside their homes, at any time could prove to be the use of Residential Parking Permits. These would be issued to each household, also with two Visitor Permits per household. The cost of this should be met by the local Health Authority responsible for parking at Llandough Hospital.

We look forward to your comments.

Regards,

V. Griffiths
Mr & Mrs. Griffiths
35 Dochdwy Road, CF64 2PD.

B. Holland
Mrs. B. Holland
33 Dochdwy Road

Environmental and Economic Regeneration			
25 SEP 2007			
DMS / TGLARE			
Case No.	071149		
Acknowledged			
Assigned to	Forwarded to		
HVS	☒	☐	☐
OMHM	☐	☐	☐
OMED	☐	☐	☐
OMWMC	☐	☐	☐
OMPCM	☐	☐	☐
RE	☐	☐	☐

APPENDIX G.

Letter from Mrs. M.P. Radcliffe of 63 Uplands Crescent, Llandough, dated 25th September 2007.

9

25/9/07

63 Upland Crescent
Llandough
Penarth
CF64 2PS.

Dear Sir.

Re. Yellow Lines in the
Dochdwy Road Area

I understand these yellow lines will also cover the first four houses in Uplands Crescent, as my house is the fourth house this is causing me some concern.

I have Angina & I am at the moment under a heart specialist at Llandough Hospital. Although I can walk on the flat I do have difficulty in walking up a gradient, as you know-surely know the Llandough Estate is very hilly. So it is important that

I have a parking space outside my house, particularly for the unloading of groceries etc & getting them into the house from the car. Even without yellow lines parking will become very limited as other car owners will take my place. I think further thought & consideration should be given to the residents of this estate & I hope other arrangements will be made.

P. 120

Yours sincerely

M. P. Rudcliffe (ms.)

9.

APPENDIX H.

Letter from Mr. & Mrs. Jackson of 66 Dochdwy Road, Llandough, dated 25th September 2007.

H

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
Alps Depot
Wenvoe
CF5 6AA

25 September 2007

Dear Mr Punter

Ref: Traffic Proposal T/07/93/MS

We wish to object to the aforementioned proposal due to the following reasons:

1. **We and our visitors are currently able to park outside our home and will no longer be able to do so.** There is always plenty of available parking which will be taken away. This will mean we will have to compete for the limited available parking further into the estate and its small cul de sacs, causing problems and potential safety issues.
2. **Speed along Dochdwy Road will increase** if the natural traffic calming effect of intermittent parking is taken away. This will then become dangerous for the children walking to and from the primary school and all estate residents.
3. **There will not be any parent parking facilities at the main entrance to Llandough Primary School on Dochdwy Road.** Parents already compete for limited parking at the rear entrance.
4. **We do not believe there are sufficient resources to police the proposed parking restrictions.** Traffic wardens are unable to police the traffic restrictions currently on the estate. Further yellow lines will be a costly misuse of public funds if not policed properly. Councillor Colin Osbourne, who is supporting this scheme, stated in the Penarth Times dated 20 September 2007 that he wants "zero tolerance". Discretion for parking cannot be guaranteed thus all road users will need to abide by the restrictions at all times.
5. **Potential decrease in the value of my home.** We have spoken to a number of estate agents in Penarth who have advised that potential purchasers may be put off if they are unable to park outside the property. Also many of the properties on the estate only have parking for one car. Many households have two or more cars and consequently will no longer be able to park on the road during the day.

H

6. **This scheme is too far reaching and will create further parking problems across the estate.** The yellow lines will be put outside approximately 65 homes. The majority of these homes do not presently have problems with parking. This proposal will create a problem where there currently isn't one.

We believe that the scheme is being proposed due to a number of residents who live opposite the school and derelict shops complaining about visibility and child safety issues due to parked cars.

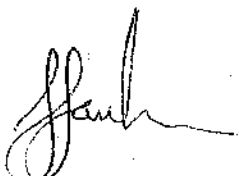
I have spoken personally to Mrs Evans, Head Teacher, Llandough Primary who has advised that she has not been made aware of a specific safety issues due to the parking. The school have submitted a proposal under the "Safer Routes to School Scheme" but this does not include any request for parking restrictions. We are also aware that some of these residents are parking their own cars on the road in front of the school to reduce parking for others, (i.e hospital staff) and are also letting other parents park across their driveways when doing the school run. Aren't these actions causing the visibility and child safety issues!

This proposal is actually being sought to prevent Llandough hospital staff parking on the estate. This is a wider issue of financial support for the hospital staff and security of the parking on hospital grounds. **To avoid taking parking unnecessarily away from this community the following could be further investigated:**

- 2 hour parking. This would not allow hospital staff to park all day.
- Effective policing of existing restrictions to ensure all vehicles are parked responsibly. At school drop off times, parents currently park illegally on double yellow lines and double park, thus causing child visibility issues. This would not change if this new proposal is agreed.
- School crossing patrol.
- Consideration by the council for resident to have driveway kerbstones dropped to increase driveway spaces for those with two cars. Also the consideration of driveway protection lines outside homes with visibility issues due to cars parking too close or across driveways. This in particular would assist the homeowners and help with spaces for people crossing the road.
- Hospital issues as mentioned above.

Yours sincerely,


Mrs Gail Jackson


Mr Justin Jackson

66 Dochdwy Road, Llandough, Vale of Glamorgan. CF64 2PE

APPENDIX I.

Letter from R.A. Parr of 63 Pantycelyn Road, Llandough, dated 25th September 2007.

I

63 Pantycelyn Road
Llandough
Penarth
Vale of Glamorgan
CF64 2PF

25 September 2007

Mr Mile Punter
Head of Visible Services
Vale of Glamorgan County Council
Alps Depot
Wenvoe
CF5 6AA

Dear Mr Punter,

Re: Traffic Proposal T/07/93/MS

I am writing with reference to the above proposal, which restricts parking in Pantycelyn Road and Dochdwy Road.

As a homeowner of number 63 Pantycelyn, I have the following concerns:

Where will I be able to park my vehicle, if not outside my own property? My garage will not accommodate my vehicle, therefore not an option.

Where will my mother park if visiting me, she is registered disabled?

The selling potential of my property will now decrease as may its value!

Is there sufficient parking around the estate to accommodate all the residents that will not be able to park outside their own homes?

Words fail me as to how disappointed I am with the Vale of Glamorgan Council, who have acted in a 'knee jerk' fashion.

Yours sincerely



R A Parr

APPENDIX J.

Letter from Mr. & Mrs. R.J. Parr of 6 Grassmere Close, Llandough, dated 27th
September 2007.

J.

Mr and Mrs R. J Parr
6 Grassmere Close
Llandough
PENARTH
Vale of Glamorgan
CF64 2PT

27th September 2007

Dear Mr Punter

RE: Traffic Proposal T/07/93/MS

We write to strongly oppose the above mentioned proposal, for a number of reasons as follows.

Firstly, we do not think that bringing the yellow lines so far into the estate is the correct solution to the traffic problem on Dochdwy road. Bringing the lines into the estate will only cause further traffic/parking issues, which will have to then be addressed at a later date, at further expense out of our council taxes that we are paying.

The close that we live in has sufficient parking for 8 cars off driveways. The households within the close have regular visitors on a daily basis and also have more than one car. There are times when one household vehicle may need to be parked on the road to leave the household driveway free for the other household vehicle/s to come and go freely, without the need to be playing yo-yo cars all day. If the lines continue into our close, the small amount of spare parking spaces will no longer be available, as the cars parked at the top end of the close will park further down, along with we believe hospital traffic. This then leads to an issue about child safety within the close, as children live and visit here, and also other properties in the close.

The lack of parking due to the possibility of cars parking further in the estate/close promotes an issue with visitors not being able to park outside our home. We pay road taxes and local council taxes and believe that we should have the opportunity to freely park outside our house, and be comfortable that visitors will also be able to do so. If this proposal goes ahead, and traffic moves further into the estate, using up the little car spaces within the close, our nearest parking spaces will be some distance away unnecessarily. Also, it has been highlighted that people who are in agreeance with the proposal have stated that their visitors will also park within the nearest side street.

We believe that at present cars parked on Dochdwy road presents a self-governing speed limit. If all cars are to be removed by painting yellow lines, the road will be open to speeding traffic as there will be no intermittent traffic parked to automatically slow moving vehicles down. This leads to once again child safety, as there is a school on this main road through the estate.

Our children go to Llandough School, and as we both work, the children need to be taken and collected to/from school by grandparents who have to drive from some distance away. Where will they be able to park to carry out this simple task safely, as an article within the Penarth Times last week stated, that the lines will have a 'zero

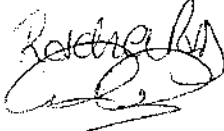
J.

tolerance' approach, therefore NO PARKING at all.

Finally, the value of our property could drop due to the fact that there are so many yellow lines on the estate, also leading into the close, therefore reducing available parking. This has been quantified by two leading local estate agents.

We look forward to your comments within your reply and would urge that you re-look at this proposal with reality and safety issues in mind!

Yours sincerely

A handwritten signature in black ink, appearing to be 'Robert Parr' and 'Rachel Parr' joined together.

Robert Parr and Rachel Parr.

APPENDIX K.

Letter from Mr. & Mrs. Parr of 11 Greenway Road, Llandough, dated 24th September.

K

11 Greenway Close
Llandough
PENARTH
CF64 2LZ

24 September 2007

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan County Council
Alps Depot
WENVOE
CF5 6AA

Dear Mr Punter,

RE; TRAFFIC PROPOSAL T/07/93/MS

With reference to the proposed parking restrictions in Pantycelyn Road/Dochdwy Road, I strongly oppose this proposal. This is causing me concern as I will not be able to visit my son who lives in 63 Pantycelyn Road owing to the fact that I am disabled and cannot walk any distance.

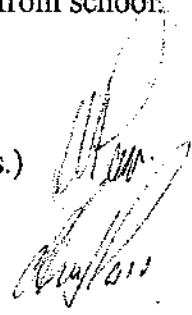
My husband who suffers from Angina, collects and sometimes takes my two grandchildren to Llandough Primary School, and with the proposed parking restrictions this will not be practicable.

This proposal is going to be very distressing for a lot of the elderly who live in this vicinity, and also this will cause congestion in the side streets of Llandough as parents will need to park in order to take and collect their children to and from school.

Yours truly

Maria Parr (Mrs.)

Alan Parr



APPENDIX L.

Letter from Ms. Shelly of 2 Daniell Close, Llandough, dated 22nd September 2007.

L

2 Daniell Close

Sully CF64 5JY

22 September 2007

Mr M Punter
Highways Dept.
Alps Court, Wenvoe

Dear Mr Punter,

I was horrified to learn from my daughter, Mrs Emma Maudie of 9 Grassmere Close, Klandough, of the proposal to lay yellow lines on most of Dochdwy Road, and also down Grassmere Close immediately outside her house.

I regularly collect my grandchildren from school and, because I am retired, take them from trips in the holidays. Where am I supposed to park?

I would like to request that this proposal is given further thought.

Yours sincerely,

Joelle Selley

APPENDIX M.

Letter from Mrs C. Moore of 11 Penlan Rise, Llandough, dated 26th September 2007.

ref T/07/93/MS

M

11 Penlan Rise
Llandough
Penarth
CF64 2LS
26TH September 2007

Dear Sir/Madam,

I would like to oppose the proposals for the yellow lines planned for Llandough.

The parking of cars is a natural traffic calming measure and by removing this roads within Llandough are going to become more dangerous. It would give drivers the opportunity to drive at high speeds through the estate and this would pose a serious concern especially on Doehdwy Road outside Llandough Primary school. The school has no signs indicating its presence and no crossing patrol for the children, who are all aged 11 and under, therefore speeding cars would make crossing this road more hazardous for them. Will it be that in six months time the residents who want these yellow lines will then be requesting alternative traffic calming measures when they realise that the parked cars were helping to control traffic speed.

My other concern is that after spending the money to implement this proposal does the Vale have the traffic wardens to execute the parking restrictions. As a resident who already has double yellow lines and resident parking in my street I can assure you that due to lack of monitoring it is constantly abused and therefore a waste of council money as I can count on one hand the amount of visits we have had from a warden in the past three years.

When people purchase a property they do not purchase the right to park outside that property and I'm not sure why people believe that this is the case as that area belongs to the council, they are the ones that maintain the roads.

I estimate that 99% of the properties in Llandough have garages and it would be interesting to know how many residents actually use them for their purpose of intent, as the majority use them for household storage, so the people of Llandough should try and help themselves solve the parking problem in the first instance by using their garages for their cars.

I do not believe that yellow lines are the answer to this so called parking problem and do not wish to see it go ahead.

Yours sincerely


Mrs Clare Moore

APPENDIX N.

A 12 signature petition, the first signatory being Mr & Mrs. J Arroyo of 74
Dochdwy Road, Llandough, dated 28th September 2007.

Mr. M. Punter
Head of Visible Services
Vale of Glamorgan Council
The Alps
Wenvoe
CF5 6AA

28th September 2007

Dear Mr M Punter

Re: Yellow Lines around areas of Dochdwy Road, Llandough.

We, the undersigned understand that a letter and petition against the yellow lines has been submitted to you.

We would therefore, like to point out the following reasons for backing our previous correspondence on why we think the yellow lines are a necessity along certain areas of Dochdwy Road:

- 1 Yellow lines are introduced when pedestrian safety is needed. At present, there are no safety facilities in place, thereby creating large volumes of parked cars along this stretch of road around the school area and stretching around a bend, which is also on a junction. These cars are usually, if not always, staff working at the hospital who prefer to not pay parking costs every day.
- 2 We, as home owners are also risking our lives and those of others, as the cars are parked so close to our driveways, that we are unable to see around these cars when driving in and out.
- 3 Can we also point out that those who are opposing the yellow lines, at present do not have a problem with parked cars outside of their homes, because they live further away from the problem area. But if you were to refer to the original petition sent (requesting that action was taken), you will see that some of these names and address are on this list. Unfortunately, now that something is being done they feel they do not want the yellow lines as it will look unattractive and stop family/friends from being able to park outside their homes when visiting.

In our opinion, they do not seem to realise that if the yellow lines are only put around the school area and only as far as Pantycelyn Road, staff from the hospital will only start parking their cars outside their homes instead, thereby preventing their family/friends from parking there anyway! This proves that they are less concerned about the safety of the children and general public, than they are the ability to enjoy a peaceful aesthetic expanse outside their homes.

- 4 They also do not have to incur the abuse that we have, when we ask people to park further along the curb so as we can get our cars out or when they have parked across

Environmental and Economic Regeneration			
- 3 OCT 2007			
DMS / FLARE			
Case No.	071274		
Acknowledged			
Assigned to	Forwarded to		
HVS	✓		
OMHM	✗		
OMED		ADH	
OMV/MC			
OMFGN			
HBVS			
OMBVS			

CE → MS

our drive ways. We have placed polite notes on cars only for them to be screwed up and left on the floor. Not all these problems have been reported to the police as we are concerned about wasting police time.

- 5 Some people have expressed concern that if the yellow lines were placed around the area, then traffic will speed up and that in itself could be a danger. Speeding in Dochdwy Road only really occurs because people from outside the area (who use us as a car park), either don't really know that there is a school around or are rushing to get to and from work, but if the yellow lines were introduced this would deter people from entering Dochdwy Road, thereby creating less traffic.

Also when the school gets their 'Safe Routes to School' scheme in action, there will be a 20 mile an hour speed limit put in place, thus slowing the local traffic down as well as providing additional signs to warn motorists. Please note that the 20 mile an hour speed limit would become irrelevant if children still have to try and cross between cars or walk out into the road to see past.

- 6 The Council, Police and Highways Department have obviously acknowledged that there is a very serious and dangerous parking problem around here, one that will not go away but will only get worse and that there is without a doubt a serious accident waiting to happen.

This has been the only solution offered to us and one that needs to go forward before something serious to a child, pedestrian or vehicle does happen.

Because if nothing is done and something happens, then who will own up to the fact that something could of have been put in place to stop this from happening?

Yours sincerely

Signed for and on behalf of

Mr and Mrs J Arroyo 74 Dochdwy Road

Mr and Mrs V Jones 76 Dochdwy Road

Mr and Mrs P Rees 82 Dochdwy Road

M Rees

Mr and Mrs P Jefferies 84 Dochdwy Road

Mr and Mrs W Ledbrook 88 Dochdwy Road

P Ledbrook

Mr and Mrs C Davies 90 Dochdwy Road

C Davies

Mr and Mrs A Jefferies 92 Dochdwy Road

Mr and Mrs V Bannister 94 Dochdwy Road

V. R. Bannister

Mr and Mrs L Simmons 96 Dochdwy Road

L Simmons

Mrs L Alexander 72 Dochdwy Rd

L. ALEXANDER

Mr + Mrs A Gull 57 Dochdwy Rd CH64 0AD

Mrs D Jenkins 100 Dochdwy Rd D Jenkins

Mr Sheens 86 Dochdwy Rd Sheens



WALL OF GLAMORGAN

Director.
Bob Quick
BA (Hons), Dip.T.P. M.U.P.I.
Head of Visible Services
Kilns Printer

MOBILE

**ENGINEERING DESIGN
AND PROCUREMENT**

Vale of Glamorgan Council

Project	Prohibition of Waiting
8:00am to 6:00pm Monday to Friday	

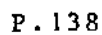
Drawing Title
Dochdwy Road, Pantcelyn Road, Waverley Close
Grassmere Close, Uplands Crescent &
Greenhaven Rise, Llandough.

19

Debra M. Simpson	Scales	1.700.1

21

60-9042	10/26/07



APPENDIX O.

SCHEDULE 1.

Prohibition of Waiting 8:00am – 6:00pm Monday to Friday

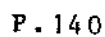
Dochdwy Road.

On the south side from a point approximately 40metres east of its junction with Penlan Road in a generally south-easterly direction to its junction with Pantycelyn Road, a distance of approximately 160metres.

To accompany Drawing No. T/07/93A/MS



Drawn M. Simpson		Scale	Drawing No.	
Date	10/10/97	1:2000	T/07/93A/MDS	
Checked		File		
Dtd		Traded	Ref	



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

ST. ANDREWS MAJOR CHURCH IN WALES PRIMARY SCHOOL,
ST. ANDREWS ROAD (PART) AND BRITWAY ROAD, DINAS POWYS
20 M.P.H. ZONE ORDER: OBJECTION RECEIVED

Purpose of Report

1. To advise Members of an objection received to the proposal to introduce a 20 m.p.h. speed restriction incorporating speed cushions over parts of St. Andrews Road and Britway Road, Dinas Powys.

Background

2. Members will recall at their meeting on 6 September 2007 approving the following recommendation:

That Member' resolve to give public notice of the Vale of Glamorgan Council's intention to introduce a 20mph zone, the effect of which will be as shown in Schedule 1 of Appendix C, and to construct a series of speed cushions and a raised zebra crossing as shown in Schedule 2 of Appendix C.

That, in the event of no objections being received, the Order be made and the traffic calming works constructed.

A copy of this report is reproduced in full in Appendix A.

3. The proposal is being promoted and funded by the Welsh Assembly Government following a successful Safe Routes to Schools bid and seeks to improve the safety for residents, parents and pupils who walk and cycle to school and to further encourage the practice.

Accordingly, public notice of the proposals was given on 14 September 2007 with any objections being invited in writing by the 5 October 2007.

Relevant Issues and Options

4. A letter of objection to the proposed speed restriction has been received from K. M. Lumb, "The Croft", NO. 38a Britway Road, Dinas Powys, CF64 4AF.

A copy of this letter is appended to this report as Appendix B.

The four main points of objection are as follows:

- i. *Difficulties in manoeuvring around the cushions when entering/exiting the property;*

Response

The traffic calming features are standard precast 75mm high speed cushions, located centrally in the carriageway. Manoeuvring over or around these cushions would be no more or less difficult than the driving over the ones currently used in the Vale of Glamorgan. Furthermore, the instances of reversing around one of these cushions to enter their driveway would only take place when parked facing northeast (downhill).

During a telephone conversation with Mrs. Lumb, it was mentioned that the pair of cushions could be relocated by a marginal distance northeast (downhill) during construction, as it would not be possible to relocate them southwest (uphill) due to the conflict with the driveway of 40 Britway Road.

- ii. *The positioning of the cushions in front of the property will pose a direct obstruction if the owner wishes to reposition the entrance to the middle of their property;*

Response

The location of the cushions will be placed in a manner not to obstruct the direct access or egress to their existing driveway. Whilst the owner may move the entrance to their drive in the future, the depth of adopted highway in front of their front wall should allow sufficient room to position their vehicle to the left or right of the cushion, depending on their direction of travel.

- iii. *The continuous flow of traffic, at peak periods, will further obstruct the owner/occupier leaving the property;*

Response

The introduction of a 20mph zone should significantly enhance road safety. It is anticipated that the extents of the zone may deter some motorists from using St. Andrews Road and Britway Road as the through route between Dinas Powys and Barry, whilst reducing vehicle speeds to, or near 20mph.

Therefore, these improvements should make it safer than the current situation when exiting their drive.

- iv. *Concern for the owner's safety whilst in their car or waiting as a pedestrian to cross the road when traffic could potentially veer onto their hard standing to avoid the cushion.*

Response

Whilst the area referred to as the "hard standing" is owned by Mr. & Mrs. Lumb and is currently used and signed as private parking by the occupier, it is in actual fact part of the adopted highway.

A nominal kerb up-stand separates this area of adopted highway from the running carriageway. It is therefore deemed highly unlikely that a motorist would veer onto this area to manoeuvre around a speed cushion.

As mentioned earlier, the pair of cushions could be relocated marginally further northeast (downhill) of their proposed location to satisfy the concerns of Mrs. Lumb.

Resource Implications (Financial and Employment)

5. The cost of implementing the traffic calming features and supporting Traffic Regulation Order is estimated to be £76,000, which will be met from the 2007/08 Safe Routes to Schools funding that was awarded to the Council by the Welsh Assembly Government.
6. The proposed works will be designed and supervised by the Engineering Design Division. To comply with the current policy governing the procurement of goods, works or services for contracts with an estimated value of more than £15,000 but less than £100,000, three quotations will be obtained, one of which will be from the Highways Maintenance Division.

Legal Implications (to include Human Rights Implications)

7. The Road Traffic Regulation Act 1984 allows highway authorities to establish crossings for pedestrians and to make or vary Orders to regulate the movement of vehicular traffic and to improve the amenities of the area.
8. The Council as highway authority has a responsibility to ensure the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
9. The Highways (Road Hump) Regulations 1999 and section 90A of the Highways Act 1980 permits a Local Authority to install road humps subject to statutory consultations and public notice being undertaken.
10. There are no human rights implications.

Crime and Disorder Implications

11. The reduction of traffic speed is likely to lessen any crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

12. The proposal will benefit all sectors of the community by improving road safety.
13. Traffic signs and road markings forming part of any scheme will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

14. Corporate/Service Objectives - To provide a safe highway infrastructure.
15. Stakeholder consultations have taken place in accordance with the Road Traffic Regulation Act 1984 the results of which are the subject of this report.

RECOMMENDATIONS

- (1) That the objection is not acceded to and the Order be made as proposed.
- (2) That the objector be notified accordingly.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984, the Highways (Road Hump) Regulations 1999 and the Highways Act 1980.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic File IF 520.

Contact Officer - Mark Simpson, Tel: 029 2067 3070

Officers Consulted:

Operational Manager, Legal Services
Accountant, Building and Visible Services.
Operational Manager, Highway Maintenance.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX A.

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 6TH SEPTEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

**ST. ANDREWS MAJOR CHURCH IN WALES PRIMARY SCHOOL,
ST. ANDREWS ROAD (PART) AND BRITWAY ROAD, DINAS POWYS – 20
M.P.H. ZONE ORDER.**

Purpose of the Report.

1. To seek Members' approval to introduce a 20 m.p.h. speed restriction Order with associated traffic calming measures over St. Andrews Road(part) and Britway Road, Dinas Powys as part of an approved Safe Routes to Schools scheme funded by the Welsh Assembly Government;

Background.

2. Members' will recall a similar report submitted to committee on 10th June, 2007 requesting a resolution to give public notice of the aforementioned proposals at that time;
3. Local Members' and representatives of the school subsequently requested a site meeting with Road Safety and Traffic management to make subtle changes to the proposal. The changes requested were reasonable and practicable and are contained within the Appendix A to the report.
4. St. Andrews Road and Britway Road are used by a significant number of motorists as one of the routes between the Murch, Barry and Culverhouse Cross. Situated adjacent to this moderately trafficked road, is Dinas Powys Common, which is a popular area for sporting activities, walking, cycling and equestrians. The proposal seeks to improve the safety for residents, parents and pupils who walk and cycle to school and to further encourage the practice.
5. The scheme is in line with the Council's objective to promote road safety outside schools by increasing the number of 20 m.p.h. zones.
6. The school generates high levels of parking with congestion occurring at peak times, which is a common and difficult problem to address.

Relevant Issues and Options

7. There have been four road traffic collisions involving personal injury during a five year period from 1st January, 2002 to 31st December, 2006 within the area being considered for road safety improvements. All injuries were sustained by the drivers as a result of vehicle to vehicle conflict, no pedestrians were involved.
8. A traffic survey was undertaken on St. Andrews Road using automatic data collection equipment for a five-day period. The results revealed that the highest recorded 85th percentile speeds for westbound traffic was 35.3mph with 2,075 vehicles in a 24 hour period, and for eastbound traffic the 85th percentile was 35mph with 2,460 vehicles in a 24 hour period.
9. St. Andrews Road and Britway Road are both narrow carriageways, varying between 5.5 and 7.0 metres in width, with only one footway on the southern side of Britway Road which increases the potential for pedestrian injury.
10. The prevalence of on-street parking caused by parents taking their children to and from school in conjunction with patrons using the facilities of the bowling and tennis club reduces the carriageway to a single lane. Such indiscriminate parking which takes place over a significant length engenders the practice of increasing driver speeds in an attempt to force the oncoming motorist to "give-way". Furthermore, such parking reduces the visibility for pedestrians – especially children crossing the road to access the Common.
11. As a legal requirement when introducing 20mph zones and to ensure compliance with the proposed speed restriction, the Council will introduce a traffic calming scheme consisting of a series of speed cushions and a single raised zebra crossing. The location of the crossing will be adjacent to the eastern entrance to the primary school and will be utilised by the current school crossing patrol officer.
12. The proposed 20mph zone will be introduced on St. Andrews Road (part) and Britway Road and will extend from its junction with the Westra eastwards to a point 40metres west of its junction with The Square, a distance of approximately 670metres. The details of which are shown on the attached Plan No. T/07/92/MS and schedule forming Appendix C to this report.
13. The Chief Constable, Local Members, and the Head Teacher of the High School have been consulted and their responses are awaited.

Resource Implications (Financial and Employment)

14. The cost of implementing the traffic calming features and supporting Traffic Regulation Order is estimated to be £76,000, which will be met from the 2007/08 Safe Routes to Schools funding that was awarded to the Council by the Welsh Assembly Government.

15. The proposed works will be designed and supervised by the Engineering Design Division. To comply with the current policy governing the procurement of goods, works or services for contracts with an estimated value of more than £15,000 but less than £100,000, three quotations will be obtained, one of which will be from the Highways Maintenance Division.

Legal Implications (to include Human Rights Implications)

16. The Road Traffic Regulation Act 1984 allows highway authorities to establish crossings for pedestrians and to make or vary Orders to regulate the movement of vehicular traffic and to improve the amenities of the area.
17. The Council as highway authority has a responsibility to ensure the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
18. The Highways (Road Hump) Regulations 1999 and section 90A of the Highways Act 1980 permits a Local Authority to install road humps subject to statutory consultations and public notice being undertaken.
19. There are no human rights implications.

Crime and Disorder Implications

20. The reduction of traffic speed is likely to lessen any crime and disorder implications.

Equal Opportunities Implications (to include Welsh Language Issues)

21. The proposal will benefit all sectors of the community by improving road safety.
22. Traffic signs and road markings forming part of any scheme will be in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

23. Corporate/Service Objectives - To provide a safe highway infrastructure.
24. Stakeholder consultations will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That Members' resolve to give public notice of the Vale of Glamorgan Council's intention to introduce a 20mph zone, the effect of which will be as shown in Schedule 1 of Appendix A, and to construct a series of speed cushions and a raised zebra crossing as shown in Schedule 2 of Appendix C.
- (2) That, in the event of no objections being received, the Order be made and the traffic calming works be constructed.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984, the Highways (Road Hump) Regulations 1999 and the Highways Act 1980.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic File IF 520

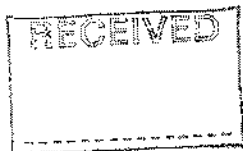
Contact Officer – Mark Simpson, Tel: 029 2067 3070

Officers Consulted:

Operational Manager, Legal Services
Community Safety Officer, Community Services.
Accountant, Building and Visible Services.
Operational Manager, Highway Maintenance.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

APPENDIX B.



"The Croft"
38a Britway Road
Dinas Powys
Vale of Glamorgan
CF64 4AF

Recorded Delivery

Mr Miles Punter
Head of Visible Services
Vale of Glamorgan Council
The Alps
Quarry Road
Wenvoe
Cardiff
CF5 6AA

Dear Mr Punter

RE: Traffic Calming Measures – Britway Road, Dinas Powys

We wish to formally lodge our objection to the proposed positioning of traffic cushions on Britway Road, Dinas Powys.

We understand there is a proposal to position two adjacent cushions in the middle of our frontage. At present, during peak periods particularly in the morning, we experience great difficulty in exiting our property due entirely to the volume of traffic coming from the St Andrews Road direction.

You will be aware that the frontages of properties on Britway Road do not follow a straight line. Our property in particular seems to be positioned further back from properties to our right; this means we have a restricted view of approaching traffic. When cars are parked opposite our property, this substantially narrows the width of the road, and traffic travelling from St Andrews Road is inclined to follow the main contour of the road; hence they veer onto our boundary. This is extremely hazardous when you are waiting to exit.

Our driveway is presently sited to the right of our property; at the moment we have a hard standing in the front which allows us to wait and obtain a better view of the traffic. This facility is used whether we want to continue down Britway Road towards the Village Square or turn right to proceed along St Andrews Road.

We presently experience intolerance from other drivers (some quite abusive) when we are positioned in the road waiting to reverse into our property; this manoeuvre is necessary as we have no means of driving in and turning our cars. With the placing of two cushions in their proposed location we strongly believe this will further hinder us whichever direction we are travelling from.

With the two cushions in their proposed location we are extremely concerned that traffic travelling from St Andrews Road will have a tendency to veer onto our hard standing to avoid traversing them.

Environmental and Economic Regeneration	
- 2 OCT 2007	
DMS / BLAKE	
1st October 2007	
Case No.	071256
Acknowledged	
Assigned to	Forwarded to
HVS	☒
QM/M	
DMED	<i>ADH</i>
CM/MC	
YQM	
W/S	
W/S	

DE - MS
5/10

We understand the idea of positioning cushions along Britway Road is to slow traffic to a maximum of 20mph, we believe this will at peak periods make more of a continuous flow of traffic and will undoubtedly present us with even more difficulty of exiting/entering our property. Presently very few drivers will give way to allow us the privilege of right of entry/exit; they are less likely to do so if they are frustrated with having to negotiate the traffic cushions.

To clarify, our objections are based on:

1. Difficulties in manoeuvring around the cushions when entering/exiting our property as explained above.
2. The positioning of cushions in front of our property will pose a direct obstruction if we re-position our entrance to the middle of our property; this possibility has already been discussed.
3. The continuous flow of traffic, at peak periods, will further obstruct us accessing/leaving our property.
4. Concern for our safety whilst in our car or waiting as a pedestrian to cross the road when traffic could potentially veer onto our hard standing to avoid the cushion.

Whilst we fervently object to the proposed positioning in relation to our property, as outlined above, we do question the sagacity of continuing the calming measures to the Village Square. We fully support that St Andrews Major School needs to have traffic calming measures; these have long been awaited to ensure the safety of school children. We fail to see how continuing the measures along Britway Road, some distance from the school, would be of any benefit.

It has been suggested that the inclusion of Britway Road in the proposals would act as a deterrent to joy riders using it as a short cut to the Twyncyn. In the eight years we have lived on Britway Road there have been very few occasions when this has occurred; when it has it has been during the hours of darkness, i.e. early hours of the morning, when no one is at risk. If this is a legitimate reason why has it not encompassed other roads around the Village Square? Joy riders have a tendency to use the Mount Road on the common as a short cut as they do not have to negotiate around cars parked on Britway Road.

Finally, it is our opinion that the Britway Road proposal will serve only to greatly inconvenience residents. It will serve no purpose whatsoever in traffic calming, the problem that needs addressing is traffic volume not speed; the suggested proposal will do nothing to alleviate this problem.

If you still intend to continue with the proposals what assurances can the Council offer us that our concerns will not be realised?

Yours sincerely



K M LUMB

APPENDIX C.

SCHEDULE 1.

St. Andrews Road (part), Britway Road, Merevale, Dinas Powys – 20 m.p.h. Zone

No person shall cause or permit a vehicle to proceed at a speed greater than 20 miles per hour along:

1. Britway Road and St Andrews Road (part), Dinas Powys, from a point approximately 40metres west of its junction with Highwalls Road westwards for a distance of approximately 760 metres:
2. Merevale, Dinas Powys from its junction with St. Andrews Road, throughout its entire length.

SCHEDULE 2.

St. Andrews Road (part) and Britway Road – Traffic Calming.

Flat top speed cushions 65mm high x 1900mm long x 1750mm wide	St. Andrews Road (part) and Britway Road, Dinas Powys – the centres being approximately 29, 136, 202, 270, 334, 395, 456, 529 and 612 metres east of its junction with Westra. St. Andrews Road (part) – the centre being approximately 55metres west of its junction with Westra.
Flat top humped zebra crossing approximately 75mm high x 5000mm long x 7000mm wide	St. Andrews Road, Dinas Powys – the centre being approximately 75 metres east of its junction with Westra.

To accompany Drawing No. T/07/92/MS

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

WESTGATE AND THE BROAD SHOARD, COWBRIDGE - VARIATION AND
AMENDMENTS TO WAITING RESTRICTION ORDER

Purpose of Report

1. To seek Members approval to introduce amendments to the waiting restrictions in Westgate and The Broad Shoard in connection with the proposed new Medical Centre at The Bear Field, Cowbridge.

Background

2. On 12 September 2007 planning permission was granted under Section 106 of The Town and Country Planning Act 1990, with requirements for the developers Brackley Investments Ltd. to discharge a number of related highway conditions which include the designing and upgrading of the existing road (The Broad Shoard) to the Highway Authority's adoptable standards, the developer to deposit the sum of £5,000 for contribution to the Council to process a Traffic Regulation Order required as a result of the development.
3. The development will serve approximately 86 staff, with 28 present on site at any one time, with 116 car parking spaces, including 6 disabled persons' parking places and 2 ambulance drop off points.

Relevant Issues and Options

4. The only access road to the site known as The Broad Shoard is some 300 metres in length serving the sports ground and Leisure Centre and forms a junction with Westgate. A further arm of The Broad Shoard leads westwards serving the residential area and the junction priority at that location will be changed to allow the access road to have priority.
5. Currently the northern side of Westgate and both sides of The Broad Shoard at the junction, are controlled by short sections of 'No Waiting at Anytime' restrictions with additional 'Limited Waiting' extending along the northern side of Westgate.

6. The southern side of Westgate is currently uncontrolled at this location and vehicles parked between the Police Station and The Broad Shoard frequently obstruct the flow of through traffic, especially heavy goods vehicles. The additional vehicle movements generated by the Medical Centre and which will be obliged to use this junction will obviously cause greater congestion at times. It would therefore be appropriate to extend the waiting restrictions on either side of The Broad Shoard throughout its length as far as the entrance to the development and for a short section into the residential section to protect the priority junction. Waiting restrictions would also be placed on Westgate on either side of the junction with The Broad Shoard and opposite the junction to allow safer turning and passing movements.
7. These restrictions will reduce the Limited Waiting bays on the northern side of Westgate by 25 metres either side of the junction.
8. Local Members have been made aware of the proposals.
9. A drawing T/07/107/CEP showing details of the proposals will be displayed at Committee.

Resource Implications (Financial and Employment)

10. The cost of the Order and implementing the scheme is estimated at £5,000 which will be met by the developers and will utilise the Council's own administrative resources.

Legal Implications (to include Human Rights Implications)

11. The Road Traffic Regulation Act 1984 allows highway authorities to make and vary Orders to regulate the movement of vehicular traffic and to improve the amenities of an area.
12. The Council as highway authority has a responsibility to improve the safety of the highway user and may be found to be negligent if it does not meet its statutory obligations under the Highways Act 1980 and the Road Traffic Regulation Act 1984.
13. There are no human rights implications.

Crime and Disorder Implications

14. The provision of additional waiting restrictions around this busy junction is likely to engender a greater sense of safety within the community.

Equal Opportunities Implications (to include Welsh Language Issues)

15. The proposals will benefit all sections of the community. All road signs and markings will be provided in accordance with the Council's Welsh Language Scheme.

Corporate/Service Objectives

16. Stakeholder consultations will take place in accordance with the Road Traffic Regulation Act 1984 when appropriate.

RECOMMENDATIONS

- (1) That subject to the views of the Chief Constable and other statutory consultees, Members resolve to give public notice of the Vale of Glamorgan Council's intention to make a Traffic Regulation Order, the effect of which will be as shown at Appendix A.
- (2) That, in the event of no objections being received, the Order be made.

Reasons for Recommendations

- (1) To comply with the requirements of the Road Traffic Regulation Act 1984.
- (2) To allow the necessary works to be undertaken.

Background Papers

Traffic Management File IF 475.

Contact Officer - Clive Phillips, Tel: 029 2067 3073

Officers Consulted:

Operational Manager, Legal Services
Accountant, Building and Visible Services.
Operational Manager, Highway Maintenance.

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

Appendix A

SCHEDULE

Make New Order

No Waiting At Any Time

Westgate

On its north east side from a point 35 metres northwest of its junction with The Broad Shoard to a point 35 metres south east of that junction and on its south west side from a point 46 metres north west of its junction with The Broad Shoard to a point 17 metres south east of that junction.

The Broad Shoard

On both sides from its junction with Westgate throughout its length and around the turning area at the entrance to the new development (Medical Centre).

The Broad Shoard (west) (residential section)

On both sides from its junction with The Broad Shoard for a distance of 10 metres north west.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

8. GENERAL PLANNING MATTERS

EXTINGUISHMENT OF ADOPTED HIGHWAY AT TY DRAW FARM, ST.
ANDREWS MAJOR AND THE CREATION OF A PUBLIC FOOTPATH AS AN
ADDITION TO PUBLIC FOOTPATH NO. 8 ST. ANDREWS MAJOR

Purpose of Report

1. To seek Committee approval for the extinguishment of a length of adopted highway contained within the boundary of Ty Draw Farm, St. Andrews Major; and to inform Committee that a further report would be required to Cabinet Sub Committee (Public Rights of Way) for the creation of a public footpath to extend Public Footpath No. 8 St. Andrews Major to replace that length of extinguished highway.

Background

2. The section of adopted highway in question provides access to the rear of Ty Draw Farm and is included in the deeds of the property. It also links Public Footpaths Nos. 7 and No. 8 St. Andrews Major. The land owner is concerned that the property cannot be gated-off to any vehicular traffic due to the adopted status of the section of highway.

Relevant Issues and Options

3. In the interests of improved security the house owner has requested the Council, in accordance with Section 117 of the Highways Act 1980, to progress the extinguishment under Section 116 of the Highways Act 1980.
4. The area of adopted highway in question forms a link between Public Footpath Nos. 7 and 8 and the continuity of the Public Footpath will need to be addressed as part of the proposal.

Resource Implications (Financial and Employment)

5. Staff from the Council's Legal Services Division and Engineering Design and Procurement Division will implement the proposal if approved. All costs associated with the extinguishment and Public Path Creation Agreement will be met by the applicant.

Legal Implications (to include Human Rights Implications)

6. Extinguishment will be progressed, if approval is granted, in accordance with Section 116 of the Highways Act 1980.
7. Subject to a successful extinguishment, a Public Path Creation Agreement between the Council and the landowner will be made in accordance with Section 25 of the Highways Act 1980.
8. The proposal will not adversely affect the existing provision of human rights for access over the footpaths involved, though public vehicular access will be prohibited.

Crime and Disorder Implications

9. Security will be improved at Ty Draw Farm, St. Andrews Major.

Equal Opportunities Implications (to include Welsh Language Issues)

10. There are no equal opportunities implications or Welsh Language issues with regard to this report.

Corporate/Service Objectives

11. To provide a safe highway infrastructure.

RECOMMENDATIONS

- (1) That the Director of Legal and Regulatory Services be requested to progress the extinguishment of the adopted highway as indicated on the attached plan in accordance with Section 116 of the Highways Act 1980.
- (2) That, subject to approval of the above extinguishment, a further report be presented to Cabinet Sub Committee (Public Rights of Way) recommending that the Director of Legal and Regulatory Services be requested to progress the Public Path Creation Agreement between the Council and the land owner in accordance with Section 25 of the Highways Act 1980.

Reasons for Recommendations

- (1) In the interests of improved security.
- (2) To ensure the continuity of the public right of way between Public Footpath No. 7 and Public Footpath No. 8 St. Andrews Major.

Background Papers

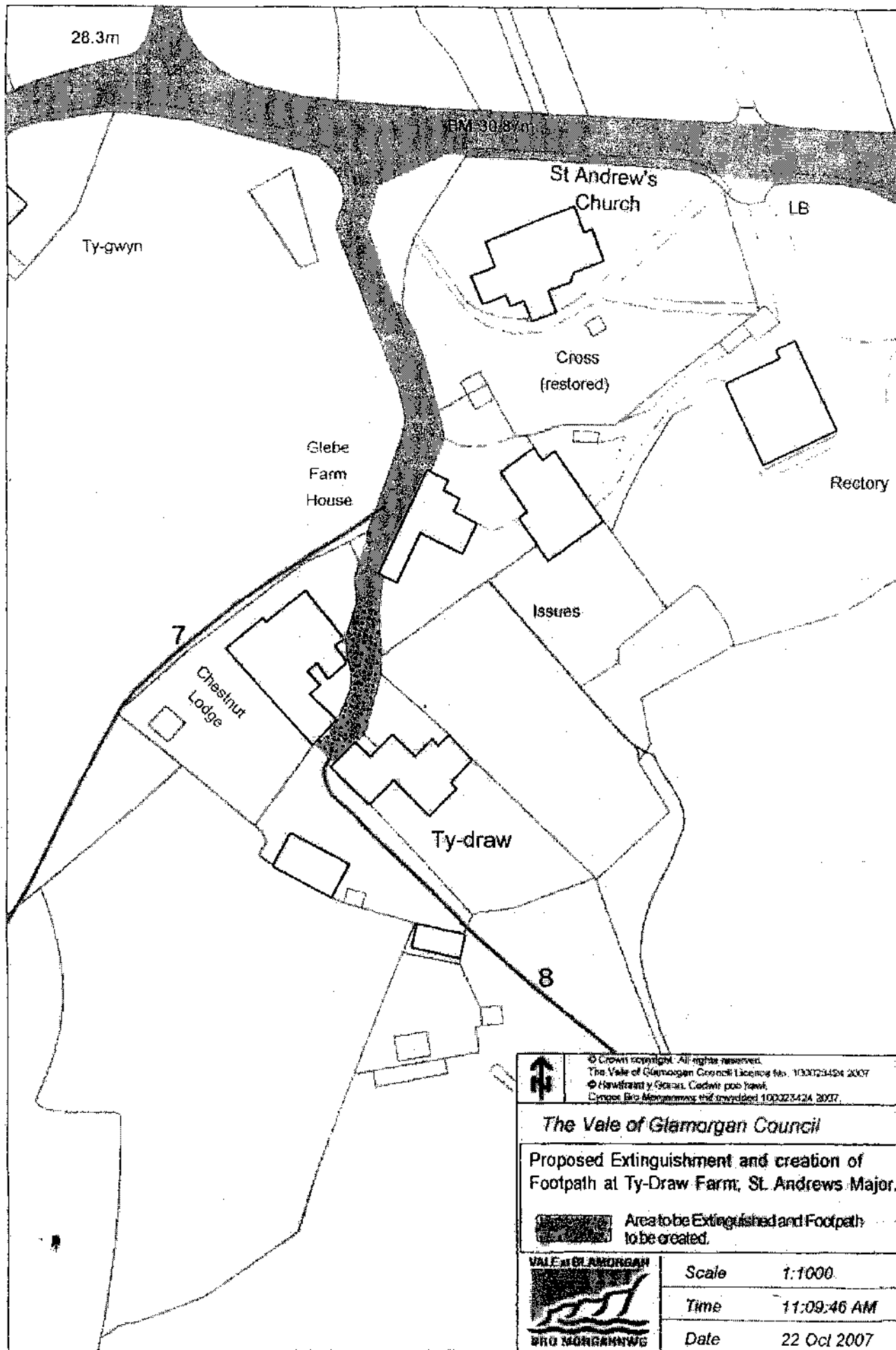
None.

Contact Officer - Tom Bevan, Tel: 029 2067 3055

Officers Consulted:

Operational Manager Legal and Regulatory Services
Accountant Building and Visible Services
Operational Manager Highway Maintenance
Public Rights of Way Officer

ROB QUICK
DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 15 NOVEMBER 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

9. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

W. S. Jones & Son, C/o Cooke & Arkwright, Bayer Lodge, Western Avenue,
Bridgend. , CF31 3TZ
Cooke & Arkwright, Bayer Lodge, Western Avenue, Bridgend. , CF31 3TZ,

Whitewell Farm Buildings, Tyn Y Coed Farm, Bonvilston

Conversion of agricultural buildings to one dwelling including work from home office

SITE DESCRIPTION

The site comprises a group of redundant agricultural buildings, with associated yard, adjacent land and access track, located in the countryside to the south of Bonvilston.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of these redundant agricultural buildings to a four bedroom dwelling with an associated "homeworking" office. The proposal entails:

- Demolition of a number of existing lean-to structures and canopy.
- Construction of a new two storey pitched roof link extension, measuring approximately 5.5m x 6.2m, to a ridge height of 7.2m in line with the existing two storey on the west elevation.
- Rebuild of a number of elevations, including the north gable to Building 3, and front wall of Building 4, with complete new roof structures and internal first floors throughout.
- New flagstone, patio areas within existing yard and to south of buildings, along with enclosure of land to west and new hedgerow on southern boundary adjacent to Whitewell Cottages.

Vehicular access will be via the existing access track onto the adopted highway to the east.

The application is supported by a Design Statement, a Structural Report, ecology surveys and a soakaway test.

PLANNING HISTORY

None relating to application buildings, however, on the wider Tyn y Coed Farm:

98/00486/PNA - Hay store. Approved 12 June 1998.

05/00978/FUL - Two storey extension. Approved 16 September 2005.

CONSULTATIONS

Llancarfan Community Council – The buildings have been redundant for many years, the plans show a sympathetic conversion into a dwelling which has the support of the Council.

Environment Agency Wales' initial comments – Part of the site lies within zone C2 as defined by the development advice maps referred to under TAN15 Development and Flood Risk. In accordance with the guidance the development category is "highly vulnerable development" and the Environment Agency expects the Authority to refuse the application.

This stance could be changed if site boundary is amended or the submission of an appropriate assessment of flooding consequences to demonstrate that the total site is outside of the extreme flood outline.

Further comments – Following consideration of additional information from the applicant showing that the development lies outside the extreme flood outline we have no objection to the development on flood risk grounds.

Also of consideration are the recorded incidents of localised flooding along sections of highway in the general area which potential occupiers should be made aware of; and reference to developers responsibilities under separate legislation.

Subsequent comments on amended plans – No further comments on flood risk. Comments relating to biodiversity, including issue of bats; retention of mature trees and hedgerow; and responsibility for watercourses under separate legislation.

Dwr Cymru/Welsh Water were notified on 11 November 2005. No comments have been received to date.

Glamorgan Gwent Archaeological Trust has no objection.

Countryside Council for Wales' initial comments – The submitted survey report confirms the use of the buildings as a bat roost for two species. The report recommends a further survey to establish the nature of the bat roosts and agree that further information is required. It is not possible at present to conclude that the development would not have an impact on the Favourable Conservation Status of the bats therefore CCW objects to the proposal pending further information. This should include a method statement outlining mitigation measures to protect the bats.

Further comments – Have requested additional information in relation to the detail of the proposed mitigation measures.

Countryside and Environment (Ecology) initial comments:

Bats

As recommended in the bat survey further investigation is required prior to determination to establish the nature of the roosts and the recommendations submitted by Countryside Council for Wales (CCW) should be followed. A method statement and mitigation plan should also be submitted and agreed by CCW to ensure that the "three tests" are met and that any subsequent license may be granted.

Highway Verge and Hedgerow

It is also understood that Highways require a 45m length visibility splay either side of the access. This would require the removal of a length of existing hedgerow to the north and trees to the south. The hedgerow is species rich and may qualify as "Important" under the Hedgerow Regulations 1997. The verge on both sides of the access is a Highway Verge Conservation Zone (HVCZ) designated for its botanical interest and managed specifically for biodiversity. Both the hedgerow and the line of trees may also be an important navigation route for the lesser horseshoe bats.

Additional advice on great crested newts and nesting birds with recommendations for best practice and working outside the nesting season.

Further comments – CCW should be consulted on the additional survey work and methodology. Also noted that no hedgerows on the site will be affected. Further information on how and where visibility splays will be created if still required would be welcome.

The Head of Visible Services (Highway Engineer) initial comments:

"No objection in principle subject to:

- (1) Provision and maintenance of four parking spaces on site.
- (2) Maneuvring area provided and maintained on site.
- (3) Full details of access including visibility splays of 2.4m x 45m, within the splays no obstructions greater than 900mm above the carriageway channel edge and any planting located to the rear of the splays and shall not be greater than 600mm in height. The applicant is advised that there is a culvert immediately adjacent to the existing access which will need to be considered when undertaking any design.
- (4) The proposed access shall be constructed from a bound surface for the first 10m from the adjacent adopted highway.
- (5) Any gates should be set back a minimum of 6m.
- (6) No surface water from the site shall discharge onto the adopted highway."

Comments on amended plans – Point 3 of the previous highway observations is still required to be addressed.

Public Rights of Way Officer comments that as an informal diversion of Public Footpath No. 25 Llancarfan along the same line as proposed has already been carried out without a Diversion Order. In addition an obstruction has already occurred. However there have been no complaints from the public in this regard and the alternative route could in my opinion be satisfactory with the addition of a new stile and improvements to the access. I would therefore ask that any planning consent be conditional on either restoration of the original route or a formal diversion of the path as shown on the planning application drawings.

Principal Building Control Officer confirms that the report highlights the need for total replacement of the roof structure; rebuild of main wall to building 4 and between buildings 4 and 5, along with several other areas on other units; and remedial works to a number of units to rectify structural problems.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 22 November 2005 and re-notified of amended plans on 11 September 2006. In addition the application was advertised on site and in the press on 15 November 2005. No representations have been received to date.

The applicant's agent has submitted letters in support of the proposal. These are reproduced at Appendix A. A further fax was received on the day of the last Committee and is included at Appendix B.

REPORT

Members will recall that this application was deferred at the 10 October 2007 meeting of Planning Committee to allow a site visit to be undertaken on 6 November 2007.

The site is located within the countryside and entails the conversion and extension of former agricultural buildings to a four bedroom dwelling with associated "home working" office. As such the following policy background is relevant to the consideration of the application.

Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

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

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

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

This is supported by the Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG). The SPG highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

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

Indeed Strategic Policy 2 of the UDP favours proposals which encourage sustainable practices, including:

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

Whilst Strategic Policy 8 states:

"Development will be favoured in locations which:

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

The Council also has a recently approved SPG on Sustainable Development which supports the above strategic policies.

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

This policy is supported by ENV10 - Conservation of the Countryside and ENV11 - Protection of Landscape Features. These favour measures to maintain and improve the countryside, its features and resources, and only permits development if it does not unacceptably affect features of importance to landscape or nature conservation including trees, woodland, hedgerows river corridor, ponds, stone walls and species rich grasslands.

Policy ENV7 relates to Water Resources with developments which improve the water environment or help to prevent flooding favoured, and development that would be potentially at risk of flooding, or increase the risk locally or elsewhere to an unacceptable level, not being permitted.

Policy ENV16 of the UDP relates to Protected Species with permission only given for development that would harm or threaten the continued viability of a protected species if it can be demonstrated that there are exceptional circumstances that justify the proposal; there is no satisfactory alternative; and effective mitigation measures are provided.

Policy ENV27 of the UDP relates to the Design of New Developments and requires that it has full regard to the context of the local, national and built environment and its special features.

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

In addition to the previously mentioned Supplementary Planning Guidance the Council also has an SPG on Amenity Standards. This contains policies not only in relation to the level and quality of amenity space but also covers issues of privacy, overshadowing and visual amenity.

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

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

Issues

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

Criterion (iii) of Policy ENV8 requires that the conversion work can be achieved without substantial reconstruction of the external walls, or extension to the building. The proposal does not comply with this requirement as it is clear from the submitted plans and the structural report that the proposal entails substantial new build works. The existing buildings represent a scattered grouping of relatively small structures which do not lend themselves to residential use without an unacceptable level of reconstruction and new build work. Indeed the Planning Application Design Statement submitted in support of the scheme recognises that the development is contrary to guidance and states:

"Within our proposed conversion scheme, we have included the construction of a new "link building" and whilst this goes against Planning Policy Guidance, this new construction is required in order to make this scheme feasible."

Criteria (iv) and (v) of Policy ENV8 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building, and that amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape. In addition to the significant alteration of the building with a substantial new build two storey link, the proposal entails the enclosure of part of the fields to the west of the buildings. This is required in order to provide a minimum level of private and useable amenity space to serve the proposed residential property. It is considered that the creation of this domestic curtilage to serve the property would have a harmful affect on the rural character of the surrounding countryside which is an area of Special Landscape Value. The Nant Llancarfan SLA is designated for its pastoral landscape with strong hedgerows and woodland cover. The proposed curtilage will intrude into the countryside on this western edge of the development where it will be highly visible from the nearby public right of way.

On a related matter of amenity it is noted that the buildings are located in proximity to the existing houses at Whitewell Cottages. The scheme proposes windows in the south elevation overlooking these properties. In order to mitigate any harm it is proposed to plant a hedgerow and trees which will be positioned to screen the development. This is not considered to be an acceptable long term solution to issues of privacy particularly in relation to first floor windows.

As regards the issue of sustainability it is noted that the site is an isolated location with no local facilities within walking distance and no realistic public transport option. The proposal to provide a "work from home office" would do little, if anything, to counter the un-sustainability of the scheme. It is noted that the supporting statement justifies the residential re-use on sustainable grounds on the basis that it would retain buildings that form an important feature of the local landscape. However the buildings are not listed and have no particular architectural or historical merit, and certainly their value within the local environment is not such that would warrant what is tantamount to a new dwelling in this countryside location. It is considered therefore that the proposal is contrary to the Council's strategic aims and national guidance.

On the issue of highways, it is noted that the Council's Highway Engineer has no objection, subject to a number of requirements including the provision of four parking spaces and manoeuvring within the site and vision splays of 2.4m x 45m to north and south of the site access. Photographs have been submitted to support the contention that the vision splays can be provided with only minimal impact on the existing hedgerow and trees. The Council's Ecologist has noted that the hedgerow is species rich and may qualify as "Important" under the Hedgerow Regulations 1997. Notwithstanding this the verge on both sides of the access is a Highway Verge Conservation Zone (HVCZ) designated for its botanical interest and managed specifically for biodiversity. In addition both the hedgerow and the line of trees may also be an important navigation route for the lesser horseshoe bats. It is considered that despite the applicant's agent's statement that the necessary vision splays can be provided without any adverse impact on the hedgerow and trees, in reality the provision of the splays as required by highways, including planting to the rear of the splays being no greater than 600mm, will cause harm to this important hedgerow, not only in ecological terms but also visually in detracting from the rural character of the area.

The Council's Public Rights of Way Officer has also noted that the proposal will require the formal diversion of the Public Footpath No. 25 Llancarfan.

As regards wildlife protection, the application is supported by a bat and barn owl survey which confirms the presence of protected lesser horseshoe bats and brown long eared bats. Additional surveys have been undertaken to provide information on any necessary mitigation measures. It is noted that the Countryside Council for Wales have requested further details on the proposed mitigation before they can make any final assessment. These include such matters as the exact dimensions of the proposed bat void, type of roofing felt, timing of monitoring, etc.

It is considered based on the nature of the information required it is unlikely that an appropriate form of mitigation could not be agreed, and this would not lead the Council to reject the application on the grounds of protected species. However there still remains the issue raised by the Council's Ecologist in relation to the Highway Verge Conservation Zone (HVCZ) and the likely hedgerow removal.

Finally, in terms of the infrastructure the proposal intends utilising a private treatment plant for drainage. Both Welsh Water and the Environment Agency have raised no objections. It is noted that the Environment Agency initially objected to the scheme on the grounds of flood risk, however, those objections have been removed following additional information from the applicant's agents. They do note that there are recorded incidents of localised flooding along sections of the highway in the general area of the site and recommend that any potential occupiers should be made aware of this information. It is considered that this is yet another indication of the unsuitability of the site for a new dwelling.

CONCLUSION

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

It is considered that the proposal due to the extent of new build works will amount to the creation of a new, and unsustainable dwelling in the countryside unjustified for agricultural purposes. The proposal will have a significant adverse affect on character of the surrounding rural landscape of the Nant Llancarfan Special Landscape Area, with the incursion of the domestic curtilage and likely impact on the important roadside hedgerow.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the conversion and extension of the barn for residential use will entail substantial new building work and is therefore tantamount to the construction of an unsustainable new dwelling in the countryside unjustified for agriculture or forestry purposes. The proposal represents an unacceptable and intrusive form of residential development that would detract from the rural character and appearance of the Nant Llancarfan Special Landscape Area contrary to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, ENV11 - Protection of Landscape Features, ENV27 - Design of New Development, HOUS3 - Dwellings in the Countryside and Strategic Policies 2 - The Environment and 8 -Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on The Conversion of Rural Buildings and Sustainable Development; and national guidance contained in Planning Policy Wales 2002.

2006/00025/FUL Received on 24 July 2007

Mr. J. Thomas, Flemingston Court, Flemingston, Vale of Glamorgan. ,
Fidmac Limited, Rosevine Cottage, Vistia Road, Penllyn, Vale of Glamorgan.,
CF71 1RQ ,

Stone-built agricultural buildings and adjacent farmyard at Flemingston Court Farm, Flemingston

Conversion of three redundant agricultural buildings to create four holiday units

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

The property is a Grade II Listed Building.

The application is for demolition within the Flemingston Conservation Area.

The application was advertised on 24 January 2006.

SITE DESCRIPTION

The application site comprises a group of agricultural buildings and associated farm yard located within the village of Flemingston. The buildings are Grade II Listed.

DESCRIPTION OF DEVELOPMENT

The proposal seeks the conversion of the barns to residential use for four holiday lets. The works will provide for 2 No. two bed units and 2 No. three bed units within the existing fabric of the buildings and farmyard. A number of existing buildings will be demolished, including modern extensions, concrete block stables, a corrugated shed and a large modern agricultural shed on the south western side of the traditional stone barn complex. The internal courtyard will provide for a communal amenity area with raised terraces immediately adjacent to the buildings and a pond feature near the entrance. Vehicular access will be via the existing entrance off the adopted highway. A total of 8 No. car parking spaces will be provided in the south eastern corner of the site within a landscaped setting enclosed by a new hedgerow. A new orchard is proposed on the south western side of the buildings.

The application is accompanied by a planning statement, structural report, percolation tests, and an owl and bat survey.

PLANNING HISTORY

There have been a number of applications relating to Flemingston Court Farm. Of particular relevance to the current application are:

91/00742/FUL - Change of use of barns to four dwellings. Approved 10th December 1991 subject to conditions including details of windows and doors; details of guttering, roof treatment, etc; removal of permitted development rights for extensions, outbuildings and means of enclosure; landscaping; and samples of materials.

91/00743/LBC - Listed Building Consent for conversion of barns to residential. Approved subject to conditions 10 February 1992.

91/00744/CAC - Demolition of barns and sheds. Approved 10 December 1991.

96/01127/FUL - Variation of Condition No. 1 to 91/00742/FUL to extend time period for conversion of barns to residential. Approved 24 January 1997.

06/00056/LBC-Listed Building Consent application for the conversion of the barns to 4 No. holiday lets – submitted in conjunction with the current application. Yet to be determined.

CONSULTATIONS

St. Athan Community Council – Comments on initial scheme – No objections.
Comments on revised scheme – No objections.

Environment Agency Wales– Comments on initial proposal – A separate consent is required for any proposed sewage or trade effluent discharge to a watercourse or other controlled waters and the Agency may not grant such consent. Prior to the installation of any private drainage the applicant should be advised to seek approval from the Local Authority's Building Control Department. The Agency's comments on private drainage systems are made only on the understanding that no public foul sewer is available to serve the development. With regard to surface water the Agency advocates the use of sustainable drainage methods. Additional comments relating the pollution control measures.

Comments on revised scheme – Reiterate requirements for separate consent from the Environment Agency to discharge effluent, and previous observations referred to above.

Dwr Cymru/Welsh Water has no comment to make as applicant intends utilising private drainage facilities.

Glamorgan Gwent Archaeological Trust - Comments on initial scheme – It is likely that archaeological remains survive in the vicinity. Much of the proposed works will be in areas where previous construction works are likely to have damaged the archaeological resource. Therefore do not object but recommend a condition requiring a programme of investigation. Also recommend a condition requiring a programme of building recording and analysis.

Comments on revised scheme – Again recommend the imposition of the two conditions referred to in previous comments.

Countryside Council for Wales – Comments on initial scheme – Welcome the submitted survey work and advise that the recommendations in the report are adhered to. In particular that the bat access points should not be sealed during hibernation period; a staged approach to the works should be employed; mitigation for the loss of bat roosting opportunities; and site monitored for a period of 2 years post development. Should these measures be applied and satisfactory mitigation agreed there will be no detriment to the favourable conservation status of the species as a result of this proposal.

Comments on revised scheme – We note the detailed drawing showing replacement roosting opportunities for bats and confirm that there will be no detriment to the favourable conservation status of the species provided the mitigation detailed is implemented and enforced. The recommendations in the original survey report and those additional outlined in our earlier response should be conditioned and implemented.

Environment and Countryside-Ecology – Comments on initial and revised scheme – Mitigation details should be sent to CCW to seek their advice on the “three tests”. Recommend that if CCW confirms that mitigation measures proposed are sufficient that consent should be conditional upon implementation. The three tests should be evaluated in the planning report according to Welsh Assembly Government guidance.

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution Section)) advise that if a private water supply is to be used that it should be registered with this department prior to beneficial use.

The Head of Visible Services (Highway Development) comments on revised scheme – It is considered that the proposals represent an improvement to the existing site access, even though the required visibility splays of 33m to the south cannot be achieved. However the vehicle access to the adjacent field from within the site is required to be deleted in order to remove the need for large agricultural vehicles to use the site access. A manoeuvring area for rigid vehicles is required within the site. An amended site plan is required to provide a minimum of 6m manoeuvring space to the rear of each parking bay.

Building Control Section comments on initial scheme – The report in the main covers the present condition of the structures which shows no real problems in relation to the stability of the main structural elements of the units. Some concerns highlighted in relation to sycamore tree root system; areas requiring repair/restoration and rebuild be highlighted; and query over first floor system and headroom for stair access.

Comments on revised scheme - Some concern regarding headroom on one Section F-F and means of escape from a bedroom in Unit 2.

Vale of Glamorgan Conservation Advisory Group at their meeting on 15 February 2006 recommended approval.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 18 January 2006 and renotified of amended plans on 8 August 2007. In addition the application was advertised on site and in the press on 24 January 2006. No representations have been received to date.

The applicant's agent has submitted a letter and statement in support of the proposal which is reproduced at Appendix A for Committee Members inspection.

REPORT

The application site comprises a traditional stone farmyard complex located within the village of Flemingston and within the Flemingston Conservation Area. The buildings are Grade II Listed. Whilst the site is located within the village, nevertheless, as Flemingston is not identified within Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Plan 1996-2011 (UDP) as a settlement with sufficient physical form and capacity to assimilate further infill development, the site is designated as countryside. The amended proposal entails the conversion of the buildings to provide four holiday let units. As such the following policy background is relevant to the determination of the application.

Planning Policies

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;
- (iv) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

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

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

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

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

Policy ENV10 refers to the Conservation of the Countryside and favours measures to maintain and improve the countryside its features and resources.

Policy ENV16 relates to Protected Species and states:

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT THAT WOULD CAUSE HARM TO OR THREATEN THE CONTINUED VIABILITY OF A PROTECTED SPECIES IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS.
- (ii) THERE IS NO SATISFACTORY ALTERNATIVE; AND
- (iii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

Policy ENV17 of the UDP refers to the Protection of 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.

Policy ENV18 refers to Archaeological Field Evaluation and where development is likely to affect a known or suspected site of archaeological significance an archaeological evaluation should be carried out at the earliest opportunity.

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

- (I) THE SCALE, DESIGN, LAYOUT, CHARACTER, MATERIALS AND SETTING OF THOSE BUILDINGS WHICH ESTABLISH THE CHARACTER OF THE AREA;
- (II) THE PATTERNS OF USE WHICH ESTABLISH THE CHARACTER OF THE AREA;
- (III) IMPORTANT OPEN SPACE WITHIN AND ADJOINING CONSERVATION AREAS;
- (IV) IMPORTANT TREES AND HEDGEROWS; AND
- (V) PONDS AND STREAMS.

Policy ENV21 refers to Demolition in Conservation Areas with strict controls including boundary walls, fences, railings and gates.

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

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

The Strategic Policies of the UDP include Policy 6 which favours tourism developments where they:

- (i) ASSIST THE DEVELOPMENT OF THE LOCAL ECONOMY; AND/OR
- (ii) SAFEGUARD OR ENHANCE THE QUALITY OF THE ENVIRONMENT.

Strategic Policy 2 of the UDP favours proposals which encourage sustainable practices, including:

- "(ii) PROPOSALS WHICH ARE LOCATED TO MINIMISE THE NEED TO TRAVEL, ESPECIALLY BY CAR AND HELP TO REDUCE VEHICLE MOVEMENTS OR WHICH ENCOURAGE CYCLING, WALKING AND THE USE OF PUBLIC TRANSPORT."

Whilst Strategic Policy 8 states:

"Development will be favoured in locations which:

- (i) ARE HIGHLY ACCESSIBLE BY MEANS OF TRAVEL OTHER THAN THE PRIVATE CAR; AND
- (ii) MINIMISE TRAFFIC LEVELS AND ASSOCIATED UNACCEPTABLE ENVIRONMENTAL EFFECTS."

The Council also has Supplementary Planning Guidance (SPG) including the SPG on the Conversion of Rural Buildings which supports Policy ENV8 of the UDP. The SPG highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

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

The Council also has a recently approved SPG on Sustainable Development which supports the above strategic policies, and an SPG on Amenity Standards. This contains policies not only in relation to the level and quality of amenity space but also covers issues of privacy, overshadowing and visual amenity. In addition there is an SPG on Conservation Areas in the Rural Vale along with the Flemingston Conservation Area Appraisal. The appraisal recognises the importance of the traditional stone agricultural buildings to the character of the Conservation Area and the need to maintain the simple farmyard areas, many of which have been lost to domestic use, altering their rural character.

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

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to how the proposal will affect the historic fabric and character of the listed buildings themselves, along with the likely impact of the works, including the proposed curtilage, parking and means of enclosure, on the wider character and appearance of the Flemingston Conservation Area.

The application was originally submitted for the conversion of the buildings to four permanent residential properties. Whilst it is accepted that consent for such a use has been granted in the past, nevertheless, it is considered that both the Council's policies and national guidance have progressed since the last permission, and there are now a number of concerns with the approach to convert the buildings to four permanent dwellings. These relate to issues of sustainability and the impact on the rural character of the buildings and their setting within the conservation area as a result of the need to provide adequate levels of amenity space, privacy, etc.

As a result of these concerns the proposal was amended to provide for holiday lets instead of permanent dwellings. It is considered that the conversion and re-use of the barns for tourism is more acceptable than permanent residential accommodation which would not only have a greater adverse impact on the original character of the barns and their rural setting but would also be unsustainable in its location.

In terms of compliance with policy and guidance it is noted that the structural integrity of the buildings is good with the majority in a reasonable condition. The proposed works should serve to retain the main fabric of the buildings, existing openings and original features. The demolition works proposed relate mainly to additions to the original house and modern agricultural needs. The revised proposal has also reduced the amount of new build with the omission of the proposed garages, and will maintain the integrity of the farmyard area and its rural character. Thus the minimum amount of amenity space required for the holiday lets is contained within the enclosed yard, in contrast to the original scheme where garden areas would have intruded beyond the stone barns into the rural landscape to the south west. Instead it is proposed to plant an orchard in this area which would be in line with Policy ENV10 and serve to increase the number and variety of wildlife habitats.

On the issue of wildlife protection it is noted that the ecology survey has found evidence of a pipistrelle bat roost in Building 2. In order to comply with Council policy and national requirements the three tests for derogation have been assessed and the Countryside Council for Wales along with the Council's own ecologist have been consulted on the survey and proposed mitigation measures. It is considered that the Council have examined the alternatives and decided that the re-use of these listed buildings for tourism lets as opposed to four permanent dwellings would be more appropriate. The proposed re-use as holiday lets will serve to ensure the long term future of these listed barns and should support the local economy. As regards the favourable conservation status it is noted that Countryside Council for Wales are satisfied that there will be no detriment provided the proposed mitigation measure are implemented.

In respect of highway issues it is noted that the Council's Highway Engineer has assessed the proposal and is willing to allow for a relaxation in the visibility splays to the south, subject to the omission of the proposed field gate access to the south west from the site. The proposal provides for a communal parking area to the south of the farm yard, and again the Highway Engineer has requested amendments to the layout to provide for improved manoeuvrability within the site.

The Council's archaeological advisers, Glamorgan Gwent Archaeological Trust, have indicated that there is an archaeological interest on the site and have requested a condition requiring an evaluation. The applicant has indicated his willingness to implement a programme of evaluation. It is not considered necessary to impose the second condition requested by Glamorgan Gwent Archaeological Trust in relation to the buildings' recording as the buildings are already listed.

Finally, in respect of infrastructure it is noted that there are no objections from Dwr Cymru/Welsh Water or the Environment Agency subject to details of drainage being agreed.

CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV8 – Small Scale Rural Conversions, ENV10 - Conservation of the Countryside, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV18 - Archaeological Field Evaluation, ENV20 - Development in Conservation Areas, ENV21 – Demolition in Conservation Areas, ENV27 – Design of New Developments, Strategic Policies 2 - the Environment, 6 - Tourism and 8 - Transport of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, Supplementary Planning Guidance on the Conversion of Rural Buildings, Conservation Areas in the Rural Vale and the Flemingston Conservation Area Appraisal, and National Guidance contained in Planning Policy (Wales) March 2002, it is considered that the conversion of these Grade II Listed barns for tourism accommodation is an appropriate alternative use that will allow for the retention of their original character and their long term future as an historic grouping.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the location plan, all 'existing' plans and supporting documents registered on 10 January 2006, and the amended proposed plans and supporting documents for four holiday lets received on 24 July 2007.

Reason:

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

3. The accommodation hereby approved shall be used or occupied solely as holiday let accommodation only and not as permanent dwellings.

Reason:

The site is not suitable for permanent residential accommodation being contrary to Policies ENV8 - Small Scale Rural Conversions, ENV17 - Protection of Built and Historic Environment, ENV20 - Development in Conservation Areas and Strategic Policies 2 and 8 of the Unitary Development Plan.

4. A register, which shall include details of the guests staying at the premises hereby approved, including their home addresses, shall be retained and made available to the Local Planning Authority on request.

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policy ENV1 - Development in the Countryside of the Unitary Development Plan.

5. Notwithstanding the submitted 'Proposed Site Layout' plan, Drawing No. JT/08 (A1), received on 24 July 2007, further details of the proposed on-site parking and manoeuvring area, which shall provide for the omission of the proposed vehicular access to the adjoining fields, shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented before the first beneficial occupation of any one of the holiday lets hereby permitted and thereafter retained and maintained on site for the exclusive use of the holiday lets.

Reason:

To ensure adequate on-site parking and manoeuvring in the interests of highway safety in accord with Policies ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments of the Unitary Development Plan.

6. The development hereby approved shall be implemented in accordance with the recommendations of the owl and bat survey dated May 2005, prepared by Rob Colley, in conjunction with the amended plan Drawing No. JT/09DE (A1), received 24 July 2007 and the following additional recommendations of the Countryside Council for Wales, unless otherwise agreed in writing with the Local Planning Authority:

- Potential bat access points should not be sealed during the November to end of March hibernation period and should be checked by a competent bat ecologist prior to any work.
- A staged approach to works should be employed in order to minimise disturbance, e.g. manual removal of the roof or roof ridges a few days before major works begin.
- The site is monitored for bat use for a period of 2 years post development.

Reason:

In the interests of wildlife protection in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan.

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

Reason:

To ensure adequate and sustainable drainage of the site in accordance with Policy ENV27 of the Unitary Development Plan and Supplementary Planning Guidance on Sustainable Development.

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

Reason:

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

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

Reason:

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

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the holiday accommodation 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.

12. 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 holiday lets 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.

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. 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.
3. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
4. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
5. You will note that a condition has been attached to this consent that requires the implementation of a programme of archaeological investigation. Should you require advice on this matter you may contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208).
6. The Developer should note that if a private water supply is to be used it should be registered with the Council's Environmental Health Department.

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.

2006/00056/LBC Received on 18 January 2006

Mr. J. Thomas, Flemingston Court, Flemingston, St. Athan, Vale of Glamorgan. ,
Fidmac Limited, Rosevine Cottage, Vistla Road, Penllyn, Vale of Glamorgan.
CF71 1RQ , ,

Stone-built agricultural buildings and adjacent farmyard at Flemingston Court Farm, Flemington

Conversion of three redundant agricultural buildings to create four dwelling units and the construction of two new garages and five external car parking spaces to serve the new dwellings

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

The property is a Grade II Listed Building.

The application was advertised on 25 January 2006.

SITE DESCRIPTION

The application site consists of a group of agricultural buildings and associated farmyard located within the village of Flemingston. The farm buildings lie opposite and to the south-east of the Grade 2* Listed Flemingston Court. They have been vacant for some period.

DESCRIPTION OF DEVELOPMENT

The proposal involves the conversion of the barns to residential use for four holiday lets, providing two 2 bed units and two 3 bed units. A number of modern agricultural buildings will be demolished within the setting of the listed building.

The internal courtyard will be remodelled to provide a communal amenity area.

PLANNING HISTORY

Refer to details contained on report Ref: 06/00025/FUL.

CONSULTATIONS

St. Athan Community Council has no objections.

Six Statutory Groups:

Society for the Protection of Ancient Buildings:

"Thank you for consulting the Society. We appreciate that efforts have been made to reduce the impact of the conversion by retaining the existing openings and severely limiting the creation of new ones. However as these are separately listed buildings, rather than curtilage listed, we question the apparent proposed complete replacement of the existing woodwork, frames, shutters, doors etc. in favour of modern double-glazed, trickle vented windows. We would prefer as much as possible of the woodwork to be retained and adapted. We also recommend against the untraditional use of dark stain for new woodwork and would refer to Cadw's advice on page 20 of their 'Converting Historic Farm Buildings in Wales'. We also suggest that the extent of glazing is too great and that some of the existing boarded openings should be retained at least as shutters to lessen this effect. We believe that the very large glass conservatory/lean-to at the very centre of the courtyard, although on an existing footprint, risks detracting from the agricultural character of the range which it is important to maintain. We suggest the use of boarding to reduce the impact of glazed areas.

There is no cross section as proposed so it is not possible to be sure that the existing proportions of division are to be retained. It would seem that the barn trusses are likely to be visible from the first floor lounge but that there is unfortunately little provision for an appreciation of the total height of the structure internally. Neither is there any information on the use of materials in the conversion and repair. We recommend the use of lime mortars and finishes, the avoidance of dry lining, and the retention of as much woodwork in the form of floors and roof structure as well as doors and windows as possible."

Royal Commission on the Ancient and Historical Monuments of Wales:

"Thank you for notifying us of this application for Listed Building Consent.

The remit of the Royal Commission permits us to comment only on the historical significance and context of a monument or structure and on the adequacy or otherwise of the record. Flemingston Court itself has been described in the Royal Commission's Inventory volume: *Glamorgan: The Greater Houses* (1981), pp. 135-40. This gives the historic context of the site. The farm buildings form an interesting group S of the main house. These buildings are mainly C19th but the barn (building 2) is earlier and needs careful assessment before conversion. The buildings it is proposed to demolish appear to be of little or no historic or architectural interest. If consent is granted for conversion we should be grateful if, as a condition of consent, we are able to record them before alteration."

Glamorgan Gwent Archaeological Trust: Comment that it is likely that archaeological remains survive in the vicinity. Much of the proposed works will be in areas where previous construction works are likely to have damaged the archaeological resource. Therefore, do not object to the conversion, but recommend a condition requiring a programme of building recording and analysis.

REPRESENTATIONS

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

OFFICER'S REPORT

Flemingston Court Farm comprises an early to mid-Victorian Grade 2 Listed 'model farm' complex. It includes an earlier, late 18th Century barn located on the north-western side of the layout.

The barns were listed in 1992 following the service of a Building Preservation Notice by the former Vale of Glamorgan Borough Council. The listing recognises both the intrinsic value of the barn complex, and the contribution it makes to the important Grade 2* Flemingston Court Farmhouse. The whole site is of great significance within the Flemingston Conservation Area.

The planning history relating to the site shows that the conversion of the barns has been approved and under consideration since 1991. There is concern that the buildings are now at risk due to lack of use, progressive deterioration and disrepair, and the site was identified as being in poor condition in the Council's Buildings at Risk Survey undertaken in 1996. Notwithstanding these comments, the application is supported by a structural survey which advises that the barns remain generally robust in construction.

The buildings are constructed in local stone with dressed voussoirs and quoins to the ancillary (western - eastern) ranges. The roofs are slated, although some have been repaired using corrugated sheeting, and no roof structure is earlier than the mid-late 19th Century.

DESCRIPTION OF PROPOSALS:

The proposals to convert the barns and comments related to them are described in relation to each unit on the site. These are: Building 1 (the south-eastern range), 2 (the earlier, 18th Century barn adjacent to Flemingston Court on the northern side) and 3 (the south-western range). Building 3 includes an attached two storey, former tack room.

Building 1: comprises a former cart shed, generally single storey in height but two storeys at the south-eastern end; the latter has two garage openings facing the road and openings to the upper gable. The internal plan is open providing exposed roof trusses with collars and purlins. There are a series of full height openings to the courtyard, with cambered heads.

The proposal here is to convert the range to a single 3 bedroom unit. This will involve the insertion of new partitions although the lounge/dining rooms have been retained as one combined space to avoid excessive subdivision. The proposals will entail new floors. New ceiling finishes are proposed to be provided in line with the rafters, exposing the structure to the accommodation below.

Building 2: comprises the earliest (and possibly most significant) building in the group, a late 18th Century barn clearly constructed before the two ancillary wings.

Originally an open full height barn, the building has had a floor inserted into its volume during the Victorian period which is carried off cast iron columns and timber beams. A much altered and repaired covered cart shed with a mono pitched roof is sited on the courtyard side which is also supported off cast iron columns. This is presumably contemporary with the later intermediate floor.

This building is also to be converted to a single unit. The use of the upper floor for living purposes (kitchen/dining/lounge) is of note. In terms of accommodation, this exploits the availability of existing openings at upper level and allows retention of the existing floor structure which has a very low floor to ceiling height on the ground floor.

As with Building 1, new partitions are proposed to facilitate the new layout: there is a staircase at the centre of the plan, with a full height void from ground floor to the underside of the roof. The upper floor is designed with the benefit of a strong commitment to an open plan. The ground floor is more extensively subdivided to provide for bedrooms and bathrooms.

The mono pitched roof to the courtyard elevation is retained and repaired, reusing the existing cast iron columns. There are several new rooflights and a combined rooflight proposed in the slope of this roof. Further rooflights are proposed to the main roof.

Details of the new ground floor construction and the finished floor level is important in ensuring the retention of the existing intermediate floor (due to the existing restricted available height).

Building 3: constructed at the same time as Building 1 and illustrating similar details, this also has full height, arched openings (now partially infilled). This range is, however, subdivided into stabling and cow houses. At the northern end, there is a two storey tack room with external stone steps.

The proposals relating to this building involve conversion to two 2-bed units. The layout respects the existing stone wall subdivision in internal plan, but as in Building 1 allows for new stud partitioning to be installed. A new timber staircase is inserted into the former tack room to provide access to the upper floor.

A modern outbuilding attached to the south-western end of the building is to be demolished.

USE OF MATERIALS, COMPONENTS AND FINISHES:

The application is accompanied by a significant amount of supporting information and detail describing the proposed approach to alteration and repair of the building. The key issues are:

- Retention and repair of the existing roof structure and reslating in natural slate, with vapour permeable membrane and provision of 'in slope' insulation. The existing details vary to ridges in the use of clay ridge tiles and wood cored lead rolls, which are respected in replacement detail. It is proposed to use cast aluminium gutters and down pipes.
- Lime plasters are proposed to interior stone walls. There is, however, some inconsistency in the use of modern plasterboard clad partitions and ceilings.
- Window and door details have been improved from the original submission and now illustrate the use of shutters to the south-western range. The window details are inappropriate in that they illustrate modern 'high performance' units in distinction to traditional casements. The windows and external joinery should be of a painted (not stained) finish.

EXTERNAL LANDSCAPING:

The demolition of existing modern agricultural outbuildings will form a significant improvement in the setting of the listed building. The courtyard features raised terraces adjacent to each frontage range to allow for existing levels with low natural stone retaining walls. There is a fixed gravel courtyard, driving and turning area. The formality of layout is considered to be acceptable in the immediate setting of the buildings, and is to be compared with the more informal car parking layout and provision of a pond to the South.

BIODIVERSITY ISSUES:

The application is accompanied by a mitigation statement in relation to bats and provides details relating to a future bat roost within the roof of Building 2.

CONCLUSIONS:

In consideration of an application for listed building consent, Members will be aware that Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires the Council to have special regard to the preservation of the listed building, its setting, or any features of special architectural or historic interest it possesses.

The buildings under consideration are contained on the Council's 'Buildings at Risk' register and their reuse is to be encouraged. The use for tourism letting purposes (in distinction to the previously approved permanent residential uses) is also considered to be of benefit from several points of view:

- The lesser impact on the setting of the listed building by the use of open, combined courtyard space, and smaller parking demand.
- Lesser expectations concerning the internal subdivision of space, both in plan and section.

The scheme is generally well conceived, although several areas noted in the report (roof lighting, inconsistent use of internal finishes, inappropriate window detail) need further resolution. This is reflected in the conditions of consent.

RECOMMENDATION

That Listed Building Consent be granted, subject to the following conditions.

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

Reason:

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

2. The Local Planning Authority* shall be notified in writing by the developer or his agent of the proposed commencement date of 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 this building in this respect.

3. Prior to the commencement of development and notwithstanding the submitted details, details of windows and external doors (1:1, 1:10, 1:20, as appropriate) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the appropriateness of the details of replacement external joinery in the context of the special interest of the historic building.

4. The details referred to in Condition No. 3 shall allow for the provision of casement windows in traditional sections, without trickle ventilation and a painted (not stained) finish.

Reason:

To ensure the appropriateness of the details of replacement external joinery in the context of the special interest of the historic building.

5. Prior to commencement of development, samples of natural slate and of ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure that the proposed roof finishes are appropriate to the special architectural/historic interest of the barns.

6. The proposed replacement rainwater goods shall be of half round sections with circular rainwater pipes, colour black.

Reason:

In order to ensure that the proposed rainwater goods are appropriate to the special architectural/historic interest of the building.

7. Prior to the commencement of development and notwithstanding the submitted details, details of internal finishes, including walls, ceilings and floors shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to give further consideration of these details in the context of the special interest of the listed building.

8. The details referred to in Condition No. 7 shall allow for the provision of traditional, lime plastered finishes to partitions and ceilings.

Reason:

In order to ensure consistency of internal finish and the use of traditional repair technology in the reuse of the building.

9. Prior to their insertion, details of the location and specification/detail of all flues, chimneys and soil pipes required for the purposes of heating, ventilation and above ground drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details are designed and located in such a way as to not detract from the special interest of the building or its rural character.

10. Notwithstanding the submitted details, to the lower pitched roof of Building 2 (south-eastern elevation) the two single conservation rooflights shall be omitted.

Reason:

In order to reduce the overall number and impact of the rooflights to Building 2.

11. Prior to the commencement of development, details and sizes of the proposed conservation rooflights shall be submitted to and approved in writing by the Local Planning Authority. All roof lights shall be 'flush fitting' so that the exterior face of the window glass is, so far as is practical, level with or lower than the exterior face of the slate roof covering immediately adjacent to it.

Reason:

To minimise the impact of the windows on the character and appearance of the building.

12. Prior to the commencement of development, details (1:20) of the proposed floor construction and its relationship in section to the intermediate floor of Building 2 shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the existing exterior walls are not subject to underpinning without consent and in the interests of retaining the existing section of the building.

13. Prior to the commencement of development, details and a Method Statement describing the proposed reuse and retention of the existing cast iron columns in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure consideration of retention of the columns.

NOTE:

1. * Contact:

Nick Lloyd/Peter Thomas,
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 works will constitute an offence which may lead to prosecution.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action / a prosecution.

2006/01747/FUL Received on 6 December 2006

Kingfishers Developments, Hayes Building, The Square, Llantwit Major., Vale of Glamorgan
Alun Arthur Architects, 71 Merthyr Mawr Road, Bridgend., CF31 3NS

Andrew House, High Street, Llantwit Major

Residential development, converting main house into two apartments and 3 new build houses

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

The application was advertised on 22 December 2006.

SITE DESCRIPTION

The application site is Andrew House, High Street, Llantwit Major, which is located within the historic town centre and within the boundary of the Conservation Area. The site is located on the corner of Wesley Street and Commercial Street, and extends along High Street. The rear boundary of the site adjoins the local Police Station.

The principal section of the building is two-storeys in height and sits at the corner of Wesley Street and Commercial Street, with the main front elevation facing onto the former. The secondary element of the building projects from the rear elevation of the main section, and runs along the highway edge of High Street. It is predominantly low-level two-storey in height, with a single storey lean-to section at the rear.

The buildings have been vacant for approximately 4 years, however the last use of the property was as offices in the main building and shops in the secondary element, which are accessed off High Street directly opposite a mini-roundabout. There is a small courtyard to the rear of size 6m x 9m, which is accessed around the side of the building, however, there is no vehicular access or parking provision within the site.

DESCRIPTION OF DEVELOPMENT

Firstly, it should be noted that the described scheme is a second amendment to the proposal. The two superseded schemes are described below within the planning history.

The application proposes the conversion of the principal building to 2 No. flats, the demolition of the secondary element and the construction of 3 No. dwellings in its place.

The ground floor flat is comprised of a single bedroom, lounge, dining room, bathroom and kitchen and the second unit contains a bedroom, living area, dining room and bathroom at first floor, with a second bedroom in the roof space.

The three dwellings are in the form a staggered terrace and are comprised of a living room, dining room, kitchen and WC at ground floor and 2 bedrooms and bathrooms at first floor.

The dwellings measure 5m in height to the eaves and 7.5m to the ridge, 6m in width and 6.5m in depth. Together they comprise a small staggered terrace of 3 units, which rise by 0.15m in height along the row to take account of the gentle gradient of the land. Consequently, the main front elevation and roof plane is physically and visually broken up into the three individual units. This extension adjoins the main existing building 0.2m below its ridge.

Whereas the existing building has been constructed directly abutting the highway, the new dwellings are set back between 1 and 1.3m from the highway, making provision for a pedestrian footway access to each front door. To the rear of the terrace, small courtyard gardens are proposed to serve the three dwellings and one of the flats within the converted building. The areas of amenity space for the dwellings measure 4.5m x 3.6m, 5.2m x 3.3m and 5.4m x 3.0m respectively, and the garden for the flat measures 2.9m x 2.5m. The plans also indicate a side courtyard area to serve the end of terrace dwelling.

The remaining external alteration is a sloping roof dormer extension, which is proposed on the rear roof plane of the existing building, to provide additional head room for the second bedroom and en-suite in the upper flat. The dormer measures 3.5m wide x 1.8m high and it is set 0.2m below the main ridge.

Whilst the plans do not provide specific detail of the external finishes of the dwellings, the application forms indicate painted render walls and a slate roof.

PLANNING HISTORY

No previous planning applications.

The scheme initially proposed the conversion of the main building to 2 No. flats, and the erection of 2 larger dwellings with roof terraces and undercroft parking. However, the provision of parking in this form resulted in the dwellings exceeding the height of the principal section of Andrew House and further concerns were cited regarding the design and form of the dwellings, and their impact on the Conservation Area. There was also an objection on highway grounds to the proposed vehicular access opposite the roundabout.

The scheme was subsequently revised to a terrace of two dwellings and two flats, along with the two flats in the converted building. This scheme made no provision for parking or amenity space with the footprint of the new building occupying the whole site, except for a bin store at the end of the terrace. The front elevation of the terrace contained 7 No. dormers within the eaves and an additional dormer was proposed on the rear plane of the existing building. Following concerns raised in respect of the design and layout, the proposal has been amended to that described above.

CONSULTATIONS

Llantwit Major Town Council objected to the original proposal due to its scale and impact on the character of the Conservation Area. Further concern was also raised in respect of the vehicular access to the site. No representations have been received to date in respect of the amended plans.

Environment Agency Wales have raised no objection and forwarded their standard advice note for developers.

The Head of Visible Services (Highways Development) raised an objection to the initial scheme for the following reasons:

- The proposed site access would create a crossroads type junction with High Street, Commercial Street and Station Road, which would increase vehicle conflict.
- The access provides insufficient visibility splays to the north along the adjacent highway.
- There are no facilities provided for service vehicles.
- Gates at the entrance to the site would result in vehicles waiting within the highway while they are being opened.

An objection has also been raised to the amended proposal due to the lack of parking which is proposed.

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

Glamorgan Gwent Archaeological Trust have raised no objection but have requested that if planning permission is granted, a condition be attached which requires a suitably appointed archaeologist to be present during the development.

Dwr Cymru/Welsh Water have raised no objection subject to standard conditions relating to the drainage of the site.

In respect of the original plans, the Vale of Glamorgan Conservation Advisory Group, at their meeting on 25 January 2007, recommended the refusal of the application on the grounds that the development was of a scale, design and character that was out of keeping with the Conservation Area.

REPRESENTATIONS

The neighbouring properties of Fonmon Cottage, Hodnant, Andrews House, Llantwit Major Police Station, No. 1 The Rectory, The Court House and Units 1 and 2 Commercial House were consulted in respect of the original and amended plans and a site notice was posted. One letter has been received, raising concerns regarding the level of parking, access to the site and parking for construction vehicles.

REPORT

Planning Policies

The site lies within the settlement boundary and conservation area of Llantwit Major and accordingly, the application has been assessed against the following Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011:

ENV17 - PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT.

ENV20 - DEVELOPMENT IN CONSERVATION AREAS.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA.

Policy HOUS2 supports the principle of housing infill, small-scale development and redevelopment (including conversions) within the settlement boundary of Llantwit Major, subject to the criteria listed in Policy HOUS8 being met.

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

- (i) the scale, form and character of the proposed development is sympathetic to the environs of the site;

- (ii) the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (iii) the proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (iv) when appropriate and feasible the provisions of Policy REC 3 are met;
- (v) the provision of car parking and amenity space is in accordance with the Council's approved guidelines;
- (vi) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy ENV17 relates to the historic environment as a whole and Policy ENV 20 relates specifically to conservation areas, requiring proposals to either preserve or enhance the character of that area and reflect the scale, design, layout and character of the existing environment.

Policy ENV27 relates to all new forms of development and requires that new forms of development are of a high standard of design and have regard to the context of the environment within which they are proposed.

Issues

It is considered that the principal issues in the assessment of the application are the use, the scale, form and design of the building and its subsequent impact on the character of the area, highways issues and the level of amenity space to serve the units. The development has also been assessed in respect of its impact on neighbouring properties.

The Principle of the Use

The site has been vacant for in excess of four years, and whilst it may be desirable to retain commercial uses within the historic core of the town where possible, it appears that in this case that there has been no demand.

It is therefore considered that the re-use of the site for an alternative purpose is clearly more beneficial to the vitality and visual amenity of the Conservation Area than allowing the buildings to fall into further disrepair. It appears that a residential use represents the most likely, appropriate and sympathetic use of the land, which would be least likely to adversely affect the amenities of surrounding properties.

Impact on the Appearance and Character of the Conservation Area

The application site is located at the junction of Wesley Street and Commercial Street, in a prominent location within the Conservation Area and at a gateway into the historic town centre.

The character of the Conservation Area in this locality is defined by buildings fronting closely onto the street, creating a strong sense of enclosure, and it is therefore considered that the site contributes significantly to local character. The principal building at the corner of Wesley Street and Commercial Street is the most important structure in terms of contribution to the character of the area and whilst the ancillary rear section is prominent from a number of views, its contribution to the Conservation Area is secondary.

The application proposes the retention of the principal two-storey building with no alterations to the external elevations, thereby ensuring that the important views of the site along Commercial Street would remain unchanged. It is therefore considered that the conversion of this building to two flats would have no material visual impact and would appropriately preserve the character of the Conservation Area.

It is considered that the demolition and replacement of the ancillary rear section is not unacceptable in principle, provided the design and scale of the extension relate appropriately to the main building and the surrounding street scene. The original scheme proposed units which exceeded the height of the main building and were of a form and design which bore an awkward and unsympathetic relationship to the surrounding built environment. Subsequently, the scheme has been simplified to provide a more traditional terrace of three dwellings, fronting onto High Street.

The dwellings are set below the main ridge height of Andrew House and between 1m and 1.3m back from the existing side elevation along the Commercial Street/High Street frontage. Accordingly, it is considered that the extension would maintain a secondary form and relationship with the main building and would not detract from the appearance or setting of the primary building. In terms of design, it is considered that the simplified terrace (with the deletion of the repetitious dormer windows on the front elevation), represents a sympathetic and suitably scaled extension to the principal building, which would sufficiently reflect the scale, layout and character of the existing built environment and would provide an appropriate terminating view along Station Road.

Whilst set back approximately 1m from the street, it is considered that the extension would serve to maintain the existing sense of enclosure that largely defines the existing character of this part of the Conservation Area.

The impact of a scheme in a prominent location such as this will depend largely on the elevation and fenestration detail as well as materials and whilst comprehensive details of the finishes have not been submitted, these matters can be appropriately controlled by condition should the scheme be considered appropriate.

The dormer extension is set below the roof planes of the existing building and extension, and given its location on the rear elevation, it would not be visible from surrounding public viewpoints. It is therefore considered that it would have no material impact on the appearance and character of the building or the wider character of the Conservation Area.

It is, therefore, considered that the scale, form and design of the extension would reflect the character and setting of the surrounding buildings, thereby preserving the character of the Conservation Area.

Highways Issues and Parking

While the initial scheme sought to provide off street parking to serve the units, this impacted negatively on the scale and form of the building, resulting in an over-scaled proposal which projected above the roof heights of the surrounding buildings. Notwithstanding the conservation concerns with the scheme, a highways objection was raised to the access given its relationship with the roundabout and lack of visibility. Given that the site is adjoined to the rear by the courtyard serving the police station, it appears that a safe and adequate vehicular access to the site cannot be made.

The application now makes no provision for off street parking, however, no parking exists to serve the current uses and it is considered that a number of further factors should have bearing on whether it is necessary to seek parking in this instance.

Whilst the Council's parking guidelines would require 2 spaces per dwelling and 1-1.5 per flat, these guidelines are post-dated by Planning Policy Wales (2002), which explicitly states at paragraph 8.4.2 that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past.

In addition, whilst the parking guidelines for offices and shops have now been amended to maximum standards as opposed to minimum standards, it should be noted that parking requirements for the existing uses would have exceeded the number of parking spaces that the guidelines would require for these units. Given this and the above advice contained within Planning Policy Wales, it is considered that it would be inappropriate to rigidly enforce these standards where the locality justifies pursuing a more sustainable approach.

In this case, the site is located within a historic town centre, within walking distance of the train station and regular bus services, as well as the commercial centre and local services of the town. In such locations, which are well served by alternative and more sustainable transport facilities, it is considered entirely appropriate to adopt a flexible approach to parking standards. In addition, it is inevitable that sites such as this within historic towns may be centred around an unconventional layout which cannot facilitate the level of parking which may otherwise be sought. It is therefore considered that allowances for relaxed parking standards, to ensure the most appropriate re-use of a key site in the conservation area, are justified.

Accordingly the scheme would comply with the aims of national planning guidance to reduce the dependence on private motor vehicles and encourage more sustainable forms of transport use, and is acceptable without off street parking. In addition, the proposal would significantly improve pedestrian safety and access to the site, which at present is directly from the street with no footway.

However, given the lack of parking and the importance that is therefore placed upon the ability of residents to utilise alternative modes of transport than the private car, it is considered reasonable to require the applicant to enter into a Section 106 Legal Agreement to pay a financial contribution to the Council to provide or enhance sustainable transport facilities in Llantwit Major.

Layout and Amenity Space

The first amendment to the scheme, which sought to overcome the initial design and highways objections, made no provision for amenity space, with the extension occupying almost the whole plot. Whilst the viability of the scheme depends largely on the number of units that can be accommodated within the site, the applicant was advised that notwithstanding the town centre location, zero provision of amenity space would not be acceptable.

Accordingly, the scheme has been amended to provide courtyard areas to the rear of the three dwellings, and a small courtyard to serve one of the flats. An area at the end of the terrace has also been proposed as a side courtyard to the end dwelling.

The Council's Supplementary Planning Guidance on Amenity Standards requires 1m² of amenity space to be provided per 1m² of gross floor space for new dwellings and 20m² per person in flatted developments.

This development falls short of these standards, however, it is considered that given the location within the historic core of the town, a flexible approach is necessary, particularly in light of the increasing need to ensure that the site is put to a beneficial use.

The layout would provide occupiers of the residential units with compact but useable courtyard gardens which would meet the requirements of residents for functional and relaxation space, which, given the nature of the site and its location, is considered to be sufficient in this case.

While the area to the side of the terrace has been detailed as a side garden to serve the end dwelling, it is considered that this triangular piece of land would be more appropriately used to accommodate a cycle rack to benefit all of the units. Bin storage can be accommodated within the rear courtyards to serve the units.

Impact on Neighbours

The development would be sited near to the boundary with The Rectory to the north, however it would be located some 16m from the nearest part of the dwelling, and does not contain any windows directly overlooking the site.

Whilst some principle windows would be facing towards Fonmon Cottage opposite the site, this neighbour does not contain any windows on the end elevation which fronts the road, and it is therefore considered that the new dwellings would not result in any loss of privacy to this neighbour. Similarly the rear windows of the new dwellings would not be in a position to directly overlook the police station to the rear. There are also no new windows proposed within the side elevation of the existing building that faces towards the police station.

CONCLUSION

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

Having regard to Policies ENV17 - Protection of the Built and Historic Environment, ENV20 - Development in Conservation Areas, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development and HOUS8 - Residential Development Criteria of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposal is acceptable in that it would preserve the character of the Conservation Area and it is located in sufficiently close proximity to sustainable transport facilities to justify the omission of off street parking. In addition, it is considered that the development would be served by a sufficient level of amenity space and would not adversely affect the amenities of neighbouring properties.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall pay the sum of twenty thousand pounds (£20,000) to the Council to improve Sustainable Transport Facilities in the vicinity of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£230.40 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference 389/PP/7 and 389/PP/8, received on the 26 September 2007, and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

7. No development shall commence until full details of a scheme for the drainage of the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details.

Reason:

To ensure the satisfactory drainage of the site and to ensure compliance with the terms of Policy ENV27 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 Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

9. Prior to their use in the development hereby approved, samples of the roof and ridge tiles, panels of painted render for the external elevations and samples of the materials to be used in the door canopies and dormer extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and in order to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

10. Prior to their use in the development hereby approved, samples of the roof and ridge tiles, panels of painted render for the external elevations and samples of the materials to be used in the door canopies and dormer extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and in order to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

11. Notwithstanding the submitted plans, the triangular area of land identified on plan 389/PP/7 as 'side court', shall be used as a communal bicycle storage facility, as opposed to private curtilage to serve any dwelling. There shall be no direct access to this area from the dwelling labelled as 'House 3' on that plan.

Reason:

In order to ensure space is available to store bicycles within the site, and to support the use of more sustainable transport methods, in compliance with Strategic Policies 2 and 8 of the Unitary Development Plan.

12. Prior to the first beneficial occupation of the units hereby approved, details of a covered bicycle storage rack to be located within the area of land shown as 'side court' on plan ref: 389/PP/7, shall be submitted to and approved in writing by the Local Planning Authority. The cycle rack shall be provided in accordance with the approved details prior to the first beneficial use of the units and shall be so retained at all times thereafter.

Reason:

In order to provide adequate facilities for the storage of bicycles and to encourage more sustainable forms of transport, in compliance with Strategic Policies 2 and 8 of the Unitary Development Plan.

13. Prior to the first beneficial occupation of the units, a line of bollards shall be provided along the edge of the new pedestrian footway fronting High Street, in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority. The bollards shall be retained at all times thereafter.

Reason:

In the interests of pedestrian safety and to discourage unauthorised parking along the frontage of the site, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

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

2006/01818/FUL Received on 19 December 2006

John Lean 68, Huddleston Road, London, N7 0AE
John Rosser RIBA 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan.,
CF64 4HE

9, Kymin Terrace, Penarth

New house in grounds at rear

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

The application is for demolition within the Penarth Conservation Area.

The application was advertised on 16 January 2007.

SITE DESCRIPTION

The application site comprises part of the rear garden of a substantial, semi-detached Victorian house which fronts onto Kymin Terrace and has an extensive side boundary to Bradford Place. The site is currently occupied by a number of outbuildings including a flat roofed garage outbuilding which has access onto the rear lane.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing garage and outbuilding and the construction of a two storey, pitched roof detached dwelling-house with integral double garage. The proposed dwelling will have an overall length of approximately 17.2m and will be 13.5m at its widest. The proposed dwelling will be set approximately 1.6m off the rear lane giving access to the pitched roof double garage. The accommodation will comprise at ground floor the double garage, utility room, store, upper and lower entrance hall, lounge, kitchen and dining area, with at first floor storage space over the garage, landing area, two bedrooms, a study, a bathroom, en-suite and a dressing room. The dwelling will vary in height from approximately 6m to the ridge over the garage, and 8m to the ridge over the main bulk of the house.

The design of the house uses local references in the use of steeply pitched dormer windows in the roof and full two storey height gables. External finishes include natural slate roof and light yellow facing brick.

An area of the existing garden will be enclosed to provide private amenity space for the new dwelling so that the total length of the curtilage of the new property, measured along the stone boundary wall with Bradford Place, will be approximately 36m. This boundary wall will be retained intact apart from a new pedestrian gate which will afford access to the main entrance to the dwelling.

The application is supported by a Design Statement.

PLANNING HISTORY

92/00844/CAC - Demolition of existing coach house. Approved 9 October 1992.

92/00845/FUL - Replacement two storey garage. Approved 24 September 1992. Part implemented.

04/00436/FUL – Replace roof with slate. Approved 6 August, 2004.

06/00163/FUL - Demolition of existing garage and replacement with new dwelling. Withdrawn 29 June 2006.

06/01814/CAC - Demolition of garage and garden shed. Withdrawn 26 April 2007.

06/01817/CAC - Demolition of existing porch and rear extension. Withdrawn 26 April 2007.

06/01819/FUL - Conversion of dwelling into three apartments. Withdrawn 26 April 2007.

CONSULTATIONS

Penarth Town Council – Comments on initial scheme – That the application should be approved subject to an assessment of any privacy issues associated with the rear first floor false balcony and possible overlooking of rear gardens.

Comments on amended plans – That the application should be approved on the basis of the amended plans received on 26 April 2007.

Environment Agency Wales has no objection and have submitted their "Standard Advice" Guidance Note for Developers.

Dwr Cymru/Welsh Water have requested that their standard conditions and advisory notes be attached to any consent.

Glamorgan Gwent Archaeological Trust has no objection.

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

The Head of Visible Services (Highway Engineer) - Comments on amended plans – The previous highway comments are still applicable.

Previous comments - The proposal will remove the parking provision serving the existing dwelling. Consequently the development proposals will increase the existing parking deficiency at the development site from 1 to 3 vehicle spaces.

Therefore, the Highway Authority object to the development proposals based on the loss of existing off street parking within the boundary of the development site."

Vale of Glamorgan Conservation Advisory Group at their meeting on 31 May 2007 recommended approval.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 15 January 2007 and renotified of amended plans on 9 May 2007. In addition the application was advertised on site and in the press on 16 January 2007. Letters of objection have been received from the occupiers of Nos. 6 and 8 Kymin Terrace, 4 Bradford Place, 6 Beach Road, 2, 5 and 7 The Lindens, the Chairman of Lindens Penarth Limited and a further letter of objection from No. 4 Bradford Place, Penarth. Whilst these are all available on file for Committee Members inspection the letters from the occupiers of Nos. 7 The Lindens and 6 Kymin Terrace are reproduced at Appendix A as being generally indicative of the points raised. In summary these relate to adverse impact on character of the Conservation Area; unacceptable garden development; exacerbate existing congestion and parking problems; loss of view; adverse affect on privacy; loss of trees; drainage problems; and detract from property values.

Further e-mails were received from Councillor Ernest and his wife who as local residents are objecting to the proposed development. A copy of these e-mails are attached at Appendix B.

REPORT

Members will recall that this application was deferred at the 10 October 2007 meeting of Planning Committee to allow a site visit to be undertaken on 6 November 2007.

The proposal entails the redevelopment of part of an existing garden for the construction of a new dwelling. The site lies within the settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The site also falls within the Penarth Conservation Area. As such the following policy background is relevant to the determination of the application.

Planning Policies

Policy HOUS2 of the Unitary Development Plan allows for housing infill, small scale development and redevelopment within the settlement boundary of Penarth, subject to Policy HOUS8 - Residential Development Criteria. This states:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS 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 HOUS11 refers to Residential Privacy and Space where the Council seeks to protect existing areas characterised by high standards of privacy and spaciousness against overdevelopment and insensitive or inappropriate infilling.

Policy ENV17 refers to the Protection of the Built and Historic Environment whereby development which has a detrimental effect on the special character, appearance or setting of Conservation Areas will not be permitted.

Policy ENV20 relates to Development in Conservation Areas and requires that new development preserves or enhances the character of the Conservation Area.

Policy ENV21 refers to Demolition in Conservation Areas and seeks to strictly control the demolition of not only buildings but boundary walls, etc.

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

TRAN10 of the UDP refers to Parking and requires the provision of parking facilities in accordance with the Council's approved guidelines.

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

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 – Design. Paragraph 9.3.3 of PPW states:

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the primary issues relate to impact on the Conservation Area, residential amenity and highway safety.

Impact on the Conservation Area

The Penarth Appraisal identifies the Kymin Terrace houses as a key frontage being “an important example of a unified Victorian Terrace built out of local limestone”. It is also a key townscape area within the Clive Place and Environs Sub Area, with “its setting enhanced by its relationship with the adjacent landscaped open space at Kymin Gardens”. In contrast the Lindens on Bradford Place is identified as a weak frontage out of context, although it should be noted that the Lindens site has been converted and improved since this document was written.

The proposed new dwelling will impact mostly on the Bradford Place setting of No. 9 Kymin Terrace breaching the area of open vista above the boundary wall on that side. Currently the length of garden creates an open landscaped area between the built development of Nos. 2-4 (even) Bradford Place and the existing dwelling at 9 Kymin Terrace. It is accepted that the proposal will affect this open area, but this does not necessarily follow that it will adversely impact on the setting of No. 9 Kymin Terrace itself or the wider conservation area.

The area is characterised by a mix of relatively substantial Victorian properties and more modern blocks of flats. Generally the properties are set within relatively substantial plots. The older properties front the highway. The development will differ in that it has no obvious frontage and the main bulk of the property faces the existing house. The revised plans have reduced the overall height of the scheme so that the development is much more subservient to the existing houses.

The proposal allows for a visual space to be retained between Kymin Terrace and the site and housing on Bradford Place. This spacing is important to the setting of the buildings and character of the conservation area, however the neighbours objections on the grounds of loss of the view would not be justified in planning terms. It should also be noted that this site historically had a two storey Coach House located at the western extremity of the rear garden. The planning application in 1992 which was not fully implemented allowed for rebuilding of that building, with the approved details allowing a structure 8.5m x 4.7m, and 6.4m in height with a pitched roof. The current proposal is larger but in terms of overall impact it is considered that it's affect will not be much more significant.

The loss of the flat roofed garage would not be detrimental to the character of the Conservation Area and the existing stone boundary wall will be retained apart from the pedestrian gate access to the site.

Residential Amenity

The scale of the garden, orientation of the site, and distance from both Nos. 8 and 9 Kymin Terrace, (approximately 13m from the rear of those dwellings), is such that it is not so harmful to amenity that the development should be refused.

In terms of privacy the main windows in the proposed dwelling are located in the greater massing of the building, i.e. the east elevation which overlooks No. 9 Kymin Terrace. The distance between the two properties and the oblique angle allows for an acceptable level of privacy, window to window, and the proposed boundary wall and opportunity for planting will minimise overlooking of the garden. There should be little, if any additional impact on the privacy of the other neighbours in the vicinity.

As regards amenity space, sufficient private garden will be retained to serve the existing house, whilst the proposed dwelling will have a separate private walled garden of approximately 180 square metres. This amounts to a shortfall of approximately 36% below the Council's guidelines, and whilst all development should seek to provide amenity space to meet the Local Planning Authority's standards, nevertheless the privacy and practical usefulness of the enclosed garden provided is such that a refusal on the basis of the limited deficiency in amenity space would be difficult to support.

Highways and Parking

The development will provide parking on site for the dwelling but as a consequence will displace the parking provided for the original dwelling. It is noted that the Council's Highway Engineer has objected to the development on the grounds of the loss of the parking for the existing house. In addition a number of the neighbour objections refer to the increased traffic and exacerbation of on-street parking. Notwithstanding this it is recognised that despite the existence of rear garages served off the rear lane, the majority of houses on Kymin Terrace rely on the available on-street parking. Whilst Kymin Terrace is generally fully parked during evenings there is parking available in the near vicinity including Bradford Place.

There is the option to make on-site parking available for the existing house, however as this would involve a breach in either the front or side boundary, this would not be acceptable in conservation terms. It is considered therefore that it should be accepted that the existing house should rely on the on-street availability, bearing in mind that it is intended that it remain as a single unit, with the withdrawal of the concurrent application for its extension and conversion into three flats. To resist the scheme solely on the basis of the loss of on-site parking for the existing property is not considered to be a sustainable justification.

CONCLUSION

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

Having regard to Policies HOUS2 and HOUS8 – Residential Development Criteria, HOUS11 – Residential Privacy and Space, ENV17 – Protection of the Built and Historic Environment, ENV20 – Development in Conservation Areas, ENV21 – Demolition in Conservation Areas, ENV27 – Design of New Developments, and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and the Penarth Conservation Area Appraisal; and national guidance contained in Planning Policy Wales March 2002; it is considered that the scale, design and location of the proposal is such that it represents an acceptable form of development which will have a neutral impact on the character and appearance of this part of the Penarth Conservation Area, and should not adversely affect either the residential amenities of nearby residents, or highway safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans received on 26 April 2007 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 their use on site full details, including samples, of the external finishes of the development hereby permitted shall be submitted to and approved in writing with the Local Planning Authority, and the development shall be implemented thereafter in accordance with the agreed details.

Reason:

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

4. Notwithstanding the submitted plans and prior to their development on site, full details of the proposed windows, to a scale of 1:20, which shall include provision of conservation type rooflights, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

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

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

Reason:

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

6. Prior to the layout of the slab full details, including cross sections through the site, of the existing and finished ground levels, along with the finished floor levels of the dwelling, shall be submitted to and agreed in writing with the Local Planning Authority, and the development shall be implemented thereafter in accordance with the approved details.

Reason:

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

7. Before the commencement of any works on the means of enclosure of the site, full details of both the new boundary walls and the repair of the existing, which shall include materials, mortar, gate opening, and a sample panel on site, shall be submitted to and agreed in writing with the Local Planning Authority. The means of enclosure shall be implemented thereafter in accordance with the agreed details prior to the first beneficial occupation of the dwelling hereby permitted.

Reason:

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure other than as approved under Condition 7 of this consent, shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

9. Notwithstanding the submitted plans, and before their development on site, further details of the proposed garage doors and opening shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

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

10. The garaging hereby approved shall be provided before the first beneficial occupation of the dwelling hereby permitted and shall thereafter not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garaging shall be available at all times for the parking of private motor vehicles associated with the dwelling hereby permitted.

Reason:

To ensure adequate off-street car parking is provided and retained in the interests of highway safety in accord with Policy TRAN10 - Parking of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

13. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the dwelling or completion of the development, whichever is the sooner, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

Reason:

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

NOTE:

1. Please note that this site lies within a Conservation Area. Under the Town and Country Planning Act 1990 a person who wishes to carry out work to trees must give the Local Planning Authority six weeks notice in writing of their intentions. Work to the trees must not be carried out during this period without permission, if you do you could be liable to prosecution. You may also be required to plant a replacement tree. There are exceptions to this rule and it would be advisable to check with the Local Planning Authority before undertaking works to trees within the Conservation Area.
2. 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.
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. The applicant/developer should be aware of the requirements under the Wildlife and Countryside Act, 1981. Account must be taken of the need to protect the habitats of protected species. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.

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

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

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

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

2007/00078/FUL Received on 24 September 2007

Mr. Mark Canning, West Ceffyl, Broughton, Wick, Vale of Glamorgan
Chris J. Morgan, 4A, Fontygary Road, Rhooose, Vale of Glamorgan, CF62 3DR

Crofta Farm, Ystradowen

Change of use of agricultural buildings to 2 No. dwellings

SITE DESCRIPTION

The site comprises a group of redundant agricultural buildings, with associated yard, adjacent land and access track, located in the countryside to the north of Ystradowen.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of some of the existing stone barns to provide two dwellinghouses. The proposal entails the following:

- Conversion of an existing single storey, pitched roof stone dairy and store, Barn 2, located centrally within the complex of buildings, to provide for a two bedroom dwelling, with bathroom, en-suite and a lounge/kitchen area. The works will also entail excavation of land on the rear, north side of the building to provide a new retaining wall and 1m wide access strip.
- Conversion of a two storey, pitched roof stone barn with external stair, Barn 3, located on the western edge of the yard, to provide for a two bedroom dwelling, with bathroom, hall, lounge and kitchen/breakfast room. The works entail the demolition and rebuild of the external staircase and parts of the main walls; the introduction of new window and door openings, including roof lights; and external works to provide a level access.
- The re-use of an existing two storey pitched roof stone building, Barn 1, located on the northern edge of the yard, for ancillary storage purposes.
- The demolition of remaining agricultural buildings within the immediate yard area, and the creation of two parking bays for Barn 3 and three parking bays for Barn 2.

Vehicular access will be via the existing track onto the adopted highway approximately 170m to the west.

The application is accompanied by a Structural Report and Wildlife Survey.

PLANNING HISTORY

95/00512/PN - Pole barn. Approved 30 June 1995.

97/01085/PN - Fodder storage building. Approved 14 November 1997.

CONSULTATIONS

Penllyn Community Council comments on initial submission:

- "1. The buildings concerned are isolated from the nearest settlement of Ystradowen. The transport link is firstly along an unmade single farm track, then a narrow lane to Ystradowen with limited scope for passing. Planning guidelines Policy ENV7 states that residential conversions in isolated locations are not considered suitable being detrimental to rural character and encourage private car use contrary to sustainable development.
2. If the barns are found to be worthy of saving for reasons described in Policy ENV7 alternative end uses other than residential would be considered with more favour.
3. Residential use will be likely to result in children having to walk along the lanes which are not safe. The alternative being driven by car resulting in increased traffic. Objection."

The Community Council were notified of the amended plans on 1 October 2007. Comments are awaited.

Environment Agency Wales has no objection and have submitted their generic information note for developers.

Dwr Cymru/Welsh Water advise that there are no public sewers in the area.

Glamorgan Gwent Archaeological Trust - There is potential for archaeological features relating to the medieval settlement of the area to be revealed during ground works and these could be damaged. It is recommended that an archaeological watching brief condition be attached to any consent. The buildings also contain architectural features both internally and externally and it is recommended that a qualified building historian should make a record both by means of a drawn and photographic record prior to any conversion works and that a condition be imposed to require such works.

Countryside Council for Wales – Comments on initial submission – Recommend that a bat and barn owl survey be required prior to determination.

Further comments – Welcome the submission of the bat and barn owl survey and note that no evidence of bats or barn owls was found within the buildings. If at any time during the development bats are discovered works must stop and we must be reconsulted.

Environment and Countryside (Ecology) comment that the survey found no evidence of bats or barn owls but recommend an informative to highlight guidance and legal protection. The Ecology team should be reconsulted in respect of any proposals for passing bays along the access track which is flanked by hedgerow and woodland. Further recommendations in relation to protection and best practice for great crested newts and nesting birds.

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution Section)) – Provided the farming activities are ceased as described in correspondence I have no adverse comment on the proposed development. I would also seek to confirm that the water supply is either mains or private but this is not a ground for refusal. A private supply would need to be registered with this department.

The Head of Visible Services (Highway Development) - Comments on initial submission – From the submitted layout plan access will be maintained to the adjacent land edged blue. Therefore confirmation is required as to whether the land will be associated with the proposed residential units or independently used in addition to the development proposals. Furthermore details are required of the existing farming operation.

Comments on amended scheme – As all existing agricultural activities at the development site will be removed there would be no increase in vehicular movements. Therefore provided the following details are made conditional the Highway Authority are unable to sustain an objection. Conditions required include (1) No vehicle access to the adjacent land from the development site without the permission of the Local Planning Authority. (2) The existing access be increased in width to 4.5m for the first 10m from the adopted highway. (3) A passing bay be provided along the internal site access road. (4) Gates if any set back a minimum of 10m from the adopted highway. (5) The access to be constructed from a bound surface for the first 10m from the adjacent highway.

Environment and Countryside (Public Rights of Way Officer) – No comments have been received to date.

The Building Control Officer has been consulted and indicates that in respect of:

Barn 1 – Generally sound other than the two areas identified in the report, i.e. settlement cracks around window heads particularly to the main entrance (south elevation), and vertical crack on north west elevation. However, a section of the masonry wall above the main entrance and a further section on the north elevation which have been identified as requiring re-stitching and re-pointing, will in fact require demolition and rebuild.

Barn 2 – Externally the structure appears generally sound. Details are required of how the ground is to be retained in the north elevation when excavation of the ground abutting the existing structure has been carried out. Furthermore once the wall has been exposed a further assessment of the structure in this area should be carried out.

Barn 3 – Concur with report which indicates that the walls are structurally less sound than Barns 1 and 2 and does have two major structural defects, i.e. the wall above the main double door entrance and the external stair, with both areas requiring demolition and rebuild.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 31 January 2007 and renotified on 6 February and 1 October 2007. In addition the application was advertised on site and in the press on 20 February 2007. A Letter of objection to both the original and amended scheme has been received from the occupier of Ty'n-y-Pant. This is reproduced in full at Appendix A for Committee Members inspection. In summary, however, the main point of concern relates to increased use of narrow lane causing problems of highway safety and damage to property.

A further e-mail has been received from the owners of Castle Farm House raising concerns about ownership and the works proposed. This is reproduced at Appendix B.

REPORT

The proposal entails the conversion of existing farm buildings to provide for two dwellings. The site is located in the open countryside to the north of Ystradowen. As such the following policy background applies.

Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

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

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;

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

This is supported by the Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG). The SPG highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

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

Indeed Strategic Policy 2 of the UDP favours proposals which encourage sustainable practices, including:

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

Whilst Strategic Policy 8 states:

"Development will be favoured in locations which:

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

The Council also has a recently approved SPG on Sustainable Development which supports the above strategic policies.

Other policies of relevance include Policy ENV10 - Conservation of the Countryside and Policy ENV11 – Protection of Landscape Features. These favour measures to maintain and improve the countryside, its features and resources, and only permits development if it does not unacceptably affect features of importance to landscape or nature conservation including trees, woodland, hedgerows river corridor, ponds, stone walls and species rich grasslands.

Policy ENV16 of the UDP relates to Protected Species with permission only given for development that would harm or threaten the continued viability of a protected species if it can be demonstrated that there are exceptional circumstances that justify the proposal; there is no satisfactory alternative; and effective mitigation measures are provided.

Policy ENV18 refers to Archaeological Field Evaluation and requires that where development is likely to affect a known or suspected site of archaeological significance an evaluation should be carried out at the earliest opportunity.

Policy ENV27 of the UDP relates to the Design of New Developments and requires that it has full regard to the context of the local, national and built environment and its special features.

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

TRAN10 refers to Parking and requires that parking facilities are in accordance with the Council's guidelines and related to the type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

In addition to the previously mentioned Supplementary Planning Guidance the Council also has an SPG on Amenity Standards. This contains policies not only in relation to the level and quality of amenity space but also covers issues of privacy, overshadowing and visual amenity.

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

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

Issues

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

Criterion (iii) of Policy ENV8 requires that the conversion work can be achieved without substantial reconstruction of the external walls, or extension to the building. The Council's SPG states that proposals which require the substantial reconstruction of the external walls or roof will not be permitted since the scheme will be tantamount to allowing new development in the open countryside which would otherwise be refused. The proposal does not comply with this requirement as it is clear from the submitted plans and the structural report that the proposal entails substantial new build works. The Council's Building Control Section have highlighted that there are structural problems with both Barn 1 and 3 with demolition and new build required. Even Barn 2 is a concern as it is not clear how much work would be involved in relation to the proposed excavation works.

The SPG also recognises that there is no planning merit in preserving unsightly buildings and whilst the barns are traditional stone farm buildings, nevertheless they are of such poor quality that their loss would not detract from the rural character of the area. In addition it is considered that the existing buildings are small structures which would provide very limited residential floor space such that any future occupiers would seek to increase their accommodation with unacceptable extension to the buildings.

Criteria (iv) and (v) of Policy ENV8 requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building, and that amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape. It is noted whilst the conversion of Barn 2 can be undertaken without alteration to its appearance, the proposed conversion of Barn 3 for residential requires the provision of new window and door openings including roof lights. These do serve to domesticate the appearance of the existing barn. In addition, it is noted that the amended scheme has omitted the conversion of Barn 1 to a dwelling and instead indicates it will be used for ancillary storage. This clearly retains a domestic use as it will be associated with the proposed residential dwellings. The proposed layout also shows some form of access/hardstand area to the north of the building with an enclosure beyond that which will encroach into the rural landscape. Indeed the proposal entails a significant area of residential curtilage for the two dwellings, and whilst it is appreciated that this is mostly the existing farm yard, it will nevertheless represent a considerable change in the appearance of the area and have a harmful affect on the rural character of the surrounding countryside.

The proposal will also require ground works, and whilst full details have not been provided, it is clear from the existing levels that these will be extensive and would also affect the existing appearance of the site. These works and the provision of the domestic curtilages will all be highly visible from the nearby public right of way that passes through the site and will all serve to urbanise the area to the detriment of the rural landscape setting.

As regards the issue of sustainability it is noted that the site is an isolated location with no local facilities within walking distance and no public transport option. Any occupiers of the proposed dwellings would have to rely on gaining access to community and other facilities by means of private car and along a narrow, often difficult, road network. It is considered therefore that two additional dwellings in this location will represent additional unsustainable development.

In addition once off the adopted highway network the site can only be accessed via a very narrow and difficult track. It is noted that the Council's Highway Engineer has no objection, subject to certain works including the increased width of the existing track to 4.5m for the first 10m, its surfacing in a bound material, and the provision of a passing bay. It is noted that the existing track is surrounded by vegetation and there is also a significant drop in levels to one side. Such works would therefore result in the loss of existing planting and will require engineering works that will further serve to urbanise the area.

On the issue of wildlife protection and ecology, the application is supported by a bat and barn owl survey and the Countryside Council for Wales have confirmed that they are satisfied with the findings. The Council's Ecologist has however requested that they be consulted further in relation to any proposed passing bays as the track is flanked by hedgerow and woodland.

As regards archaeology it is noted that the Glamorgan Gwent Archaeological Trust have indicated that there is an archaeological interest in the site and a watching brief condition is required. They have also indicated that a qualified building historian should make a record of the buildings. Despite this it is noted that the buildings are not listed and have no particular architectural or historical merit, and certainly it is considered that their value within the local environment is not such that would warrant what is tantamount to two new dwellings in this countryside location. The Council's SPG on The Conversion of Rural Buildings states that residential reuse is the least desirable from a building conservation and sustainability point of view.

Finally, in terms of the infrastructure it is noted that both Welsh Water and the Environment Agency have raised no objections.

CONCLUSION

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

In conclusion it is considered that the proposal due to the extent of new build works will amount to the creation of two new and unsustainable dwellings in the countryside unjustified for agricultural purposes. The additional works to improve vehicular access to the site and the amenity space provision, all on this highly visible hillside location, within view of a nearby public right of way, are considered to result in the urbanisation of the site that will have a significant adverse affect on the character and appearance of the surrounding rural landscape. The proposal is therefore contrary to the Council's strategic aims and national guidance.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority the proposal entails significant new build works and changes to the appearance and rural character of the buildings and land, which all serve to urbanise the site to the detriment of the surrounding countryside. Accordingly the proposal amounts to the construction of unsustainable new dwellings in the countryside, unjustified for agriculture or forestry purposes, which would significantly detract from the rural character of the site and its surroundings, contrary to Policies HOUS3-Dwellings in the Countryside, ENV1-Development in the Countryside, ENV8-Small Scale Rural Conversions, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV27-Design of New Developments and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings and Sustainable Development; and national guidance contained in Planning Policy Wales March 2002.

2007/00187/FUL Received on 8 February 2007

AG Developments 1979 LTD C/O Agent
Boyer Planning, 1b Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park,
Cardiff, CF23 8RS

Land adjacent to Chestnut Tree Cottage, Graig Penllyn

Construction of a detached part single, part two storey dwelling, garage and new access

SITE DESCRIPTION

The application site is located on the eastern edge of Graig Penllyn and is occupied by a detached garage. The land forms part of the garden curtilage originally associated with Chestnut Tree Cottage, but has now been severed in ownership terms.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing detached garage and the construction of a detached dwellinghouse with detached garage. The proposed part single, part two storey, three bedroom house will be a simple contemporary design comprising traditional finishes of slate roof and render with some timber cladding. The footprint of the proposed house will measure approximately 14.7m x 5.7m over the two storey element, and 7.5m x 6m on the single storey. The ridge height of the two storey will be approximately 6.4m. The proposed dwelling will be positioned immediately to the south of the existing Chestnut Tree Cottage and approximately 18m from the back edge of the highway at the entrance to the site. The proposed single storey, pitched roof double garage, measuring approximately 6m x 6.3m, will be sited to the east of the proposed house on the southern boundary between the house and the proposed new vehicular entrance.

The existing vehicular access located to the south of the existing cottage will be widened with associated works to provide visibility splays to the north west and the south east. A new, shared driveway will be provided within the site which will give access to a total of 7 No. car parking bays (including the garaging), three for the use of Chestnut Tree Cottage.

A comprehensive landscaping scheme is proposed for the site and includes a new hedgerow with specimen trees along the southern boundary plus a native species copse on the eastern boundary close to the road entrance. A field hedge will define the new curtilage for Chestnut Tree Cottage, whilst a new natural stone wall will be provided on the road frontage of the new dwelling.

The application is supported by a Planning Statement, a Design and Access Statement, a Transport Statement, a Statement of Sustainability and a Landscape and Visual Assessment.

PLANNING HISTORY

05/01639/FUL - Construct two new three bed detached dwellings and associated works. Refused 6 April 2006 for the following reason:

"In the opinion of the Local Planning Authority, the proposal represents a cramped and contrived over-development of the site that will significantly detract from the character of the surrounding rural landscape, including the Upper Thaw Valley Special Landscape Area and adversely affect the general residential amenities of neighbouring occupiers, including the future occupiers of the existing Chestnut Tree Cottage, all contrary to Policies HOUS2, HOUS9, HOUS12, ENV25 and ENVXXX (Special Landscape Areas) of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards; and National Guidance contained in Planning Policy Wales March 2002."

A subsequent appeal was dismissed on 1 September 2006. A copy of the Appeal Inspectors decision is attached at Appendix A.

06/00641/FUL - New vehicular access to site-Appeal against non-determination-Council recommendation of 9 August 2006 to refuse on the following grounds:

"In the opinion of the local Planning Authority the proposal represents insensitive and unjustified development of this sensitive edge of village site that would detract from its rural character, adversely affecting not only the setting of the village itself, but also the wider landscape, including the Upper Thaw Valley Special Landscape Area, contrary to Policies ENV4 - Special Landscape Areas and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; and national guidance contained in Planning Policy Wales March 2002."

The appeal was withdrawn on 11 September 2006.

CONSULTATIONS

Penllyn Community Council comments on initial submission:

"Members feel that the Development Application is not consistent with all of the criteria of Policy HOUS8 i.e. this application conflicts with important items of the criteria laid down within that document.

1. The visibility splays of the development are substandard considering national guidelines to highway authorities.
2. There has been insufficient community space left for Chestnut Tree Cottage. Indeed community space is not in keeping with the general development of Graig Penllyn. The development presents an unacceptable suburbanisation of this part of the village. The planning application as presented does not accommodate sufficient space for effective landscaping in this sensitive area. Indeed the application details provide a detrimental effect on the appearance of the landscape.
3. Overall Members are of the opinion that this application does not meet with the Policy 1 and Policies ENV4, ENV10, ENV11, HOUS8 and HOUS11 in the adopted Unitary Development Plan. Objection."

Comments on amended scheme:

"Although Members still have concerns over increased vehicular traffic, and feel that the proposed development would be cramped, they now offer no objection."

Environment Agency Wales has no objection and their generic information note for developers applies.

Dwr Cymru/Welsh Water have requested that their standard Conditions and Advisory Notes be attached to any consent.

Glamorgan Gwent Archaeological Trust has no objection.

The Head of Visible Services (Highway Engineer) comments on initial submission:

"Further to the recent site inspection undertaken in relation to the above application, I would comment that three parking spaces (2 resident and 1 visitor) and a manoeuvring area are required to be provided to serve the existing dwelling. Additionally, four parking spaces (3 resident and 1 visitor) and a manoeuvring area are required to serve the proposed dwelling.

From the submitted plans (Drawing. No. AL0.01), only two parking spaces are shown serving the existing dwelling and the manoeuvring area within the site appears to be obstructed by landscaping features.

Therefore, an amended site layout plan, showing an additional parking space alongside the landscaped areas adjacent to the site access and behind the parking spaces in front of the proposed garage removed, is required to be submitted to the Highway Authority for consideration."

Comments on revised scheme:

"Further to receiving amended plans (Drawing No. AL.0.01 Rev P4) in relation to the above, I would comment that the parking and manoeuvring area is now considered acceptable.

However, it is noted that the visibility splay of 2.4m x 33.0m, the to the southeast, appears to cross land, which is not within the boundary of the application site, reducing the vision splay to 2.4m x 24.0m. Nevertheless, this still represents a significant improvement over the existing visibility at the site and remains in accordance with TAN18.

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 proposals.

1. Visibility splays of 2.4m x 33.0m to the northwest and 2.4m x 24.0m to the southeast are required to be provided from the access of the development site along the adjoining highway and maintained and retained at all times.

At the channel edge of the adjacent public highway, no structures greater than 125mm will be permitted to be constructed and any embankment will be negatively graded to the rear of the visibility splay, where no structures/embankments shall be greater than 600mm in height will be permitted. Any planting shall only be provided at the rear of the visibility splays.

Before commencement of any works at the development site, full construction details of the proposed works within the visibility splays, showing all proposed levels, gradients and any retaining structures are required to be submitted to the Local Planning Authority to be agreed in writing.

2. The proposed parking provision and maneuvering area as shown on the amended site plan Drawing No. AL.0.01 Rev P4 serving the proposed dwelling shall be provided before beneficial occupation and thereafter maintained and retained at all times for the purpose associated with the development.
3. The proposed parking provision and maneuvering area as shown on the amended site plan Drawing No. AL.0.01 Rev P4 serving the existing dwelling, Chestnut Tree Cottage shall be provided before commencement of works at the development site and thereafter maintained and retained at all times for the purpose associated with the development."

Further comments:

The submitted details showing the proposed works within the visibility splays are considered acceptable to the Highway Authority.

Environment and Countryside (Landscape Section) comments on initial submission:

"Having visited the site and considered the key aspects of the proposals with regard its effect upon the village setting and the adjacent special landscape area my comments and recommendations are as follows:

The landscaping proposals are satisfactory in their general principle and provide an appropriate level of intervention, necessary to safeguard the existing setting. However it should be recommended that more precise details of species, mix ratios and importantly the sizes of planting stock proposed be submitted for approval.

Maintained as a hedge the native planting proposed along the southern boundary would be unlikely to have the screening effect indicated in the submitted Drawing No. 1199.06. I would recommend supplementary groups of emergent or specimen native trees are included along the length of the hedge bank. This with the proposed denser native copse plantings at either end would achieve a more satisfactory screening effect to the development and create a more appropriate village edge.

I am satisfied with the proposed alterations to the existing stone boundary wall and the creation of a planted two tiered wall, subject to a sample of the stone finish for the new section of wall being submitted for approval along with details of the soft landscaping to the lower tier, which should include naturalised heather (*Erica Carnea*) and bulb planting. "

Comments on revised scheme:

"Confirm that Drawing. No. 183/02 now includes for all the additional planting previously requested and now consider the proposals to be acceptable."

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 22 February and renotified on 13 April and 6 August 2007. In addition, a site notice was posted on 26 February 2007.

Letters of objection to both the original submission and the amended scheme have been submitted by the occupiers of "Little Acre", "Gwanwyn" and "White Cottage", Graig Penllyn, "Rosevine Cottage" and "Trefynwy", Penllyn. Whilst all of the representations are available on file for Committee Members' inspection, the letters from the occupiers of "Little Acre" and "Rosevine Cottage" are reproduced at Appendix B as being generally indicative of the points raised. In summary, these include:

- Detrimental impact on surrounding landscape and rural character of the area.
- Intensified use of access with design being contrary to Government advice and dangerous.
- Fails to provide sufficient amenity space for the existing Chestnut Tree Cottage.
- Disruption, noise and danger to local residents and road users during construction.
- Loss of privacy.

A letter and an e-mail in support of the application have been submitted by Cowbridge and Vale Cars and the occupier of Brynhyfryd, Penllyn, respectively. These refer to highway improvements and sensitive design. In addition letters in support of the application have been submitted by the applicants' agents Boyer Planning. These are reproduced at Appendix C. Finally a further letter and email objection has been received from the occupier of Rosevine Cottage and are reproduced at Appendix D.

REPORT

The proposal entails the demolition of the existing garage and the construction of a new detached dwelling with works to widen the existing vehicular access and provide vision splays either side. This is a resubmission following a recent refusal, and dismissal on appeal, for the construction of two dwellings within the garden curtilage to Chestnut Tree Cottage. The ownership of the land has subsequently been severed from Chestnut Tree Cottage. Thus in addition to the following policy background, the planning history of the site will also be relevant to the consideration of the application.

Planning Policies

The site is located on the eastern edge of the village of Graig Penllyn and within the residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). Policy HOUS2 allows for housing infill, small scale development and redevelopment within the settlement boundary of Graig Penllyn, subject to the residential development criteria listed in Policy HOUS8. These are:

- (1) The scale, form and character of the proposed development is sympathetic to the environs of the site.
- (2) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (3) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3A), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
- (4) When appropriate and feasible the provisions of Policy REC3 are met.
- (5) The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
- (6) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy HOUS11 of the UDP refers to Residential Privacy and Space and states:

"Existing areas characterised by high standards of privacy and spaciousness will be protected against over-development and insensitive or inappropriate infilling."

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

Proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) Complements or enhances the local character of buildings and open spaces.
- (ii) Meets the Council's approved standards of amenity and open space, access, car parking and servicing.
- (iii) Ensures adequacy or availability of utility services and adequate provision for waste management.
- (iv) Minimises any detrimental impact on adjacent areas.
- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features.
- (vi) Ensures clear distinction between public and private spaces.
- (vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.
- (viii) Has regard to energy efficiency in design, layout, materials and technology; and

- (ix) Has regard to measures to reduce the risk and fear of crime.

The site is also located just outside of the Upper Thaw Valley Special Landscape Area as defined in Policy ENV4 of the Unitary Development Plan. This states that new development within or closely related to the Special Landscape Areas will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area.

Policy TRAN10 of the UDP refers to Parking and requires the provision of parking facilities in accordance with the Council's guidelines related to the type of land use, its density and location; accessibility to public transport; and the capacity of the highway network.

In addition to the above policies, the Council also has adopted Supplementary Planning Guidance (SPG), including an SPG on Design in the Landscape and another on Amenity Standards. The SPG on Amenity Standards contains policies not only in relation to the level and quality of amenity space provision, but also covers other issues including privacy, overshadowing and visual amenity.

National guidance is contained within Planning Policy Wales March, 2002 (PPW), TAN12 - Design and TAN18 -Transport. Paragraph 9.3.4 of PPW states:

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

Issues

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

It will be noted from the planning history that a proposal for two houses within the garden of Chestnut Tree Cottage has recently been refused and dismissed on appeal. The grounds for refusal primarily related to the adverse impact the proposed development would have on the character and appearance of the area. This view was supported by the Inspector on appeal. However, he did not support the Council's opinion that the development would harm neighbouring residential amenities. The current proposal entails the construction of one new detached house within the former garden of the existing Chestnut Tree Cottage. This revised scheme must be assessed in the light of the Council's earlier concerns and the Inspector's conclusions.

One of the previous objections related to the cramped overdevelopment of the site. The provision of only one house on the site serves to reduce the requirements for amenity space and car parking. In addition the spaciousness of the site has been improved with a reduced footprint for the new dwelling. The supporting information also shows how the scale and design of the proposed dwelling is much more sensitive to existing site conditions and the surrounding landscape. Thus it is considered that the revised scheme is more in keeping with the existing pattern of development.

This was one of the issues raised by the appeal Inspector who also referred to the proposed vehicular access and required vision splays which "apart from opening up the site to greater view, the development would unacceptably suburbanise a site in a village which still retains some of its rural character. A considerable percentage of the site taken up by the wide internal access road and 11 car parking spaces would accentuate the intensity of development. " Whilst the current scheme is a less intensive development, with reduced driveways and parking, nevertheless it still entails the opening up of the road frontage to provide the new access and vision splays. However the application proposes to mitigate the harm that would be caused by such works with a detailed scheme of landscaping. This includes the planting of a copse close to the road frontage, plus a new hedgerow and trees on the southern boundary. The proposed landscaping and accompanying Landscape and Visual Assessment has been examined by the Council's Landscape Architect who confirms that the details are appropriate and should safeguard the setting of the village and the adjacent Special Landscape Area.

The Inspector was also concerned at the shortfall of effective open space and limited garden curtilage to the existing Chestnut Tree Cottage. This has been improved with the provision of additional land to be included within the curtilage of Chestnut Tree Cottage and confirmation from the applicant's agent that the applicant is willing to enter into a S106 Legal Agreement to transfer the additional land. As regards other amenity issues, and the concerns of the neighbouring occupiers at "Little Acre" over privacy, it is noted that the Inspector did not dismiss the earlier appeal on the grounds of neighbourliness, and indeed the current proposal shows a siting further removed to the south of the site.

On the issue of highways, it is noted that a number of the objections refer to concerns over highway safety and the substandard vision splays proposed. However the Council's Highway Engineer has confirmed that he is unable to sustain a highway objection subject to the provision and maintenance of the required vision splays and the parking and manoeuvring areas within the site. On the issue of the vision splays it is noted that the Highway Engineer is prepared to accept a lower standard of 2.4m x 24m to the south east based on advice within TAN18 -Transport. The details provided by the applicant do show a greater splay of 2.4m x 29m although this does appear to include a small section of land outside of the site edged red. Notwithstanding this it is clear that the proposal will result in the improvement of an existing vehicular access albeit accompanied by an increase in usage, and the Council's Highway Engineer has not raised an objection.

Finally with regard to matters of infrastructure, it is noted that there are no objections to the development from either the Environment Agency or Welsh Water.

Thus it is considered that the revised scheme has paid greater regard to its sensitive edge of village location with a reduced scale of development and substantial landscaping proposals to mitigate the impact on the rural character of the area and the setting of the Special Landscape Area of the Upper Thaw Valley located on the opposite side of the highway and stretching south and east from the property.

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

CONCLUSION

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

Having regard to Policies HOUS2 and HOUS8 - Residential Development Criteria, HOUS11 - Residential Privacy and Space, ENV4 - Special Landscape Areas, ENV27 - Design of New Developments and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards and Design in the Landscape; and national guidance including Planning Policy Wales, it is considered that the proposal represents a sensitive form of new residential development on the edge of the village that would not unacceptably harm the character and appearance of Graig Penllyn nor the adjacent Upper Thaw Valley Special Landscape Area.

RECOMMENDATION

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

- (a) Transfer the land, as hatched and referred to on Drawing No. AL.0.01P5, to the ownership and control of the occupier of Chestnut Tree Cottage to be included as part of the residential curtilage of that property.
- (b) Meet the Council's standard charge set at 20% of the planning application fee, (subject to a minimum fee of £150) for monitoring the implementation of the Agreement.

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the following schedule of plans:
 - Location Plan, Drawing No. AL.0.00.
 - Existing survey plan, Davies's Chartered Land Surveyors.
 - Site Plan and Site Sections, Drawing No. AL.0.01 P5, amended plan received 31 July 2007.

- Floor Plan and Elevations, Drawing No. AL.0.100 P2, amended plan received 31 July 2007.
- Elevations of Garage, Drawing No. AL.0.101 P1, amended plan received 31 July 2007.
- Planting Strategy Drawing No. 183/02, amended plan received 12 September 2007.
- Engineering details for Proposed Site Access, Drawing Nos. W62673/A/A01 to A06, received 19 September 2007.

Reason:

For the avoidance of doubt as to the approved details.

3. The proposed vehicular access and associated vision splays, along with the on site manoeuvring area and car parking shall be completed in accordance with the approved plans before the first beneficial occupation of the dwelling hereby permitted. The vehicular access, vision splays, manoeuvring area and parking shall thereafter be retained and maintained to serve both the new dwelling hereby permitted and the existing dwelling Chestnut Tree Cottage.

Reason:

To ensure the provision and maintenance of adequate access, on-site parking and manoeuvring to serve both existing and proposed dwellings in the interests of highway safety and in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

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

Reason:

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

5. Before their use on site, further details, with samples, of the external finishes of the development, including the new stone boundary walls, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of visual amenity and the character of the area in accordance with Policies ENV4 - Special Landscape Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

8. The garage hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage shall be available at all times for the parking of private motor vehicles associated with the dwelling hereby permitted.

Reason:

To ensure that adequate on site parking is retained in the interests of highway safety in accordance with Policies TRAN10 - Parking and ENV27 - Design of New Developments of the Unitary Development Plan.

NOTE:

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

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

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

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

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

2007/00711/FUL Received on 16 May 2007

Poill Developments (West) Ltd., C/O 26, John Batchelor Way, Penarth Marina, Vale of Glamorgan., CF64 1SD
Hoole and Walmsley Architects, 63, Ffynnonau, Crickhowell, Powys., NP8 1DB

Site at Old Farm Mews, Station Road, Dinas Powys

New housing scheme providing two semi-detached dwellings and two detached dwellings

SITE DESCRIPTION

The site lies between a dwelling and the access road to the residential development known as Old Farm Mews. The site is located within the heart of the village conservation area. The area is characterised by mixed residential and commercial premises. The design and age of development in the area includes more recent developments of flats and commercial premises adjoining and close by the site. There is a listed building Old Court adjacent to the site.

The site is vacant and has been for some considerable time.

The front of the site comprises the access road to the residential development already existing to the rear of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the construction of four dwellings of contemporary design. The dwellings at the front of the site are set back from the pavement edge and therefore staggered in the street scene between Nos. 4 and 6 Station Road, Old Court.

The dwellings will have a footprint of approximately 5.5 x 7.5m and the two detached units to the rear of the site will have similar footprints with rear additions.

The materials of construction will be grey zinc, local stone and render. The development will have flat roofs.

PLANNING HISTORY

1997/00769/FUL – Amend existing planning approval for shop/office unit on ground floor to residential unit including two parking spaces, modification to adjacent ground floor unit. Refused 29 August 1997.

1984/00117/RES – Erection of shops and offices. Approved 26 June 1984.

1983/00247/OUT – Erection of shops, offices and residential. Approved 28 June 1983.

1982/01633/OUT – Erection of shops, offices and residential. Refused 21 December 1982.

CONSULTATIONS

Dinas Powys Community Council comment – "Whilst we would welcome a development on this derelict piece of land in the centre of the old village we do not consider the design of the properties to be suitable for an area which is in the Dinas Powys Conservation Area." Comments in respect of the amended plans are awaited.

Environment Agency Wales - See Appendix A.

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

Public Rights of Way Officer - No comments have been received to date.

Glamorgan Gwent Archaeological Trust - See Appendix C.

Dwr Cymru/Welsh Water - See Appendix D.

Vale of Glamorgan Conservation Advisory Group at their meeting on 26 July 2007 recommended refusal. The Group considered the current proposal would neither preserve nor enhance the character and appearance of the Conservation Area especially with regard to scale and design of the building at the front of the site projecting onto Station Road and requested that officers be advised to consult with the applicant and bring further amendments to the Committee if appropriate. The application was reconsidered at the meeting on 1 November 2007. Their comments will be made known to Committee.

REPRESENTATIONS

Nos. 2, 3, 4, 5, 1a, 1b Old Farm Mews; Nos. 1 The Mount; Nos. 4 & 6, The Star; Nos. 5a, 5b, 5c, 5d, 11, 13 Station Road; Nos. 5, 7, 3, Flat 14, Flat 11, Flat 12, 6, Flat 9, Flat 8, Flat 7, Flat 6 Britway Court, Eckley Cottage, No. 5 Old Farm Mews and No. 14 Almond Cottage, Station Road were consulted.

Eleven letters objecting to the scheme have been received in summary objecting to the density and design of the scheme, parking and traffic and loss of light. Four letters are reproduced as Appendix E being generally representative of the views expressed in relation to the scheme as originally submitted however all letters remain on file should Members wish to inspect them. Residents of Nos. 4 and 6 Station Road were re-notified of the amended plans.

One letter in support of the application is reproduced as Appendix F.

REPORT

Planning Policies

ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV20 - DEVELOPMENT IN CONSERVATION AREAS.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

TRAN10 – PARKING.

HOUS2 - RESIDENTIAL DEVELOPMENT CRITERIA.

SUPPLEMENTARY PLANNING GUIDANCE 'AMENITY STANDARDS'.

SUPPLEMENTARY PLANNING GUIDANCE 'SUSTAINABLE DEVELOPMENT'.

PLANNING POLICY WALES AND TAN12 DESIGN.

Issues

The site was occupied by a garage many years ago but has been a vacant site for some significant number of years. It will be noted from the planning history that consent was granted for shops, offices and residential development in the 1980's. Residential development has however only been provided to the rear of this current site with access alongside the site upon which planning consent is now sought.

The site is located within the defined residential settlement boundary for Dinas Powys. The site is vacant and currently detracts from the setting of the village centre conservation area. Given the planning history for the site, and the planning policy relating to infill development in a settlement it is considered that the principle of the development is acceptable.

The site is located close to the centre of the village, close to both commercial and residential development. The principle of a residential scheme is not therefore contrary to policy.

The main issues to be considered include design, impact on the conservation area and setting of the adjacent listed building (known as Old Court), parking and amenity space provision.

The design of the scheme is wholly contemporary in both detailing and use of materials. The use of good contemporary design is not discouraged and in this instance the scheme, as amended, is considered to address the context in which the development is sited. The development avoids a pastiche and in its use of stone and render, as well as more contemporary materials, draws on the character of property in the area. The units are designed to minimise the mass by being broken down into components over two and three floors. The units at the front of the site are set back approximately three metres into the site resulting in the frontage being staggered from the immediately adjoining property at No. 4 Station Road. This property was formerly a retail unit with residential above but is now wholly in residential use, as two units. The amendments to the properties at the front of the site relieve the scale of development in relation to its impact on No. 4 Station Road. Whilst there will be some overshadowing this has been kept to a minimum by 'pulling' the development off that boundary and reducing the scale of development at that point, in that accommodation previously proposed for the second floor has been deleted.

Similarly the alterations to the zinc clad pod to the side, south elevation have served to break-up the bulk of the development viewed along the street and as seen in the context of the listed building located the other side of the access road into the site. A Design Statement accompanies the application and a copy is held on file.

The development has been designed to minimise overlooking to neighbours from the windows to the dwellings and subject to obscure glazing for the north elevation windows, which are generally secondary or non habitable room windows, the development provides an acceptable degree of privacy.

The scheme has also provided a level of amenity space for each unit in the form of deck areas screened by a mesh screen planted, where needed. Three units also have small patio areas to the rear of the properties. The level of provision does not meet the Local Planning Authority's adopted guidelines however given the derelict state of the site which has existed for some time and the quality of the design in this very prominent central location in the Village, this shortfall is not considered to be sufficient reason to refuse consent.

The application has also been accompanied by a sustainability statement. It should be noted that the site is considered a Brownfield site and the village centre location with easy access to facilities, local transport and services is considered a sustainable location. Issues regarding sustainable energy and energy efficiency are also addressed in the statement.

The development will provide for parking for each unit at two per unit. Given the site's village centre location and access to good public transport it is considered that this will not generate an unacceptable level of off-site parking.

Access into the site will be via the existing access serving the residential development of six units located to the rear of the site. The scheme will utilise the same point of access on to the public highway as exists and will provide a shared surface with an approximately 1 metre wide strip alongside the road with building overhang at three points. The road is approximately 4.7m wide. The road will require designing to allow for narrowing at points near to the entrances into the parking areas. The Highway Development Section have requested that the applicant agree these works under Section 38 of the Highways Act.

The site was formerly a petrol filling station and garage. The applicants advise that the fuel tanks were "removed" some years ago. The comments of the Environment Agency are noted and a condition is proposed.

CONCLUSION

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

Having regard to Policies ENV17 - Protection of Historic and Built Environment, ENV20 - Development in Conservation Areas, HOUS2 - Additional Residential Development, HOUS8 - Residential Development criteria, TRAN10 - Parking, it is considered that the design and scale of the development and its relationship to development adjoining the site and in the immediate vicinity is such that the development will enhance the setting of the conservation area and nearby listed building, will not significantly detract from the amenities or privacy of adjoining occupiers and provides acceptable on site parking and access such that the development is an acceptable form of development.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the drawings reference Job No. 1001 AL 03 Rev. A, AL10 Rev. B, AL11 Rev. B, AL12 Rev. B, AL20 Rev. B, AL30 Rev. B, AL31 Rev. A, AL32 Rev. A, AL33 Rev. A, AL34, 1003/AL40B and the development shall be undertaken in accordance with the approved plans unless otherwise approved by the Local planning Authority..

Reason:

For the avoidance of doubt as to the approved plans.

3. Details of the proposed means of enclosure and mesh screening, including samples of materials as appropriate, shall be submitted to and approved in writing by the Local Planning Authority and the approved means of enclosure and screening shall be fully implemented on site prior to the first beneficial occupation of the unit to which the details relate and shall thereafter be so retained at all times.

Reason:

To safeguard the visual amenities of the Conservation Area and the privacy and amenities of the adjoining occupiers to meet the requirements of Policies ENV17, ENV20, ENV27, HOUS2 and HOUS8 of the Unitary Development Plan.

4. Details of the landscaping of the site shall be submitted to and approved in writing by the Local planning Authority prior to the first beneficial occupation of the dwellings hereby approved.

Reason:

To safeguard the visual amenities of the Conservation Area to meet the requirements of Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan

5. Notwithstanding the submitted plans details of the access road, vision splays, margin strip and surface finishes, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the access, margin strip and visibility splays shall be installed as approved prior to the first beneficial occupation of the dwellings hereby approved.

Reason:

In the interests of highway safety to meet the requirements of Policies ENV27, HOUS2 and HOUS8 of the Unitary Development Plan.

6. Samples of the cladding material and stonework and mortar details for the dwellings and details of the colour render shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the visual amenities of the Conservation Area to meet the requirements of Policies ENV17, ENV20, ENV27 and HOUS8 of the Unitary Development Plan.

7. Prior to the excavation of the foundations for the dwellings details showing the finished floor levels in relation to existing ground levels and in relation to finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the Conservation Area and amenities of nearby occupiers to meet the requirements of Policies ENV17, ENV20, ENV27 and HOUS8 of the Unitary Development Plan.

8. The parking areas as detailed on drawing reference Job Number 1001 AL 10 Rev. B shall be fully laid out on site prior to the first beneficial occupation of the dwelling to which the spaces relate and shall thereafter be so maintained at all times to serve the dwellings unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure the provision of on-site parking in the interests of highway safety and to meet the requirements of Policies TRAN10, ENV27 and HOUS8 of the Unitary Development Plan.

9. Prior to the commencement of development a scheme of investigation for the presence of contamination shall be undertaken on the site and details of the findings of the investigation and any necessary measures of mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the findings of the investigation and all identified mitigation measures shall be undertaken as detailed.

Reason:

To ensure that the development does not adversely affect the health and safety of existing occupiers in the area and future occupiers of the site and to meet the requirements of Policy ENV29 Protection of Environmental Quality.

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. The windows in the northern elevation shall be fitted with obscure glazing at the time of construction and shall be installed as such and shall thereafter be so maintained at all times unless the Local Planning Authority gives written consent to any variation.

Reason:

To safeguard the privacy and amenities of adjoining occupiers and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

12. The development shall be carried out in accordance with the terms and conditions of the sustainability statement unless the Local Planning Authority gives written consent to any variation.

Reason:

To meet the requirements of Policy 2, which encourages sustainable practices.

NOTE:

1. **In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**

2. The applicant should be aware that he should contact the Petroleum Officer in order to comply with the Public Health Act 1961 and any other relevant legislation governing the use of former petrol filling stations.
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.

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

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

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

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

David Housley 5, Purcell road, Penarth, Vale of Glamorgan
Paul Rolley (MJD) Unit 10, Springmeadow Bus Park, Wentloog, Cardiff, CF3 2ES

5, Purcell Road, Penarth

Retain a set of gates to driveway. Retain a boundary fence, built in feather edge close boards and stained.

SITE DESCRIPTION

The application site is located at No. 5 Purcell Road, within the settlement boundary of Penarth. The dwelling is a two storey semi-detached property, situated on the corner of Purcell Road and Sullivan Close. Purcell Road currently comprises of semi-detached properties with open plan gardens, occasionally screened by trees and hedges.

DESCRIPTION OF DEVELOPMENT

The application is for the retention of a close boarded timber fence, sited along the front and side boundary of the property and the retention of a set of gates, gaining access to a driveway to the rear garden of the property. The original application was to retain the structures as built, however amended plans were received 14 September 2007 which supersede the previously submitted plans. The fence to be retained is approximately 1.7 metres high to the front and side of the property adjoining the existing hedge, which reduces to a height of 1 metre for approximately 6 metres in length, immediately in front of the property. The application includes the replacement of 8 metres of the existing hedge with a 1.8 metre high fence, similar in design to the fence enclosing the front of the property. The proposal also includes trailing plants to be draped over the top of the fence along the front boundary.

PLANNING HISTORY

None.

CONSULTATIONS

Penarth Town Council were consulted on 13 July 2007. Their response received 30 July 2007 states an objection on the grounds of visual amenity.

The Head of Visible Services (Highway Development) was consulted on 13 July 2007. Their response received 18 July 2007 states no objection.

REPRESENTATIONS

Nos. 3, 7, 10, 12, 14 & 16 Purcell road, were notified on 13 July 2007.

Nos. 1 & 2 Sullivan Close were notified on 13 July 2007.

Objections were received from Nos. 14, 16 Purcell Road and Nos. 23, 49 Sullivan Close on the grounds of the proposal being out of character, highway safety, design and scale. These letters are attached at Appendix A.

REPORT

Members will recall that this application was deferred at the 10 October 2007 meeting of Planning Committee to allow a site visit to be undertaken on 6 November 2007.

Planning Policies

The relevant policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 are as follows:

ENV27 – DESIGN OF NEW DEVELOPMENTS

Issues

The primary issue in assessing this application is the visual amenity of the development. Objections were raised by neighbouring properties in relation to highway safety, however the Head of Visible Services (Highway Development) are unable to sustain an objection to the proposal on the grounds of highway safety. Therefore it is not considered that highway safety is an issue when considering this application. The application site is located on a prominent corner position, within a street which is characterised by low boundary walls and trees. This results in the development being intrusive and out of character within the street scene.

Although this form of development may be acceptable to enclose a rear garden area, a fence of this height and design is not considered acceptable along the front boundary of a property given the characteristics of the immediate built environment. The applicant has been advised that a fence enclosing the side and rear of the property, leaving the front garden area open plan would be more favourable and would still offer the privacy which the applicant requires. The applicant has submitted amended plans which indicate that the fence would be dropped to 1m in height directly in front of the house but would retain the 2m height to the rear and around the corner of Purcell Road with Sullivan Close. However it is not considered that the reduction proposed is sufficient to ensure the proposal is not detrimental to the street scene and it is considered that any reduction in height should extend at least around the corner of the properties garden. In addition although plants are proposed which may reduce the visual impact of the fence these can be removed at any time and it is not considered that these reduce the visual impact of the development.

CONCLUSION

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

Having regard to Policy ENV27 'Design of new Developments' of the Unitary Development Plan, the proposal by virtue of its scale, siting and design represents an unacceptable form of development which would be detrimental to the appearance of the property and the street scene.

In addition it is considered that enforcement action should be authorised to require the removal of the unacceptable part of the fence.

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse the planning application, the Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure a reduction in the height of the unauthorised fence at the front and side of the property as necessary, to a maximum height of 1m.

REFUSE

1. The proposed development by virtue of its scale, siting and design would be an intrusive and prominent feature within the street scene, which would be detrimental to the appearance and character of the area and therefore contrary to Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/01078/FUL Received on 22 August 2007

Chris and Mary Roach, Drope Farm, Drope Road, St Georges Ely., CF5 6ED
Alan Gillard RIBA., 7, Kemps Covert, St Donats, Llantwit Major., Vale of Glamorgan., CF61 1YZ

The Barn adjacent to Glan Y Mor House off Heol Las, Wick

Conversion and extension of redundant agricultural barn to a dwelling including associated amenity area

SITE DESCRIPTION

The application site is the barn adjacent to Glan Y Mor House, off Heol Las, Wick, and is located at the end of a single track road which leads to Glan Y Mor House, approximately 1.5km west of the village. The application site measures 708m² in size, and is comprised of the single storey stone barn, a small concrete shed and an area of the adjoining field to the south east. The rear, north elevation of the barn forms the rear boundary of the application site.

The existing barn measures 16m long x 6m deep x 4m in height to the ridge of the corrugated sheet metal roof. There are a number of full height openings on the inward facing southern elevation, whereas the two side elevations and north back elevation have no openings.

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion of the barn to a dwelling, with a single storey extension coming off the southern elevation. In terms of the existing barn, the two stone side elevations and the rear elevation would remain unchanged and the sheet metal roof would be retained. Three corrugated plastic inserts are proposed within the rear roof plane to allow additional light to the dwelling.

The south elevation presently contains two large full height openings, and two smaller window openings. These would be replaced by two large, fully glazed openings of size 2.8m wide x 1.9m high and 4.2m wide x 1.9m high.

The single storey extension measures 10.5m long x 5.5m wide and would be flat roofed, 1.9m in height above the existing ground level. The extension would therefore sit just below the eaves of the existing barn, with the ground level inside being lowered by 1m to provide the required headroom. It is proposed to screen the extension from outside the site with a landscaped 'earth berm' to the side and rear and with shrubs planted on the roof. The internal facing side elevation of the extension would be clad in timber with operable timber shutters in front of the windows. Approximately 3m of the outside elevation of the extension would be visible adjacent to the existing barn, with a small timber and glass panel to mark the distinction between the existing and the new build.

The existing barn would be converted to provide a kitchen, living room and second bedroom, with a utility room, master bedroom and en-suite bathroom in the extension.

In terms of amenity space, the application initially proposed a terrace/courtyard of size 10.5m x 10m the adjacent to the dwelling, with a grassed area 10.5m deep x 6m wide further to the south. A triangular 'grass grid' parking area of size 8m x 6m was proposed to the rear of the extension, with a vehicular access directly off the highway. The area of amenity space has now been reduced to the terrace area directly adjacent to the barn 5m x 10.5m in size. The triangular parking area to the south of the extension is retained.

The plans also indicate a wind turbine in the adjacent field, however, this is not within the application site and therefore does not form part of the application.

PLANNING HISTORY

An application was submitted for the conversion of the barn to a dwelling in 1996, ref: 96/00361/FUL. The application was refused for the following reasons:

1. The development would be contrary to Policies S3 Part 1 of the Mid Glamorgan County Structure Plan and Policy EV6 of the Ogwr Borough Local Plan which seeks to control the conversion of buildings in the countryside.

2. The development would be contrary to Policies LC1 of the Mid Glamorgan County Structure Plan and Policy EV8 of the Ogwr Borough Local Plan which seeks to enhance and conserve the environmental qualities of the Heritage Coast.
3. The proposed development fails to meet the criteria laid down in the Ogwr Borough Council's Design Guide 4 Farm Building Conversions and thus falls to be considered as development in the open countryside.
4. In order to preserve the countryside, the Local Planning Authority considers that no additional development shall take place there other than is necessary for agriculture or forestry. No such justification exists in respect of this development.

CONSULTATIONS

Wick Community Council. No representations have been received to date.

Environment Agency Wales has no objection.

The Head of Visible Services (Highways Development), has commented as follows:

"A vehicle passing bay is required to be provided along the adjacent adopted highway, to enable two vehicles to pass side by side. The passing bay is required to be located approximately 150m south of the junction with Heol Las along the highway providing access to the development site.

Three parking spaces (2 resident and 1 visitor) and an area to enable vehicles to manoeuvre in and out of the development site in forward gear is required to be provided within the boundary of the development site.

Therefore, an amended site layout plan, to a suitable scale, showing the above, is required to be submitted to the Highway Authority for consideration.

It is recommended that prior to issuing amended plans, showing the required passing bay, that the applicant contacts Mr. Peter Coughlan of the Highways Traffic Section to discuss location and specifications."

The Head of Leisure and Economic Development (Public Rights of Way Officer). No representations have been received to date.

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

Countryside Council for Wales. No representations have been received to date.

Dwr Cymru/Welsh water has no objection since the building would be utilising private drainage facilities.

Building Control Section. No representations have been received to date.

The Council's Ecology Section have advised that there do not appear to be any protected species within the building. However, the site does potentially provide habitats for protected species, and therefore any potential developer should be aware of the Law that protects these species.

REPRESENTATIONS

The neighbouring addresses of Glan Y Mor Farm and Glan Y Mor House were consulted in respect of the application and a site notice was erected. No representations have been received to date.

REPORT

Members will recall that this application was deferred at the 10 October 2007 meeting of Planning Committee to allow a site visit to be undertaken on 6 November 2007.

Planning Policies

The development falls outside the settlement boundary of Wick and relates to the conversion of a rural building. The relevant planning policy is that contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), Supplementary Planning Guidance 'The Conversion of Rural Buildings', and guidance in Planning Policy Wales 2002.

The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are considered relevant to the assessment of the application:

STRATEGIC POLICY 2 - SUSTAINABLE DEVELOPMENT

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV5 - GLAMORGAN HERITAGE COAST.

ENV8 - SMALL SCALE RURAL CONVERSIONS.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

Strategic Policy 2 relates to sustainable development and states that proposals will be favoured provided they contribute to energy conservation, minimise the need to travel- especially by car, reclaim derelict or degraded land and utilise high standards of design.

Policy ENV1 of the UDP permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy ENV5 relates to the Glamorgan Heritage Coast and seeks to protect the special environmental qualities and landscape.

Policy ENV8 provides the criteria to assess the conversion of rural buildings and requires primarily that the building is structurally sound and the conversion to be undertaken without substantial reconstruction of the external walls or extension to the building. The policy also states that conversion work should not unacceptably affect the appearance and rural character of the building. In terms of amenity space, the Policy states that where residential use is considered acceptable, amenity space should be provided without undue incursion into the rural landscape.

Policy ENV27 relates to all new forms of development and requires proposals to have full regard to the context of the local natural and built environment and complement the existing local character of buildings and open spaces.

Issues

It is considered that the primary issues in the assessment of the application are whether the application site is in a sustainable location for such a conversion, and whether the detail of the scheme would safeguard the character of the barn and the wider rural landscape.

Sustainability Issues

The supporting text to the Council's Unitary Development Plan (UDP) Policy ENV8 on Small Scale Rural Conversions states:

"Isolated conversions in particular are unsustainable". They can place an unacceptable burden on local services, are often at a distance from local public transport services, thereby increasing the need to travel by car to work, school or for shopping."

The Council's Supplementary Planning Guidance on the Conversion of Rural Buildings also states that the conversion of isolated buildings for residential purposes is generally unacceptable.

The application site is in an isolated location, approximately 2km to the west of Wick (following roads) and 2km from the nearest bus route. The site is considered to be remote from existing services and public transport routes and it is therefore likely that the occupiers of the dwelling would be solely reliant on the private motor vehicle to access the site and to visit services in the nearest towns and villages.

Whilst it appears that the conversion has been designed to be energy efficient within the confines of the site, it is considered that any benefits that may be gained from such an approach are outweighed by the fundamentally unsustainable location of the application site, which would be contrary to the aims of Strategic Policy 2, Policy ENV8 and the Council's Supplementary Planning Guidance.

The agent has cited other examples of barn conversions within the vicinity which they consider are equally remote and constitute precedents for which this scheme does not differ. However, notwithstanding the principle that each application is assessed on its own merits, it is not considered that the 2 examples constitute comparable cases, one being approximately just 250m from the settlement of Broughton, and the other being only 1km west of Wick, and within approximately 600m of a bus route.

It is therefore considered that the occupiers of these approved dwellings would have a range of services available within a distance where they can be accessed sustainably, unlike the current application site.

Impact on the Character of the Barn and the Wider Landscape

At present, the barn appears as a simple, traditional agricultural barn, which is well assimilated into the rural landscape. The landscape surrounding the site is extremely open, with views of the barn from surrounding public footpaths to the south and west of the site, from a range of up to 150m.

The Council's UDP Policy and Supplementary Planning Guidance seeks to ensure that conversions safeguard the character of the barn itself and do result in an undue incursion in the wider rural landscape, either by virtue of works to the building itself or from the associated curtilage. The supporting text to Policy ENV8 of the UDP states that:

"The creation of a new residential curtilage around a newly converted building can have a harmful effect on the character of the countryside, especially in areas of high quality landscape."

It is acknowledged that some aspects of the proposal relating to the existing structure have been designed sympathetically, and would preserve the character of this aspect of the building- especially the retention of the corrugated roof and the preservation of the original side and rear elevations. Likewise, the applicant has clearly attempted to design a low impact extension, utilising screening in an effort to minimise its impact on the surrounding area.

However, notwithstanding the above, the extension would project some 10.5m southwards from the existing building and the development as a whole some 31m into what at present is an unspoilt rural landscape. Attempts have been made to screen the building with timber cladding and an earth berm, however, it is considered that the extension would remain as starkly visible, particularly from the south of the site along the public footpath, and it is considered that its cumulative impact, in addition to the curtilage and associated parking area, would serve to domesticate the site and surrounding area and draw attention to the new residential use.

The site is extremely open and unspoilt in nature, and it is considered that the proposed alterations and curtilage would intrude into the rural landscape to an unacceptable degree and would fail to preserve the rural character of the application site and the wider landscape. To this end, it is considered that the proposal fails to satisfy the criteria of Policy ENV8 of the UDP and the Supplementary Planning Guidance on the Conversion of Rural Buildings.

It is further noted that when refusing planning application ref: 96/00361/FUL for the conversion of the building, strong concerns were cited regarding the impact of the conversion and associated curtilage on the character of the area, for a scheme which did not involve any extension to the building.

CONCLUSION

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

Having regard to Strategic Policy 2, ENV1 - Development in the Countryside, ENV5 - Glamorgan Heritage Coast, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings, it is concluded that the proposed barn is located in an unsustainable isolated location, and its conversion and associated residential curtilage would cause demonstrable harm to the appearance and rural character of the barn and the wider area.

RECOMMENDATION (W.R.)

REFUSE

1. The barn is in an isolated location in the open countryside, located a substantial distance from the nearest settlement, services and public transport routes, and its conversion would therefore result in the occupiers being overly dependent on the private motor vehicle to access the site and surrounding day to day needs. The barn is therefore considered to be in an unsustainable location, contrary to the aims of Strategic Policy 2 and Policies ENV1- Development in the Countryside, ENV5 - Glamorgan Heritage Coast, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings.
2. By virtue of the open nature of the site and the cumulative impact of the extension, associated curtilage and parking area, it is considered that the proposal would serve to overly domesticate the barn and surrounding land, intruding into the rural landscape to an unacceptable degree and failing to preserve the unspoilt rural landscape of this part of the Heritage Coast. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV5 - Glamorgan Heritage Coast, ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments as well as advice in Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on the Conversion of Rural Buildings.

Dr. M. L. Ham, 2, The Courtyard, Michaelston Le Pit, CF64 4HE
John Rosser RIBA., 3, The Courtyard, Michaelston-Le-Pit, Vale of Glamorgan.,
CF64 4HE

Elm Grove House, 12, Elm Grove Road, Dinas Powys

Conversion of existing house into 2 flats and extension to create separate dwellinghouse

SITE DESCRIPTION

The application site is set on the corner of Elm Grove Lane and Elm Grove Road in the village of Dinas Powys. The site has a prominent position within the Dinas Powys Conservation Area and is highly visible on the approach to the historic village centre. The application relates to the existing two storey semi-detached traditional dwelling at the site which has been vacant for some time and is in a state of disrepair at present.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the following alterations and extensions to create 3 units of accommodation:

- (a) Demolition of single storey extension and lean-to on Elm Grove Road side, demolition of side porch, and blocking up existing windows in side elevation.
- (b) Replacement windows in front and rear elevations, refurbished chimney stack and renew slate roof.
- (c) Replacement single storey extension on Elm Grove Road side with similar proportions to existing extension, finished in render with a natural slate roof, to replace structure to be demolished, as described under (a).
- (d) Conversion of existing house to create 2 no. two-bed apartments, accessed from the front single storey annex extension, described under (c).
- (e) Two storey side extension set down and in from the main house, to provide a two bed dwelling accessed from a front entrance, finished in render with a natural slate roof.
- (f) Vehicular access via existing crossover with parking for 4 cars and turning area.
- (g) Landscaping, including 750mm high front boundary wall with hedge planting behind.

The development also involves the extinguishment of part of the adopted highway and the reinstatement of a planted area to form part of the footpath along Elm Grove Lane.

PLANNING HISTORY

93/00431/FUL - Land to the south of current application site. Two detached dwellings. Refused 2 September 1993 on grounds of the development being detrimental to character of the Conservation Area and overdevelopment and inappropriate development contrary to Policy H18 of Structure Plan.

93/00996/FUL - Land to south of current application site for one dwelling. Approved subject to conditions 16 November 1993.

03/01192/FUL - New two storey four bed detached dwelling. Refused 30 January 2004 on the following grounds:

1. In the opinion of the Local Planning Authority the proposal, due to its size, form, design, and the loss of this open area of land, would appear as a discordant and visually intrusive feature within the street scene which would adversely affect the appearance and character of this part of the Dinas Powys Conservation Area. Thus the proposal will neither preserve or enhance the character of the Dinas Powys Conservation Area contrary to Policy EV19 the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989; Policies C1, C2 and H3 of the East Vale Local Plan 1987; Policies ENV18, ENV25, and HOUS9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended 2003); Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002 and TAN 12 Design.
2. In the opinion of the Local Planning Authority the proposal would detract from the existing level of residential amenities currently enjoyed by the occupiers of neighbouring properties, contrary to Policy EV19 the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989; Policy H3 of the East Vale Local Plan 1987; Policies ENV25 and HOUS9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended 2003); Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

3. Insufficient information has been provided to allow the Local Planning Authority to fully assess the impact of the proposal on an existing Redwood and Yew tree protected by a Tree Preservation Order, contrary to the guidance in the Council's Supplementary Planning Guidance on Trees and Development. In the opinion of the Local Planning Authority, on the basis of submitted details, the proposal is likely to result in the loss of the trees, thereby adversely affecting the appearance and character of this part of the Dinas Powys Conservation Area contrary to Policy EV19 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989; Policies C1, C2 and H3 of the East Vale Local Plan 1987; Policies ENV18, ENV25 and HOUS9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003); Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

03/01207/FUL - Alterations and extension-to existing dwelling. Approved 30 January 2004.

04/00030/FUL - Demolition of single storey extension and two outbuildings and the construction of a two storey extension and total refurbishment of Elm Grove House. The construction of two apartments for the elderly as an extension of Elm Grove House. Refused 2 July 2004 on similar grounds to 03/01192/FUL.

06/00106/CAC - Full demolition of existing two storey house and single storey extension together with existing single storey detached garage. Refused 13 July 2006 due to the loss of a building which makes a positive contribution to the Conservation Area without reasonable justification or appropriate redevelopment scheme.

06/00256/FUL - Demolition of Elm Grove House and construction of two new apartments built to footprint and height of existing building. Construction of two storey extension of two apartments. Construction of 1800mm high boundary wall. Refused 13 July 2006 for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development would result in the loss of a building that currently makes a positive contribution to the character of this part of the Dinas Powys Conservation Area and would consequently fail to preserve or enhance the character of the Conservation Area. Inadequate justification has been submitted in support of the need for demolition and the development is considered to be 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 and Welsh Office Circular 61/96.

2. In the opinion of the Local Planning Authority the proposed replacement building due to its size, scale, form and design, plus the loss of this open area of land, would appear as a discordant and visually intrusive feature within the street scene which would adversely affect the appearance and character of this part of the Dinas Powys Conservation Area. Thus the proposal will neither preserve nor enhance the character of the Dinas Powys Conservation Area contrary to Policies ENV20 (Development in Conservation Areas), ENV27 (Design of New Developments) and HOUS8 (Residential Development Criteria - Policy HOUS2 Settlements) 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 Policy TAN12 - Design.
3. Insufficient information has been provided to allow the Local Planning Authority to fully assess the impact of the proposal on the existing Redwood and Yew trees protected by a Tree Preservation Order, contrary to the advice in the Council's Supplementary Planning Guidance on Trees and Development. In the opinion of the Local Planning Authority the proposal would result in the unjustified loss of, or potentially would be likely to prejudice the long term health and viability of the trees thereby adversely affecting the appearance and character of this part of the Dinas Powys Conservation Area contrary to Policies ENV20 (Development in Conservation Areas), ENV27 (Design of New Developments) and HOUS8 (Residential Development Criteria - Policy HOUS2 Settlements) 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.

Appeal lodged against 06/00106/CAC and 06/00256/FUL dismissed 19th March 2007. A copy of the appeal decision is included at Appendix A.

The site has also been the subject of enforcement action in the form of two notices served under Section 215 of the Town and Country Planning Act 1990. These notices have sought to protect the fabric of the building and tidy up the appearance of the site.

CONSULTATIONS

Dinas Powys Community Council were consulted on 3 August 2007 and their response received on 6 September 2007 stated: "No objection but would query whether all the land shown on the site plan is in the ownership of the applicant."

The Director of Legal and Regulatory Services (Environmental Health (Pollution Section)) were consulted and their response dated 6 September raised no objection.

The Head of Visible Services (Highway Development) commented on 14 August that given the proximity to public transport facilities, four parking spaces for the dwellings was acceptable. However an additional visitor space was required. Part of the site is adopted highway which will need to be extinguished under the Act before commencement of any works at the site. The planted area to the east of the site is required to be reinstated as footway with a width to match the existing footway. Amended plans were sent on 24 October 2007 and their comments of 26 October stated no objection to the development proposals subject to conditions requiring the extinguishment of the highway, the provision of five parking spaces, the reinstatement of the footway, and the widening of the vehicle crossover as shown on the amended plans.

Dwr Cymru/ Welsh Water were consulted on 3 August 2007 and no comment has been received to date.

The Council's arborocultural officer was consulted and her response of 22 October 2007 raised an objection to the loss of the tree on the basis that it is attractive and there is no obvious need for its felling. However, she advises that it can be felled if a suitable alternative can be provided, to be agreed prior to commencement of development.

Vale of Glamorgan Conservation Advisory Group at their meeting on 13 September 2007 recommended approval subject to negotiation on design detail with particular regard to windows.

The Council's Conservation and Design officer is satisfied with the proposed extensions and alterations in terms of their impact upon the character of the building and the setting within the Conservation Area. Recommend conditions relating to render detail, windows and conservation rooflights, slates and ridges, fascias, bargeboards and rainwater goods.

Dinas Powys Civic Trust were consulted on 3 August 2007 and no comments have been received to date.

REPRESENTATIONS

Nos. 1 to 17 Elm Grove Lane, Cadgwith Cottage, Pandora Cottage, Ty Gelli and Nos. 4 to 10 (evens) Elm Grove Road were consulted on 3 August 2007 and a site notice was displayed. Four letters of representation have been received raising the following points:

- Parking issues and visibility at the junction of Elm Grove Road and Elm Grove Lane.
- The potential impact on the Redwood Tree in the garden.
- Implications for drainage and sewerage into the existing drains.
- Loss of the the planted area in the footway to provide access.
- The development consistutes over development in the Conservation Area.

- Increased parking and traffic in Elm Grove Lane.
- The development will obliterate views of the woodlands.
- The old house should be restored to its original condition.

REPORT

Planning Policies

ENV11 – PROTECTION OF LANDSCAPE FEATURES.

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV20 – DEVELOPMENT IN CONSERVATION AREAS.

ENV21 – DEMOLITION IN CONSERVATION AREAS.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT.

HOUS8 – RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.

HOUS9 – CONVERSION OF LARGE DWELLINGS.

HOUS11 – RESIDENTIAL PRIVACY AND SPACE.

TRAN 10 – PARKING.

AMENITY STANDARDS SPG

TREES AND DEVELOPMENT SPG

SUSTAINABLE DEVELOPMENT SPG

Issues

The site is located within the settlement boundary of Dinas Powys. Therefore, the conversion and extension of the existing house to create 3 separate dwellings is considered to be acceptable in principle in terms of planning policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Impact Upon Street Scene and Conservation Area

Amended plans received on 5 October 2007 were submitted in response to comments made by the Local Planning Authority in light of conservation considerations. The proposed alterations to the existing house are now considered to be acceptable in terms of the design detail. In addition, the proposed extensions to the side and replacement single storey extension fronting Elm Grove Road are considered to be sympathetic to the character of the original building.

The scale of the proposed extensions are considered to be appropriate given the context of the site and the setting of the existing house. Previous applications for larger development proposals at the site have been rejected on the grounds of, amongst other things, the loss of the open area of land. In this proposal, the side extension projects 5.7m at two stories with a further 2m wide single storey lean-to extension, leaving a gap of 8.5m to the rear of the footway at the narrowest point. Thus, it is considered that the scale is acceptable and the development will not detract from the visual amenity of the site and its surroundings or harm the character of the Conservation Area.

The proposed parking area would be highly visible in this part of the site and potentially detract from the character of the Conservation Area. Therefore, amended plans received on 19 October 2007 show the proposal includes a 750mm high boundary wall with a privet hedge behind to screen the parking area and provide an appropriate edge to the development site. This boundary is set back behind the required highway visibility splay at the junction of Elm Grove Lane and Elm Grove Road. The Council as highway authority are satisfied with the proposal to extinguish the highway at this location and the proposal to reinstate the footway. The applicant's agent has confirmed that the applicant owns the area of land in question.

Impact Upon Neighbours

Previous proposals have been refused due to their impact on neighbouring properties. However, this is not a matter of concern in this proposal. The neighbouring properties are some distance from the proposed extensions, such that there are no issues in terms of loss of light, loss of privacy or overbearing visual impact. The parking and manoeuvring areas are set away from boundaries with neighbouring properties such that they will not detract from amenity by virtue of noise or disturbance.

The loss of view raised in neighbour representations is not as valid planning issue. In addition, the impact upon drainage is covered by separate legislation requiring permission from Welsh Water to connect to the main sewer.

Access and Parking

The level of car parking, being 1 space per apartment and 2 spaces for the new house, is considered to be acceptable bearing in mind the proximity to local facilities and the availability of frequent public transport within the vicinity. Whilst no formal visitor parking is provided on site, this is not considered to be significant grounds for refusal of planning permission.

The Highways Authority are satisfied with the access and manoeuvring arrangements and the proposals do not harm the visibility at the junction of Elm Grove Lane and Elm Grove Road.

Amenity Space

The first floor apartment has an area of approximately 146sqm of private amenity space to the north of the building enclosed by the existing 1800mm stone wall, which is to be rebuilt, accessed via its front door. The ground floor apartment has an area of approximately 240sqm private amenity space to the south of the building accessed via double doors in the south elevation. The new house has an area approximately 132sqm adjacent to the hardstanding area in the south-east corner of the site. These areas of amenity space are considered to be sufficient to meet the needs of the future occupiers of the site and to comply with the advice in the Council's Supplementary Planning Guidance on Amenity Space.

Trees

The proposed development involves the removal of the Yew tree to the south of the dwelling. The appeal inspector previously stated "if the development were to proceed it would be advantageous to remove the stunted and over-pruned yew tree in close proximity to the front elevation, as this is not a good specimen and could continue to cause damage to the building." In addition, the Council's arboricultural officer is satisfied with its removal if a suitable alternative is provided. Therefore, a condition is recommended in this respect. The existing Redwood tree is to be retained and the proposed works should not affect the viability of this tree.

CONCLUSION

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

Having regard to the relevant policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the accompanying relevant Supplementary Planning Guidance, the proposal is considered to be an acceptable scale, form and design, appropriate to the site and its context within the Dinas Powys Conservation Area. Adequate access, parking and amenity space is provided to meet the needs of future occupiers and the development will not harm the residential amenities of nearby properties.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 31 July 2007 other than where amended by plans reference PA03.A., PA04.A. and PA05.A. received on 5 October 2007 and plan reference PA02.B. received on 19 October 2007.

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 dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing. No: 027/PA02.B and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

6. Prior to commencement of development, a scheme to reinstate the existing planting area adjacent to the site access along Elm Grove Road as a public footway shall be submitted to the Highway Authority for approval. The scheme shall thereafter be implemented prior to beneficial occupation of the dwellings hereby approved in accordance with the approved details.

Reason:

To ensure that adequate pedestrian access is maintained along Elm Grove Lane in the interests of highway safety and to ensure compliance with Unitary Development Plan Policy ENV27.

7. Before its construction on site, a method statement for the bedding, coursing and laying of stone, and the pointing and mortar to be used in the reconstruction of the front boundary wall, shall be submitted to and agreed in writing with the Local Planning Authority, with a sample panel 2m² provided on site for inspection. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of the Dinas Powys Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

8. A scheme showing full details of the proposed enclosures around the site, including details of the privet hedge and 750mm wall, shall be submitted to the Local Planning Authority for approval. The scheme shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and the character and appearance of the Dinas Powys Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

9. 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.

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

Reason:

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

11. Details of a scheme for the replacement of the Yew Tree to be removed shall be submitted to the Local Planning Authority for their approval in writing prior to the commencement of development and the scheme shall thereafter be carried out in accordance with the approved details in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner.

Reason:

To ensure an appropriate replacement tree is provided to compensate for the loss of the Tree Preservation Order tree and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. Prior to their use in the construction of the dwellings hereby approved, details, including samples, of the materials to be used for the roof, external walls, fascias, barge boards and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policies ENV17, ENV20 and ENV27 of the Unitary Development Plan.

13. Notwithstanding the submitted details and before their installation on site, full details of the windows, rooflights to be of a conservation style and external doors, to a scale of 1:20, including plan, section and elevations, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of the Dinas Powys Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

14. Notwithstanding the submitted details, the consent hereby granted shall not infer the demolition or replacement of any existing external wall to the property unless full details of any such demolition are first submitted to and agreed in writing with the Local Planning Authority prior to those works taking place, and the development shall be completed in accordance with the approved details.

Reason:

In the interests of visual amenity and the character and appearance of the Dinas Powys Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

NOTE:

1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
2. This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673071.

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.

Miss Catherine Rosewell, The Old Post Office, Boverton, Llantwit Major, Vale of Glamorgan., CF61 1UF
Anderson and Associates, 39, High Street, Cowbridge, Vale of Glamorgan., CF71 7AE

Limes Gate Cottage, The Limes, Cowbridge

Provision of timber decking to rear of cottage, extending above river thaw

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

SITE DESCRIPTION

The application site comprises a fully detached residential cottage, located off the main road, in Cowbridge. This site is directly opposite to the river corridor as well as being located in the Cowbridge Conservation Area.

DESCRIPTION OF DEVELOPMENT

The submitted application seeks planning consent to erect a timber decking area to the rear elevation of the cottage, where it would extend over the river Thaw, by approximately 1.5 metres.

PLANNING HISTORY

06/00783/Ful – First floor extension. Approved 22 March 2007.

CONSULTATIONS

Cowbridge with Llanblethian Town Council was consulted on 7 August 2007 and comment as follows:

"Object to the proposal '...the decking is out of keeping with the surrounding area and is in the heart of the conservation area and visible from the High Street...it neither improves nor enhances the conservation area and will form a visible intrusion...it encroaches on the river and will impact on the 'wildlife corridor' formed by the River Thaw...'"

Environment Agency Wales was consulted on the 7 August 2007. '...the application site lies entirely within Zone C2 as defined by the development advice map (dam) referred to under TAN 15 – Development and Flood Risk (July 2004). Given the scale of the proposed development, we do not consider a Flood Consequence Assessment is required in this instance...application requires the prior formal Flood Defence Consent of the Environment Agency, as the River Thaw at this location is scheduled as a statutory main river, pursuant to the Water Resources Act 1991 and the Environment Agency's Land Drainage Byelaws. Such Flood Defence has been issued by ourselves to the applicant.

The Director of Legal, Public Protection and Housing Services, was consulted on the 7 August 2007. To date no comments have been received.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on the 7 August 2007 '...no comment to make regarding the above application...'

Dwr Cymru/ Welsh Water were consulted on the 7 August 2007. To date no representations have been received.

REPRESENTATIONS

Limes Court Mews, No. 2 High Street, and No. 8 Riverside Mews were consulted on the 7 August 2007. To date three letters of objection have been received.

One letter specifically relates to the current application, as well as the previous application, and the conditions attached to this, when it was approved in March 2007. The neighbours have concerns regarding the work currently being carried out, and whether this is in accordance with the plans. There are also concerns over the ownership of land, however the neighbours have been advised that this is a civil matter that needs to be resolved between the parties.

Other concerns relevant to this application, relate to the decking area being perceived as over development within this site, due to previous works that have already been approved and are currently being carried out, the intrusion of privacy that it will generate on the nearby properties due to it being raised above the existing ground floor level and how the proposal will not be in keeping and insensitive to the character of the conservation area and an 'eyesore' feature to the surrounding local views enjoyed by both residents and visitors. Concerns are also raised in respect of the maintenance of the river which may harm the nature and wildlife at the site.

REPORT

Planning Policies

ENV17 – PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT.

ENV20 – DEVELOPMENT IN CONSERVATION AREAS.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

The proposed decking area has generated several concerns not only due to the nature of the works, but also due to the property's location in this part of the Cowbridge Conservation Area, and how the works may impact on the surrounding local views, in particular, to the River Thaw, as well as the possible impact on the private amenities of the neighbouring property. In summary, the submitted representations refer to the proposed timber decking area as not contributing to the enhancement or preservation of the character and quality of the conservation area.

Concerns regarding the raised timber decking area related to the fact that this proposal was to extend 1.5 metres across the river and 1.1 metres above the existing landing level to the rear of the property. Concerns regarding the impact upon the neighbouring property were considered, however the timber decking area is to be located approximately 4.5 metres from the neighbouring wall, which is understood to be the garage catering for the Limes Mews property.

The boundary with the neighbouring property is a rendered dividing boundary wall between 1 metre to 1.5 metres in height, as well as enclosing mature vegetation and trees, which almost totally encloses the property from any direct views. Furthermore, although there is an existing neighbouring window to the first floor side elevation of Limes Mews property, this can already be clearly viewed from the rear of the property as existing, and therefore, the proposed new deck area should not cause any more harm to the neighbouring amenity, than currently existing.

As a consequence of the assessment of the on-site situation the application is not regarded to cause significant harm to the private amenities of the neighbouring properties.

In terms of the visual amenity surrounding the site, the scheme has been considered in light of the fact that the proposal is located in the Cowbridge conservation area to overlook the River Thaw.

The proposal has generated concerns over whether or not it would enhance the character of the conservation area, and whilst it is felt that it may not contribute as a positive feature, it is considered to at least preserve the quality of the surrounding views in the local area, particularly as the rear of the property can already be viewed from the High Street.

Furthermore, the decking area itself will comprise of a timber structure, which is considered a sympathetic use of materials, as well as an aesthetically pleasing design within the conservation area. Additionally, the proposal is not considered to negatively impact upon the direct views of the River Thaw as the river itself, consists of a sharp bend where the property is located. Therefore visually, the proposal is not significantly harmful to warrant the refusal of the application, as the property itself is set back and not immediately adjacent to the main High Street.

There have been previous attempts however, to provide further amenity space over the river for properties, such as the relatively recent development of Town Houses at the Limes. This approach however, was not encouraged from pre-application stage, as this would generate a detrimental impact to the existing direct views over the river Thaw, currently achieved from the High Street. The application property is however set further back from High Street and it is important that this proposal is therefore judged on its own merits.

CONCLUSION

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

Having regard to ENV17 – Protection of the Built and Historic Environment; ENV20 – Development in Conservation Areas; ENV27 – Design of New Developments, it is considered that the proposed timber decking area to the rear elevation of the existing cottage, would not generate an unacceptable impact in terms of the neighbouring and visual amenities surrounding the site, or impact on the quality of the Conservation Area in its entirety. The proposal therefore complies with the relevant planning policies and 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. This consent shall only relate to the plans reference D3 received on 3 August 2007 and the additional plans reference D4 and D5 received on 2 October 2007, and shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development.

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.

2007/01156/FUL Received on 15 August 2007

Mrs. J. Frampton, Great Hamston Farm, Dyffryn, St. Nicholas, Vale of Glamorgan., CF5 6SU
Civic Planning Associates, 35, Marine Drive, Barry, Vale of Glamorgan., CF62 6QP

Great Hamston Farm, Dyffryn

Conversion of domestic stone outbuilding to holiday let

SITE DESCRIPTION

The application site comprises an existing single storey, pitched roof stone outbuilding and part of the residential curtilage to an existing detached dwelling Great Hamston, located in the countryside to the south of Dyffryn.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of the building to provide a one bed holiday let. The existing building is currently utilised as a playroom and store incidental to the dwelling Great Hamston. The proposed works include:

- Front, east elevation - Provision of patio doors in place of the garage doors and a new disabled access ramp to the entrance door.
- Side, north elevation – Insertion of a new bathroom window.
- Side, south elevation – Insertion of a new kitchen window.

Vehicular access to a yard and one parking space will be via an existing field gate immediately to the south of the building.

The application is supported by a Structural Report, a Sustainability Appraisal, an Access Statement and a Bat & Barn Owl Survey.

PLANNING HISTORY

88/00328/FUL - Conversion and incorporation of existing derelict buildings into existing adjoining cottage. Approved 12 May 1988.

CONSULTATIONS

Wenvoe Community Council resolved to support provided the outbuilding legally remains part of Great Hamston Farm.

Environment Agency Wales comment:

"We note that foul sewage is to be disposed of via a cesspit. The Environment Agency does not accept the promotion or proliferation of cesspools as a viable long-term sewerage option, in view of the potential environmental, amenity or public health problems arising from inadequate operation and maintenance. Welsh Office Circular 10/99 also discourages the use of cesspools and provides a hierarchy of drainage options that should be considered before the use of cesspools is considered. The applicant must complete a full foul drainage assessment which proves to the planning authority's satisfaction that the use of cesspools is unavoidable.

If the Local Planning Authority considers a cesspool the only viable option then we request that a condition be imposed relating to the foul drainage its method of containment and emptying."

Further comments relating to legislative requirements on pollution and waste.

Dwr Cymru/Welsh Water has no comment as the applicant intends utilising private drainage facilities.

Glamorgan Gwent Archaeological Trust were notified on 3 October 2007 and have responded with no objections.

Countryside Council for Wales (CCW) welcome the survey report and note that no evidence of use by bats or barn owls was found within the building. Therefore we have no further comments to make on this matter. If at any point during the course of the works bats are discovered, works must stop and CCW re-consulted.

Environment and Countryside (Ecology) - The team confirm that no development licence need be sought, however due to the potential for bat access and the suitable habitat conditions surrounding the application site a number of recommendations are made relating to notification of Contractors; contact with CCW and cessation of work if bats found; work should ideally be carried out during the winter months; a further survey undertaken if work not commenced within 12 months; developer should be made aware of legislative requirements in respect of protected species including bats, nesting birds and great crested newts; and good practice guidelines to minimise potential impacts on great crested newts.

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution)) has no objection. However would seek to confirm whether the holiday let is served by either a mains or private water supply. A private supply is required to be registered with the Pollution Control Team.

The Director of Visible Services (Highway Development). Although the adjacent adopted highway is not classified, as the site access is located close to a bend along the highway, a manoeuvring area is required to be provided within the site.

Building Control Section – Structurally the building appeared to be in a sound condition with no apparent signs of movement in the walls, however the roof structure has been modified in the past and therefore a structural engineers report on the condition of the roof will be needed.

REPRESENTATIONS

The occupiers of the neighbouring Great Hamston Cottage were notified on 20 August 2007. In addition a site notice was posted on 24 August 2007. No representations have been received to date.

The applicant's agent has submitted a letter in support of the application. This is reproduced at Appendix A for Committee Members inspection.

REPORT

The application site comprises a single storey, stone outbuilding and part of the garden curtilage to an existing dwelling Great Hamston Farm, which is located in the countryside to the south of Dyffryn. The proposal entails its conversion to a one bed, self-contained holiday let. As such the following policy background is relevant.

Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV4 of the Unitary Development Plan relates to Special Landscape Areas. The site is located within the Dyffryn Basin & Ridge Slopes Special Landscape Area where new development will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area.

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

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;

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

Policy ENV16 relates to Protected Species and states:

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT THAT WOULD CAUSE HARM TO OR THREATEN THE CONTINUED VIABILITY OF A PROTECTED SPECIES IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS.
- (ii) THERE IS NO SATISFACTORY ALTERNATIVE; AND
- (iii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

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

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

Policy TRAN10 refers to Parking and requires parking facilities in accordance with Council's guidelines and related to the type of land use; accessibility to public transport; and the capacity of the highway network.

The Strategic Policies of the UDP include Policy 6 which favours tourism developments where they:

- (i) ASSIST THE DEVELOPMENT OF THE LOCAL ECONOMY; AND/OR
- (ii) SAFEGUARD OR ENHANCE THE QUALITY OF THE ENVIRONMENT.

The Council also has Supplementary Planning Guidance (SPG) including SPGs on Sustainable Development and Amenity Standards and one on the Conversion of Rural Buildings which supports Policy ENV8 of the UDP. The Conversion of Rural Buildings SPG highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

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

National guidance is contained in Planning Policy Wales March 2002 (PPW) and TAN13 - Tourism. Paragraph 7.6.11 of PPW states:

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

However the guidance also recognises that tourism is a major element in the Welsh economy, particularly in rural and coastal areas, and seeks to encourage the diversification of farm enterprises and other parts of the rural economy into tourism, sport recreation and leisure uses, subject to adequate safeguards for the character and appearance of the countryside.

TAN13 – Tourism recognises that the re-use of existing rural buildings can play an important role in the needs of rural areas for tourism, but not without consideration of their suitability for the specific re-use.

Issues

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

In terms of compliance with the criteria of Policy ENV8 - Small Scale Rural Conversions, it is noted that the structural integrity of the building is good and that the proposed works will result in minimal changes to the existing structure. A small area of land is included with the development, which will provide for parking and a sitting out area. As this is already part of the garden curtilage to the existing farmhouse its use in association with the proposed holiday let should have minimal impact. The existing farmhouse will retain more than sufficient private amenity space to serve that property.

As regards the proposed use it is considered that a holiday let is appropriate. Permanent residential use would not be acceptable as the accommodation, amenity space and parking is limited, and the site is in an isolated and unsustainable location for a permanent dwelling. It is considered that the use of the building for tourism will not only be less intrusive in the rural landscape of the Dyffryn & Ridge Slopes Special Landscape Area, since there is no need for a residential curtilage, or the domestic trappings of permanent accommodation, but it will also contribute to the local economy in line with national guidance. Indeed the location of the site is an appropriate and viable one for tourist accommodation being close to the Dyffryn Gardens and other nearby attractions including the capital city of Cardiff.

On the highway issues it is noted that there are no objections subject to the provision of on-site manoeuvring. However this is not possible within the site area proposed and would require additional land to be included within the application site. It is not considered appropriate to increase the curtilage associated with the holiday let nor to further urbanise the site with large on-site turning areas as this would serve to erode the quiet rural character of the Special Landscape Area. Despite the views of the Council's Highway Engineer it is considered that even without the provision of on-site turning the proposal would not pose an unacceptable risk bearing in mind it utilises an existing field gate access.

On the issue of wildlife protection the submitted survey found no evidence of bats or barn owls, and the Countryside Council for Wales along with the Council's Ecology team have no objections. The Ecology team have recommended a number of advisory notes and best practice guidance.

Finally as regards infrastructure the Environment Agency have raised concerns over the proposed method of foul drainage to a cess pit and requested further assessment and conditions. The applicant's agent has submitted an assessment and undertaken an inspection of the site with the Operational Manager Building Control. This concludes that due to the ground conditions, and the existence of ponds at Great Hamston, a septic tank would not be appropriate and mains drainage is not available.

CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV4 - Special Landscape Areas, ENV8 – Small Scale Rural Conversions, ENV16 – Protected Species, ENV27 – Design of New Developments, TRAN10 - Parking and Strategic Policy 6 - Tourism, of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011; Supplementary Planning Guidance on the Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales March 2002 and TAN13 - Tourism, it is considered that the conversion of the stone outbuilding for tourism accommodation is an appropriate alternative use that will not detract from the rural character and appearance of the Dyffryn & Ridge Slopes Special Landscape Area and should serve to support the local economy.

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 accommodation hereby approved shall be used or occupied solely as holiday accommodation only and not as a permanent dwelling house.

Reason:

The site is not suitable for permanent residential accommodation which would be contrary to the Council's adopted policies and national guidance.

3. A register, which will include details of the guests staying at the premises hereby approved, including their home addresses, shall be retained and made available to the Local Planning Authority on request.

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policy ENV1 - Development in the Countryside 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) the holiday let 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.

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 the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the holiday let 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.

6. The development hereby permitted shall be implemented in accordance with the recommendations of the Bat & Barn Owl Survey Report by Steve Pickering, received by the Local Planning Authority on 5 September 2007.

Reason:

In the interests of wildlife protection in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan.

7. Full details of a scheme for the foul drainage of the site, which, if a cesspool should be fitted with a warning device for emptying, 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 first beneficial use of the premises as holiday let accommodation.

Reason:

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

NOTE:

1. Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.
2. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
3. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site, including Great Crested Newts, and thus account must be taken of protecting their habitats during the implementation of the development. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
4. The developer should note that if a private water supply is to be used it should be registered with the Council's Environmental Health Department.

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

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

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

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

Mr. John Canning, Brynawel House, St. Brides Major, Vale of Glamorgan., CF32 0TA

Chris J. Morgan, 4A Fontygary Road, Rhoose, Vale of Glamorgan., CF62 3DR

Land and buildings at Little West Farmyard, Broughton Road, Wick

Change of use of agricultural building to 1 No. dwelling

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

SITE DESCRIPTION

The application site is "Land and buildings at little West Farmyard, Broughton Road, Wick". The site contains a single storey stone barn, and part of an enclosed yard, which forms part of Little West farmyard on the west side of Broughton Road. The site lies outside of a defined settlement boundary, although within the Broughton Conservation Area.

Access to the site is from Broughton Road, directly adjacent to the neighbouring dwellings of West View and West Cottage. The proposed curtilage takes in a small area of the yard to the north of the barn, and the area to the side and rear of the barn, which lies adjacent to the rear garden of West View.

The elevation of the barn facing the farmyard contains a single bricked up window and two larger blocked up openings. The rear facing elevation contains 3 no. larger openings, separated by stone pillars. The existing roof is comprised of corrugated metal sheeting.

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion of the barn to a single dwelling, comprised of a lounge, kitchen, dining room and two bedrooms at ground floor, and a third bedroom in the roof space. There is no first floor proposed above the lounge, kitchen and dining room, which would all have full height vaulted ceilings to the roof. The barn measures 17.5m long x 7.5m in depth x 5.2m in height to the ridge of the roof.

The application initially proposed two large openings within the farmyard facing elevation, however these have now been deleted from the scheme. The only openings proposed on this elevation are a single window to serve bedroom 2 within the bricked up area, and a small arrow slit window to serve the kitchen.

The rear elevation contains three larger areas of glazed doors and windows, with hardwood timber panels below, all within the existing openings. There are no new openings proposed within the end elevation. It is proposed to replace the existing corrugated roof with a new slate roof containing 3 No. roof lights on the rear elevation, and 4 No. roof lights on the yard facing elevation.

The proposed curtilage to serve the dwelling is comprised of the area directly to the rear and side of the barn (20m x 10m in size) and an area of the farmyard, 10m in width. The western boundary of the curtilage, at the side of the barn, is presently demarked on the ground by an existing concrete wall.

PLANNING HISTORY

None relating to this barn.

CONSULTATIONS

Wick Community Council - No representations have been received to date.

Environment Agency Wales has no objection.

The following comments have been received from the Head of Visible Services (Highways Development):

No objection subject to:

- No obstructions whatsoever, inclusive of vegetation being erected or planted within the limits of the adopted highway which obstructs the existing vision splays within the limits of the highway boundaries. Any existing obstructions shall be removed in the interest of Highway/Public Safety.
- The provision and maintenance of a minimum of three number parking bays within the confines of the site for both residents and visitors in accordance with the Parking Guidelines. Applicant to submit details to the Local Planning Authority for approval.
- The provision and maintenance of a vehicular turning facility within the curtilage of the site to enable vehicles to enter and leave the site in a forward gear in the interest of highway / public safety. Applicant to submit details to the Local Planning Authority for approval.
- All areas required for onsite parking and associated vehicular turning shall being surfaced in a bound material to be agreed and approved by the Local Planning Authority.
- No gates whatsoever being located/erected within 5.5m of the back edge of the adopted highway in the interest of highway / public safety and the free flow of traffic along Broughton Road.
- Any gates erected fronting the existing / proposed access to the site being located and fitted to open outwards in the interest of highway/public safety and the free flow of traffic along Broughton Road.

Countryside Council for Wales - The submission of a bat and barn owl survey is welcomed, and the recommendations of the report are supported.

Ecology - The proposed bat and barn owl boxes are welcomed, and the attention of the applicant has been drawn to the relevant legislation for protected species.

Building Control Section - No representations received to date, however the site has been visited by this section, and the building is considered to be structurally sound to be converted to a dwelling.

REPRESENTATIONS

The neighbouring properties of West View and West Cottage were consulted and a site notice was erected. No representations have been received to date.

REPORT

Planning Policies

The development falls outside the settlement boundaries of Wick and Broughton and relates to the conversion of a rural building. The relevant planning policy is that contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), Supplementary Planning Guidance 'The Conversion of Rural Buildings', and guidance in Planning Policy Wales 2002.

The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are considered relevant to the assessment of the application:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV8 – SMALL SCALE RURAL CONVERSIONS.

ENV16 – PROTECTED SPECIES.

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV20 – DEVELOPMENT IN CONSERVATION AREAS.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

Policy ENV1 of the UDP permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy ENV8 provides the criteria to assess the conversion of rural buildings and requires primarily that the building is structurally sound and the conversion to be undertaken without substantial reconstruction of the external walls or extension to the building. The policy also states that conversion work should not unacceptably affect the appearance and rural character of the building. In terms of amenity space, the policy states that where residential use is considered acceptable, amenity space should be provided without undue incursion into the rural landscape.

Policy ENV16 states that permission will only be given for development that will affect a protected species if it can be demonstrated that there are exceptional circumstances that justify it, there is no satisfactory alternative and effective mitigation measures can be provided by the developer.

Policy ENV17 relates to the historic environment as a whole and Policy ENV20 relates specifically to conservation areas, requiring proposals to either preserve or enhance the character of that area and reflect the scale, design, layout and character of the existing environment.

Policy ENV20 of the UDP requires proposals in Conservation Areas to preserve or enhance the character of that area, having regard to the scale, design, layout, character and materials of those buildings that establish the character of the area.

Policy ENV27 relates to all new forms of development and requires proposals to have full regard to the context of the local natural and built environment and complement the existing local character of buildings and open spaces.

Issues

Impact on the Character of Barn

The proposed conversion has been amended following discussions with the agent regarding the impact of the scheme on the appearance and character of the barn. The two largest openings on the yard facing elevation have now been deleted from the application and the site has been reduced in area.

The conversion now makes use of only the existing openings within the stone elevations, namely the small bricked up window under the eaves and arrow slit window in the front elevation and the three larger openings in the rear. Four no. roof lights are proposed in the front plane, and three in the rear.

The barn is located approximately 17m back from the highway and, accordingly, it does not hold a particularly prominent position within the street scene. However, it is nevertheless considered important to ensure that the integrity and rural character of the barn are protected. There is minimal work proposed to the front elevation, only the re-instating of a window in what appears to be an original opening. Accordingly, it is considered that this elevation of the barn would retain its simple rural character and form and would appear outwardly as an agricultural building as opposed to a dwelling.

It is proposed to infill the existing openings on the rear elevation with glazing and timber panels. This elevation is not visible from public viewpoints and it is nevertheless considered that the re-use of existing openings would serve to appropriately retain the character and form of the original barn. The end elevation likewise contains no new openings.

The only additional openings are those proposed within the new roof planes. It is, however, considered that subject to these being of a conservation type, sitting flush within the roof plane, the openings would have minimal impact on the appearance of the building and would not cause harm to the character of the barn.

The structural report has indicated that the barn is in a sound condition and requires minimal re-build and re-pointing. This view has been supported by the Council's Building Control Section following an inspection of the barn. It is therefore considered that any other physical alterations required to the fabric of the building should be limited, in accordance with the requirements of Policy ENV8 of the UP.

Curtilage

The curtilage has been reduced in its extent from the original submission, and is now contained within the existing physical boundaries on the ground to the rear and side of the building. The red line site outline also includes an area of the yard to the front, which is required to enable access to the building.

The Council's UDP Policy and Supplementary Planning Guidance seeks to ensure that conversions do result in an undue incursion in the wider rural landscape, either by virtue of works to the building itself or from the associated curtilage. The supporting text to Policy ENV8 of the UDP states that:

"The creation of a new residential curtilage around a newly converted building can have a harmful effect on the character of the countryside, especially in areas of high quality landscape."

However, in this case, the rear boundary of the curtilage does not project beyond the line of the rear boundaries of the neighbouring gardens of West View and West Cottage and is not visible from any public view point outside of the application site. The side (west) boundary of the curtilage is contained within the physical delineation of the farmyard, within the line of an existing concrete wall (formerly part of an old agricultural structure). The application site takes in an area of land to the front of the barn, within the yard, however, it is considered that conditions restricting the erection of new enclosures or buildings would appropriately retain the open appearance and character of the yard.

Impact on the Character of the Conservation Area

Policy ENV20 of the UDP requires proposals in Conservation Areas to preserve or enhance the character of that area, having regard to the scale, design, layout, character and materials of those buildings that establish the character of the area.

As noted above, the building and its associated curtilage would not be visible from outside of the site and accordingly, it is considered that the conversion would have no material impact on the wider character of the Conservation Area. In resisting new openings, it is considered that the character of the existing building will be preserved and in controlling the nature and extent of enclosures, thereby retaining the open farmyard, the setting of the building will be preserved. Given the reported structural stability of the building, the need for extensive rebuilding or physical alteration will be precluded, preserving the character of the building.

Sustainability and the Location of the Barn in Relation to Established Settlements

The supporting text to the Council's Unitary Development Plan (UDP) Policy ENV8 on Small Scale Rural Conversions states:

"Isolated conversions in particular are unsustainable". They can place an unacceptable burden on local services, are often at a distance from local public transport services, thereby increasing the need to travel by car to work, school or for shopping."

However, whilst the site does not lie within a defined settlement boundary, it lies only 150m south of the settlement boundary of Wick, and 100m north of the Broughton boundary. The building effectively forms part of a loosely defined group of dwellings and buildings that physically link the villages of Broughton and Wick. In addition, the proposed dwelling would lie directly adjacent to the main road through Broughton to Wick, which is a regular bus route.

Accordingly, it is considered that the application site bears a sufficiently proximate relationship to existing established settlements, such that its occupants would not be solely dependent on the private motor car for transport to and from local services. It is therefore considered that the application site is not isolated, and represents a sustainable location for a conversion.

Highways

No objection has been raised to the dwelling being served by the existing vehicular access, subject to the provision of a turning area and parking spaces to serve the dwelling. Sufficient space exists within the site to accommodate the required level of parking and the visibility at the access is held to be acceptable by the Highways Engineer. The proposal is therefore considered acceptable in highways terms.

Ecology

The submitted ecology survey indicated that there are no bats or other protected species present within the barn, however the report recommends maintaining a 1/4 inch gap between fascias and walls and the provision of bat and barn owl boxes as aids to conservation of protected species.

Whilst there have been no species identified by the survey, given that the conversion of the building would otherwise be removing a potential habitat for these protected species, it is considered reasonable to require these measures to be provided.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV8 - Small Scale Rural Conversions, ENV16 - Protected Species, 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 proposal is considered acceptable in that the conversion can be achieved without substantial reconstruction of the external walls, extension to the building or insertion of new openings, and would not unacceptably alter the appearance and rural character of the building or the wider character of the countryside.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference Drawing Nos. 01 Rev A, 02 Rev A, 03 Rev A and Amended Plan Revision A, received on the 16 October 2007, and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

To safeguard the appearance and character of the barn, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

6. No new means of enclosure shall be erected within the site until full details and samples of the means of enclosure associated with the development hereby approved have been submitted to and agreed in writing by the Local Planning Authority, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use. No additional means of enclosure shall be erected, other than those which have been agreed in writing.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan.

7. Notwithstanding the submitted details, further details of windows, rooflights (which shall be of a flush fitting conservation type), doors, eaves and rainwater goods, including sections to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority, prior to their use in the development. The development shall be constructed in full accordance with the details as agreed and thereafter so maintained at all times.

Reason:

In the interests of local visual amenities and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

8. Samples of the slates, ridge tiles and timber infill panels to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development. The development shall thereafter be carried out in accordance with the agreed samples and so maintained at all times thereafter.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

9. A method statement detailing the cleaning, repair, repointing and where necessary the re-instatement of the stone elevations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall be constructed in full accordance with the agreed method statement and so thereafter so maintained at all times.

Reason:

In order to protect the character of the barn and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

10. Prior to the commencement of development, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be put into beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason:

To ensure the satisfactory drainage of the site.

11. No development shall commence until a scheme for the protection/provision of potential roosts for bats, including gaps between the barn walls and fascias, and bat boxes, has been submitted to and agreed in writing by the Local Planning Authority. The scheme, as agreed, shall be fully implemented prior to the first beneficial occupation of the dwelling.

Reason:

To ensure the protection and provision of potential bat roosts and in order to ensure compliance with Policy ENV16 of the Unitary Development Plan.

12. The dwelling hereby approved shall not be beneficially occupied until a parking layout indicating 2 No. parking spaces and turning area has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall thereafter be provided in accordance with the agreed details.

Reason:

In order to ensure a satisfactory level of parking to serve the dwelling, in the interests of highway safety, and to ensure compliance with Policies ENV8, ENV27 and TRAN 10 of the Unitary Development Plan.

13. Notwithstanding the submitted plans, no further areas of hard surfacing, gravel, or new surface materials shall be laid to the north of the barn within the existing yard area, without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenities and to ensure compliance with the terms of Policies ENV8 and ENV27 of the Unitary Development Plan, and in order to ensure a satisfactory level of parking is provided.

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. Notwithstanding the submitted ecology survey which indicated no presence of protected species within the barn, the applicant and any future developer should be advised that barns provide potential roosting for bats, nesting for barn owls, and should therefore be made aware of the following legislation.

All British bats are European Protected Species under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations 1994. Bats are fully protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended). It is also an offence under the Countryside and Rights of Way Act 2000 to deliberately kill or disturb a European Protected Species or recklessly damage or destroy the breeding site or its resting place.

Notwithstanding the lack of bats evident at the time of survey, if bats are found to be present during the conversion, work must stop and advice be sought from the Countryside Council for Wales (CCW).

Under the Wildlife and Countryside Act 1981, it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. I therefore recommend that work be carried out outside the nesting season, which is generally recognised to be from 1st March to 31st July, unless it can be demonstrated that nesting birds are absent.

Old agricultural buildings are often used by barn owls, which have found breeding in all months of the year. 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. Notwithstanding the results of the survey, if barn owls are subsequently found to be present, work must stop and advice be sought from the Countryside Council for Wales.

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

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

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

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

2007/01277/OUT Received on 12 September 2007

Mr and Mrs P T Thomas, The Villa, Pendoylan Road, Gwern-y-Steeple, Peterston Super Ely, Vale of Glamorgan, CF5 6LG
Mr and Mrs P T Thomas, The Villa, Pendoylan Road, Gwern-y-Steeple, Peterston Super Ely, Vale of Glamorgan, CF5 6LG

The Villa, Pendoylan Road, Gwern-y-Steeple

Outline application for one detached house in part of existing garden as infill

SITE DESCRIPTION

The application site comprises a fully detached dwelling in the area of Gwern-y-Steeple. The property is located just off Pendoylan Road and is surrounded by a large plot that lies outside any identified residential settlement boundary. The site therefore is designated open countryside.

DESCRIPTION OF DEVELOPMENT

The submitted application seeks outline planning consent to erect a new detached dwelling house within the side garden of 'The Villa'. All other matters other than the means of access have been reserved for subsequent detailed approval.

The application is supported by a Sustainability checklist.

PLANNING HISTORY

77/1186 – Dwelling with house and garage. Approved 15 November 1977

80/1968 – Change of use to land from disused agricultural land to the garden area of the new house and erect a shed. Refused 17 September 1980.

CONSULTATIONS

Peterston Community Council was consulted on 19 September 2007. Awaiting comments.

The Head of Visible Services (Highway Development) was consulted on the 20 September 2007. No objection in principle '...however the width of the access to the development site is required to be increased to 4.5metres for the first 6.0 metres, from the adjacent highway into the development site, to enable two vehicles to pass side by side...visibility to the west, along the adjacent highway from the site access is required to be increased to 2.4 metres x 33.0 metres...'

Ecology were consulted on 27 September 2007. Standard information provided on great crested newts, nesting birds and bats (see Appendix A).

REPRESENTATIONS

Neighbouring properties were consulted on 20 September 2007.

To date, one letter has been received, objecting to the proposed residential development and refers to additional details of other planning history near the application site (see Appendix B).

REPORT

Planning Policies

As the application site is located outside a defined residential settlement boundary, the proposal is assessed in relation to the following relevant policies:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE.

ENV4 – SPECIAL LANDSCAPE AREAS.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

HOUS2 – ADDITIONAL RESIDENTIAL DEVELOPMENT.

HOUS3 – DWELLINGS IN THE COUNTRYSIDE.

Issues

In assessing the proposal against the above policies, it is considered that the main issue in this case, is the principle of residential development in this location.

The existing dwelling and application site, lies outside the settlement boundary of Peterston-super-Ely, and accordingly, is assessed against Policy ENV1 and HOUS3 of the Unitary Development Plan, which require new dwellings to be justified in the interests of agriculture and forestry. There is no such justification provided in this case, however, Policies ENV1 and HOUS3, do make provision for proposals to be assessed under the criteria of Policies HOUS2 and HOUS8 of the Unitary Development Plan, where appropriate.

In this case however, the proposed development site is located a significant distance from the Peterston-super-Ely settlement boundary and it is therefore, inappropriate to consider it under the terms of these policies and the proposal therefore does not constitute a logical or appropriate rounding off the settlement, neither can it be considered as an infill development, as the proposed change of use to the land from disused agricultural land to the garden area of the new house was refused in 1980.

The proposed '...small, more manageable, energy efficient and environmentally friendly house...' is therefore regarded an insensitive form of development that would adversely affect the wider visual amenity of the area and relates poorly to the existing group of dwellings within which it is proposed. It is therefore considered that a dwelling in this location would constitute a form of development, which fails to respect the existing built and natural environment and would provide a potential future precedent for similar applications in the surrounding area, contrary to the Unitary Development Plan.

In terms of highway concerns, this department have no objections in achieving the access for two properties utilising the existing access for 'The Villa', on the basis that the existing access is increased to 4.5metres for the first 6.0 metres, and visibility to the west, along the adjacent highway from the site access is increased to 2.4 metres x 33.0 metres, and these requirements could be achieved on-site.

Other requirements, such as amenity space, design and the effect on neighbouring amenity, cannot be fully considered as this application is outline only. However, were the development considered to be in accord with the applicable criteria under the relevant policies, it is considered that this would not outweigh the overriding objections in relation to the principle of a new, unjustified residential property outside the residential settlement boundary and the implication this would generate for the character of the countryside and appearance of the area in general,

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS8 - Residential Development Criteria, and the advice contained within Planning Policy Wales (2002), it is considered that the proposal is unacceptable as it represents an unjustified dwelling in the countryside, which does not constitute logical rounding off or appropriate and sensitive infill within the group of dwellings, and would unacceptably affect the wider visual amenities and rural character of the locality.

RECOMMENDATION (W.R.)

REFUSE

1. By reason of its location outside the settlement boundary of Peterston-super-Ely and its relationship to the existing built and natural environment, the proposal represents an unjustified form of development in the countryside, which is unsympathetic to the environs of the site and would have an unacceptable effect on the character and wider visual amenities of the area. It is therefore considered that the development does not constitute the logical rounding off of the settlement nor can it be considered a form of infilling within the group of dwellings. The proposal is therefore contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS8 - Residential Development Criteria, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002).

2007/01281/FUL Received on 13 September 2007

Richard Morgan-Price, Egerton Grey Hotel, Porthkerry, Near Rhoose, Vale of Glamorgan, CF62 3BZ
Civic Planning Associates, 35, Marine Drive, Barry, Vale of Glamorgan., CF62 6QP

Egerton Grey Country House Hotel, Porthkerry, Near Rhoose

Change of use of hotel to residential property

SITE DESCRIPTION

The site relates to the Egerton Grey Country House Hotel, situated near Cardiff Airport at Porthkerry. The hotel itself is one of traditional 17th Century design set within a large curtilage with mature tree coverage throughout. There are outbuildings to the rear of the hotel, a former tennis court with car parking for numerous cars around the grounds.

DESCRIPTION OF DEVELOPMENT

The application proposes reverting the hotel back to its former use as a dwelling. No external changes are proposed with the application being only a change of use to the existing building and gardens.

PLANNING HISTORY

1991/00996/FUL – Proposed upgrading and extension of existing attic accommodation. Approved, 25 October 1991.

1990/00051/ADV – Roadside verge advertisement. Refused, 20 March 1990.

1987/00212/FUL – Proposed Hotel. Approved 23 June 1987.

CONSULTATIONS

Barry Town Council were consulted on 19 September 2007. Their response received 2 October 2007 outlines no objection.

Civil Aviation Authority were consulted on 19 September 2007. Their response confirms no observations to make on the application with regards to aerodrome safeguarding. However, "Cardiff Airport notes the proposed change of use from a hotel to a dwelling. We have concerns about any reversion to a dwelling which does not take into account TAN11 Part 7 Noise Exposure categories for Residential Development... The Egerton Grey is currently located within 57 dbLaeq16h contour as measured for summer 2006. It is predicted to remain within the 57 contour at 2015 under the Cardiff Airport Masterplan predicted noise contours. Therefore any permission for change of use must ensure that the dwelling has the appropriate level of noise mitigation applied at conversion as per TAN11.

The Highway Authority were consulted on 19 September 2007. Their response dated 5 October 2007 outlines no objections to the proposals based on the existing use.

The Director of Community Services was consulted on 19 September 2007. To date no response has been received.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 19 September 2007. Their response received 5 October 2007 outlines no comment.

Dwr Cymru/ Welsh Water were consulted on 19 September 2007. No objection to proposal, advisory conditions are attached. "Foul water and surface water discharges shall be drained separately from the site" and "Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the public sewerage system.

The Director of Leisure and Cultural Services was consulted on 3 October 2007. To date no response has been received.

REPRESENTATIONS

Due to its rural location no neighbour notifications were made. A site notice was erected outside the site on 28 September 2007. To date no representations have been made. However a letter has been received from the applicant which complains that the application has been reported to the Planning committee and outlines the reasons for the application, the letter is attached at Appendix A.

REPORT

Planning Policies

The relevant policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 are as follows:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE.

ENV3 – GREEN WEDGES.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

TRAN 10 – PARKING.

The Council's Adopted Amenity Standards Supplementary Planning Guidance is considered relevant along with Planning Policy Wales (2002). Including; Technical Advice Note 13 – Tourism.

Issues

The main issues to consider in this application relate to the effect the proposed change of use from a hotel to a residential property could have on the area on a whole along with any further issues that could arise from such a change in use.

The agent has submitted a supporting statement with the application and has outlined the fact that hotel was previously a rectory with gardens. This was given a change of use to a hotel by the Local Planning Authority under planning application 87/00212/FUL. The letter provided states the following;

"It is our opinion that this application is a straightforward material change of use of an existing building with associated gardens... The proposal will not have an adverse environmental, social or economic impact above that which the existing use already has. In actual fact it can be argued that to use the building residentially will have a lesser impact on these issues than use as a hotel. Consideration has been given to Planning Policy Wales and the Unitary Development Plan and it is considered that the proposal meets with the guidelines and policies provided by these documents. The openness of the local environment will be retained.

Whilst it is recognised that there is a need to restrict isolated dwellings in the countryside in this case it would be unreasonable to reject this proposal since it is considered that the change of use is appropriate and retains the existing rural appearance and scale. There is no need to make any external alterations to the appearance of the existing building. Should any small scale alterations be required these will be internal. Adequate utility and infrastructure services already exist and there is no extension of the curtilage into the countryside. The existing access can be retained and the car parking requirements of the local authority can be met."

Consultation was made with various bodies and a site notice was posted adjoining the access to the hotel. No letters of objection were received to the overall scheme. Cardiff International Airport however outlines some concerns over reverting the hotel to a dwelling in regard to TAN11 Part 7 Noise Exposure categories for residential development. It is considered however that the noise level guidelines relate to new dwellings rather than existing properties. Accordingly (due to the fact that the building is being used as a hotel and has previously been a dwelling, the change of use would not need to account for further noise mitigation). As specified in their response, Cardiff Airport states that the hotel is located within 57 dB_{L_{aeq}}16h contour. Under TAN11 this level would be categorized as A or B. Category A defines that *"Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable."* Whilst category B defines that *"Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection."* However, these guidelines relate more specifically to new dwellings; *"Noise Levels corresponding to the Noise Exposure Categories for New Dwellings L_{Aeq}, TdB"*.

Whilst it may be regrettable to lose a hotel within close proximity to Cardiff Airport it is considered that there is no defining reason for refusing such an application. There is no provision within the Vale of Glamorgan Unitary Development Plan 1996-2011 to protect the loss of hotels or other similar sources of tourism generation. Whilst Policies TOUR 1 and TOUR 2 relate to new hotels in the countryside and urban areas, there is no indication that existing hotels should be retained.

Planning guidance TAN 13 refers to the benefits hotel development can bring to an area but also states that care should be taken not to use the planning system to keep stock that is outdated where there is no longer demand; *"Hotel development can bring benefits for the local community and support amenities and activities for residents and tourists. Such development should be compatible with neighbouring uses. The conversion of hotel stock to alternative uses can weaken a seaside town's ability to retain its resort status, and this issue should be addressed in development plans for such areas. Care should be taken not to use the planning system to perpetuate outdated accommodation for which there is no longer a market demand"* TAN 13 (1997).

On a whole it is considered that the application to change the use back to a dwelling will not adversely affect the area or cause enough harm in regard to a loss of tourism to result in a recommendation to refuse the application. Whilst the hotel is set within a green wedge area in the countryside, there will be no changes to the external appearance of the building or wider area. The change of use will not impact on the surrounding area and appropriate access and parking is retained.

It is considered that a condition to remove permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 will be necessary. In changing the use from a hotel to a dwelling, permitted development rights would be available, however in order to protect the character and appearance of the building and the countryside no extensions or outbuildings should be built without prior approval from the Local Planning Authority.

CONCLUSION

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

Having regard to Policies ENV1 – 'Development in the Countryside', ENV3 – 'Green Wedges', ENV27 – 'Design of New Developments' and TRAN10 – 'Parking' it is considered that the proposal is acceptable. The change of use from hotel to dwelling will not impact on the surrounding area and the openness of the local environment will be retained. Therefore, the development complies with the above Planning Policies from the Unitary Development Plan and the Councils '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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved by change of use from a hotel 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 Policies ENV27 and HOUS7 of the Unitary Development Plan.

3. 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 or hard surface required for the purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, 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.

2007/01293/OUT Received on 17 September 2007

Mr and Mrs Norfolk, 1, Little West Bungalows, Southerndown, Vale of Glamorgan, CF32 0PY
Anthony A Clark, Beechwood, Wick Road, Ewenny, Vale of Glamorgan, CF35 5BL

Little West Bungalows, Southerndown

New Bungalow

SITE DESCRIPTION

The site comprises land falling within the undivided curtilage of two dwellings known as 1 and 2 Little West Bungalows, one of which is currently used as holiday accommodation. The site is situated to the rear of the recently-converted Little West Nursing Home, now in use as 8 flats.

The site is located in a highly prominent location adjacent to the coastal road between Southerndown and Ogmore by Sea, and within the Glamorgan Heritage Coast.

DESCRIPTION OF DEVELOPMENT

The application has been submitted in outline, with all matters other than siting reserved for subsequent approval. The scheme proposes the construction of a new bungalow matching the footprint of the adjoining bungalow, No. 2. The applicant advises that it will be used for holiday accommodation/ bed and breakfast.

PLANNING HISTORY

The site has a detailed planning history, predominantly determined by the former Ogwr Borough Council, of which application ref. 85/00329 for change of use to bed and breakfast and holiday let accommodation for bungalow No. 2 is of most relevance, having been granted consent in June 1995.

In addition, it is relevant that the adjoining Little West Nursing Home and garage outbuilding has recently been the subject of approvals for conversion to eight and two No. flats respectively.

CONSULTATIONS

St. Brides Major Community Council were consulted on 25 September 2007. To date no representations have been received.

Environment Agency Wales offers no objections.

The Head of Visible Services (Highway Development) have offered no representations to date.

Dwr Cymru/ Welsh Water has no comments to make on the application as the applicant intends utilising private drainage facilities.

The Ecology section were consulted on 9 October 2007. They advise that great crested newts are in the area and may be affected, while requesting vegetation clearance to be carried out outside the nesting season.

REPRESENTATIONS

JCW Construction (the owners/ developers of the adjacent Little West development) were consulted on 1 October 2007, while a site notice was displayed on 11 October 2007. To date no representations have been received.

REPORT

Planning Policies

The housing section of Planning Policy Wales advises at para. 9.3.3 that "insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity.

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

HOUS3 - DWELLINGS IN THE COUNTRYSIDE.

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV5 - THE GLAMORGAN HERITAGE COAST.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

Issues

The principle issue concerns whether the proposals amount to an acceptable form of new development in the countryside, particularly with regard to the visual impact of the proposals on the remote, undeveloped character of the Glamorgan Heritage Coast.

Principle of Development

As a matter of fact, the proposal relates to the construction of a new residential use on a site located well outside of any designated settlement, and which cannot be considered to represent either small-scale development or redevelopment within a settlement, nor the 'rounding off' of the edge of a settlement boundary. Accordingly, the proposal fails to accord with the objectives of Policies ENV1, HOUS2 and HOUS3 of the adopted Unitary Development Plan.

Accordingly, the applicant needs to demonstrate that there are other material considerations of sufficient weight to override the usual policy presumption against such new development in the countryside.

Tourism

The applicant advises that bungalow No. 2 is already used for holiday lets/ B&B, and that additional bookings are being sought, hence the application for such accommodation. Their business case states that:

"As there are no longer any hotels along the coast, and only a limited amount of B&B accommodation in the immediate area, we feel that we would like to expand – sympathetically and in keeping with this beautiful area - to provide a service and accommodation for the demand which we have currently been experiencing. This will obviously benefit the area economically with much needed support given to local trades."

While the case for additional tourist accommodation in the area is acknowledged, nevertheless neither national or local planning policy incorporate any encouragement for such new build development in sensitive locations where only residential development justified for agricultural or forestry related uses are deemed acceptable. In this case, no such justification has been submitted, while the proposal relates ostensibly to a new residential development in the countryside, irrespective of its suggested tourist accommodation use. Accordingly, there are considered to be no material considerations of sufficient weight to override the usual policy presumption against such new development in the countryside.

Visual Impact

In addition to the policy objections raised above, the site is located within the Glamorgan Heritage Coast, wherein Policy ENV5 of the Unitary Development Plan seeks to ensure that its special environmental qualities are conserved and enhanced, with the area treated as a remote zone with priority given to agriculture, landscape and nature conservation.

Amounting to a small pocket of development within an otherwise largely undeveloped, remote countryside zone, the site is highly prominent both in local views from the highway and public footpath networks, and from a distance from the coastal path/ beach road to the south.

Within this context, it is considered that the construction of a new bungalow on the site would increase the physical impact of development within a highly sensitive area of countryside. Although the agent considers that the recent development at Little West would effectively 'screen off' the proposed bungalow from the coastline, this argument is neither accepted, nor would it be considered in any event sufficient to outweigh the harm caused to the Heritage Coast and countryside by reason of the inappropriateness of such new, unjustified development. Indeed, the agent acknowledges that development in this area is of a sensitive nature, with much concern over any visual impact on the heritage coastline.

To support these conclusions, it is noted that, in considering a recent appeal for the conversion of the garage building at Little West, the Inspector stated that "The Heritage Coast designation particularly emphasises its undeveloped character and a significant increase in built development on this site as shown would be contrary to the objective of protecting this character". For similar reasons, therefore, the same conclusions are reached on this proposal for an unjustified new building within the countryside.

CONCLUSION

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

Having regard to Policies ENV1, ENV5, HOUS3 and ENV27 of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 the proposal would amount to an unjustified and insensitive form of development, which would substantially increase the impact of built development on the site and detract from the undeveloped and unspoilt nature of the Glamorgan Heritage Coast.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed new bungalow would amount to an unjustified and insensitive form of development, which would substantially increase the impact of built development on the site and detract from the undeveloped, unspoilt nature of the Glamorgan Heritage Coast, contrary to the objectives of Policies ENV1, ENV5, HOUS3 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Nomolos Limited, 3, The Nurseries, Fontygary Road, Rhooose, Vale of Glamorgan., CF62 3BW
Mr. M. Dummer, Groften House, Farteg Road, Bryn, Port Talbot., SA13 2RF

Hillcrest, Off Gileston Road, St. Athan

Two dwellings

SITE DESCRIPTION

The application site is Hillcrest, Gileston Road, St. Athan. The site is located 30m south of the crossroads of the B4265 and Gileston Road and just north of the railway line and Old Station Yard. It also lies outside of any defined settlement boundary and therefore within the open countryside.

The site is linear in form, measuring 23m in width across its frontage with Gileston Road and 15m in width along the majority of its 75m depth. The site at present contains a single dwelling, located approximately 15m back from the highway, with the remainder of the site being its domestic curtilage. The dwelling is of a modest scale, two-storeys in height with a footprint of 8m x 8m.

The site sits opposite two other dwellings on Gileston Road, namely Westward and Station House, and is bounded directly to the north and west by a field parcel.

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing house and the erection of two large detached dwellings and a detached double garage.

Both dwellings would be accessed via the existing vehicular access to the site from Gileston Road, with one dwelling located behind the other. The front dwelling is positioned side on to the road, broadly in the same position as the existing house, and the second dwelling is orientated perpendicular to the first, 9m from the rear boundary of the site. The detached garage is located centrally between the two dwellings, adjacent to the northern boundary of the site.

The front dwelling measures 12m wide x 7.8m deep x 9.7m in height and has three small, pitched roof dormer windows in the rear elevation. The rear dwelling measures 12m wide x 8.5m deep x 10.3m in height with a single pitched roof dormer in the rear and two in the front. The proposed double garage measures 8m wide x 6m deep x 7.1m in height.

The accommodation in each dwelling is comprised of a kitchen, family room, lounge, dining room and WC at ground floor, four bedrooms and two bathrooms at first floor, and two further bedrooms within the roof space. The front dwelling also has a single storey utility room on the side elevation.

No details of external finishes have been submitted, as the applicant has stated that these details would be reserved for consideration by condition.

PLANNING HISTORY

99/01353/FUL- New garage to Hillcrest. Approved 14 January 2000.

CONSULTATIONS

St. Athan Community Council. No representations have been received to date.

Environment Agency Wales has no objection.

The Head of Visible Services (Highways Development) has made the following comments:

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

- Based on the gross floor area and the number of bedrooms, three parking spaces per dwelling are required to be provided within the boundary of the development site, alongside one communal visitor parking space.
- Although the applicant has stated that six parking spaces will be provided, only four parking spaces (two parking spaces per dwelling) are shown on the submitted site layout plan, which are located within and in front of the proposed garages.
- Additionally, it is noted that there is an existing telegraph pole located within the boundary of the site, which may obstruct visibility along the adjacent highway.

Therefore, the required parking provision within the boundary of the development site and the exact location of the existing telegraph pole are required to be shown on an amended site layout plan and resubmitted for consideration."

Dwr Cymru/Welsh Water. No objection subject to standard conditions relating to the drainage of the site.

Building Control Section. No representations have been received to date in respect of the demolition of the existing house.

Glamorgan Gwent Archaeological Trust. No representations have been received to date.

REPRESENTATIONS

The neighbouring properties of Old Station Yard, Westward and Station House were consulted directly and a site notice was posted. Two letters of objection have been received from neighbouring properties, objecting on the following grounds:

- The application states that foul sewage will be disposed of via the mains sewer, whereas none exists.
- The proposal does not represent an appropriate form of infill.
- Additional housing would cause a hazard adjacent to a dangerous crossroads.
- The scale and design of the houses are out of keeping with the other dwellings in the vicinity.
- The orientation of the front dwelling is out of keeping with the other dwellings in the area, being side on to the road.
- There is insufficient parking to serve the dwellings.
- Problems with the application forms.
- Amenity space is deficient.
- The refusal of previous applications on the site.

REPORT

Planning Policies

The application site is located outside of any defined settlement boundary and accordingly the proposal has been primarily assessed against the following Policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).

ENV1- DEVELOPMENT IN THE COUNTRYSIDE.

ENV - GLAMORGAN HERITAGE COAST.

HOUS3 - DWELLINGS IN THE COUNTRYSIDE.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

Policy ENV1 of the Unitary Development Plan permits development in the countryside provided it is essential for the purposes of agriculture or forestry, for appropriate recreational use, the conversion of a rural building or if it is a development approved under another Policy of the Plan.

Policy ENV5 states that the special qualities of the Glamorgan Heritage Coast will be conserved and enhanced. It further states that with the exception of limited recreational facilities at Cwm Colhuw, Ogmere-By-Sea and Dunraven, the remainder of the area will be treated as a remote zone with priority being given to agriculture, landscape and nature conservation.

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

Policy ENV27 relates to all new forms of development and requires that new forms of development are of a high standard of design and have regard to the context of the natural and built environment within which they are proposed.

In addition to the relevant policies contained within the Unitary Development Plan, Planning Policy Wales (2002) provides advice in respect of extensions to existing small groups of dwellings, and states that such forms of development may be acceptable, however much will depend on the character of the surroundings and the number of such groups in the area.

Issues

The site lies outside of the residential settlement boundary of St. Athan, some 130m to the south of its limit. Accordingly, the main issues concern whether the proposal amounts to justified new development in the countryside, or otherwise an acceptable extension to the small group of dwellings of which it forms part. Other matters of importance relate to highway safety, visual amenity and the impact on neighbouring amenity.

Principle of Residential Development

The application site lies outside of the settlement boundary of St. Athan, which runs tightly along the southern boundary of the built form of the village, directly north of the B4265. As a matter of fact, therefore, the proposal constitutes new development in the countryside, for which no agricultural or forestry justification has been made. It is therefore clearly contrary to the aims of Policies ENV1 and HOUS3 of the adopted Unitary Development Plan.

As noted above, the application site lies some 130m south of the settlement. Whilst the road provides a clear, logical and physical boundary between the settlement and the undeveloped Heritage Coast to the south, the application site is further remote by virtue of the field parcel that separates it from the road. Accordingly, the application site clearly does not constitute rounding off of the settlement.

Impact on the Character of the Area

The application therefore falls to be assessed as to whether it constitutes an acceptable extension to an existing small group of dwellings, as referred to in paragraph 9.2.21 of Planning Policy Wales (2002) (Ministerial Interim planning Policy Statement 01/2006).

The site is in an extremely prominent location, lying just 30 south of the crossroads that lead in to St. Athan and Gileston, along the main road from Barry to the western Vale. Consequently, the site is highly visible when travelling in both directions along the road.

At present the site contains a single, modestly scaled dwelling which, whereas the application proposes its replacement with two significantly larger buildings and associated garaging. The 'group' of dwellings to which the site forms part is comprised of Hillcrest and 4 other dwellings on the other side of Gileston Road. The application does not seek to infill within the existing dwellings, but instead would extend the built form further into the countryside.

The curtilage serving Hillcrest is of a substantial depth, some 70-75m, and at present contains a few trees and other forms of vegetation. The visual impact of the existing curtilage is minimal and it is well assimilated into the rural character of the surroundings. The proposed development, however, would intrude significantly into the rural landscape of the Heritage Coast and fundamentally and adversely alter the character of the site and its surroundings.

It is considered that the proposal, comprised of two large dwellings and a large detached garage, (in itself over 7m high), would appear as a visually prominent and alien form of development, causing considerable harm to the special environmental qualities of the Glamorgan Heritage Coast and would serve to undermine the purpose of its designation, to protect the undeveloped and unspoilt nature of the area.

Whilst the dwellings would be located in relatively close proximity to other dwellings, it is considered that the development represents an unacceptable and inappropriate extension of the existing built form, which is not rendered acceptable by mere proximity to other dwellings and would fail to preserve the character of the area.

Whilst the development is therefore unacceptable in principle, it is considered that the detail of the scheme is in itself inappropriate, in that the dwellings are over-scaled and of a design and form which is wholly out of keeping with the character of the area, both in terms of the dwellings themselves and the layout.

The proposal is a tandem form of development, which it is considered constitutes an undesirable and inappropriate form of development, which, in addition to being out of character with the area, would result in harm to the amenities of the occupiers of the front dwelling. This view is supported in Planning Policy Wales (2002) at para. 9.2.13.

However, amendments have not been sought due to the overriding policy objections to the application.

Highway Matters

While concerns have been raised by the neighbouring property in terms of highway safety, there has been no objection from the Highways Engineer in terms of the impact on the existing highway network. It appears that insufficient parking exists to serve the two dwellings, however it is possible that this issue could be overcome through a different layout.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV5 - Glamorgan heritage Coast, HOUS3 - Dwellings in the Countryside and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice contained within Planning Policy Wales (2002), it is considered that the proposal is unacceptable in that it constitutes an unjustified form of development in the countryside, which would cause harm to the rural character and landscape value of the Glamorgan Heritage Coast.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an unjustified form of new residential development in the countryside, which would cause serious harm to the rural character and appearance of this part of the Heritage Coast, which is designated for its undeveloped and unspoilt landscape value. As such the proposed development is contrary to Policies ENV1, HOUS3, ENV5 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and national guidance contained in Planning Policy Wales (2002).

2007/01367/FUL Received on 28 September 2007

Springfield Spray, Sutton Road, Llandow, Vale of Glamorgan.,
Andrew Parker Architect, Studio One, The Great Barn, Bonvilston, Vale of Glamorgan., CF5 6TR

Springfield Spray Llandow Ltd, Sutton Road, Llandow

Retention of essential workers caravan

SITE DESCRIPTION

The site relates to Springfield Spray Nurseries, Sutton road, Llandow, and specifically to the site of an existing unauthorised residential caravan, which is located adjacent to the existing boiler house, at the end of the existing entrance to the site from Sutton road, Llandow.

DESCRIPTION OF DEVELOPMENT

The retention of the essential worker's caravan.

PLANNING HISTORY

The nursery site has an extensive planning history, of which the following are of particular relevance to this application:

78/0106/FUL - Bungalow for nursery. Approved conditionally on 9 May 1978.

97/00469/FUL - Full application for the construction of a new 3 bedroom dwelling for the Manager of the Springfield Spray nursery. Approved 16 December 1997 subject to a Section 106 Legal Agreement to restrict the occupancy of the proposed dwelling to employees of the horticultural operations at the Springfield Spray site only. This consent has not been implemented, and has since lapsed.

CONSULTATIONS

Llandow Community Council were consulted on 5 October 2007. To date no representations have been received.

Environment Agency Wales were consulted on 5 October 2007 and have no objections.

Dwr Cymru/ Welsh Water were consulted on 5 October 2007. To date no representations have been received.

REPRESENTATIONS

'Ashleigh House', and 'The Place For Homes Ltd' Sutton road, Llandow, were consulted on 5 October 2007, with a site notice displayed on 11 October 2007. To date no representations have been received.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

HOUS3 - DWELLINGS IN THE COUNTRYSIDE.

HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS

ENV10 - CONSERVATION OF THE COUNTRYSIDE.

Policy ENV1 permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy HOUS3 permits new dwellings in the countryside provided that they can be justified, while Policy HOUS5 permits dwellings associated with agriculture or forestry provided (i) an essential need is demonstrated, based on functional and financial necessity; (ii) the scale, siting, design, landscaping and external appearance are compatible with the surrounding landscape; and (iii) an acceptable access to the dwelling can be provided.

Policy ENV10 seeks to ensure that the countryside and in particular areas of high quality landscape, will be protected from inappropriate forms of development, while Policy ENV27 relates to the Design of New Developments and seeks to ensure that all new forms of development have regard to the context of the environment within which they are proposed.

National planning guidance is to be found in Planning Policy Wales (2002) (PPW) and Technical Advice Note 6 (TAN 6). Planning Policy Wales advises that a proposal for such a dwelling must demonstrate that the proper functioning of the enterprise requires a worker to be readily available at most times, and that the farming enterprise is economically viable (functional and financial tests).

PPW also states that it is important to establish the stated intentions of the applicant to engage in agriculture are genuine, and reasonably likely to materialise and are capable of being sustained. PPW goes on to state that where a case is not completely proven, the dwelling should take the form of temporary accommodation for the first three years, which could easily be dismantled.

TAN 6 repeats this advice and states that an application for a temporary dwelling should satisfy the following criteria:

- (i) Clear evidence of a firm intention to develop the enterprise concerned.
- (ii) Functional need.
- (iii) Clear evidence that the enterprise has been planned on a sound financial basis.
- (iv) The functional need could not be satisfied by another dwelling within the unit, or other suitable accommodation in the area.
- (v) Other normal planning requirements, for example on siting and access, are satisfied.

Issues

The primary issues in this case are whether the existing residential caravan satisfies the functional and financial tests, and whether its siting is appropriate, also having regard to whether a permanent dwelling would be acceptable, should the case for a temporary structure be proven.

The application has been submitted following an enforcement investigation, and it has been established that the caravan has been placed on site for approximately the last three years.

Functional Test

The agent has stated that the existing nursery employs approximately 25 staff, with the manager accommodated in the existing bungalow and two essential workers that are required to be on site 24 hours a day, 7 days a week, 365 days a year living in the caravan to monitor and oversee the efficient running of the glasshouses. He further states that it is important in winter that they are able to respond to any emergency such as an interruption in the heating supply, while deliveries of plants can occur at any time day or night, as well as the collection of mature plants.

To satisfy the functional test it must be demonstrated that a worker must be readily available to deal with agricultural processes that require essential care at short notice, or to deal with emergencies that might otherwise cause serious loss of crops or products (TAN 6, para 42).

It is notable that the existing complex at Springfield Spray already includes a small bungalow and therefore the main point at issue in this current application is whether or not a second dwelling can be justified on agricultural/ horticultural grounds, taking into account the functional and financial tests as set out in Annex E to PPG 7.

In this respect, it is of particular relevance that application ref. 97/00469/FUL has previously considered the same point, at which time it was concluded that a second dwelling was justified, with permission subsequently granted subject to a s106 agreement limiting the occupation of the proposed dwelling to employees of the horticultural operations at the Springfield Spray site. That approval, however, remains unimplemented some ten years after being granted, and is therefore no longer extant.

Irrespective of the earlier approval, however, the Council's agricultural consultant has been consulted on the current application to assess whether there is any current need for a second worker to be housed on the site, also taking into account up-to-date National and Unitary Development Plan Policies.

On this point, he notes that, while it makes "perfect business sense" to have as many workers as possible living on site, this is not the test, which instead is that it must be shown that there is a need for those workers to be on site most times out of necessity.

Given the highly sophisticated and fully automated growing system in use, with equally sophisticated remote alarm systems readily available (if not already installed on this site), he considers the only justification for any worker to be required on site most times out of necessity therefore, would be to react quickly enough to any failure of those systems. There is, however, already a dedicated dwelling on site and this is occupied by a dedicated worker for this purpose.

In this respect, the Consultant considers there to be no instance which could not adequately be identified by such an occupier, dealt with by that worker, or in very rare circumstances, dealt with by that worker together with other workers called in from the neighbouring settlements. This bungalow also provides any additional security required to protect the enterprise from theft and other risks.

Accordingly, he has concluded that the application fails the functional test, in that there is no proven agricultural need for an additional farm worker to remain on site most times out of necessity.

Financial Test

Given the failure to meet the functional test, no financial test has been undertaken.

Conclusions on Main Issues

The earlier, 1997, consent for a dwelling to house a second worker in connection with the nursery is of relevance to this application, yet it has remained unimplemented and has now expired. Accordingly, it is strictly necessary to rigorously re-examine the case for new residential use on the site, given the increased emphasis on protection of the countryside given by TAN6 (2000), Planning Policy Wales (2002) and the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

In this respect, given the firm and unequivocal conclusions of the Agricultural Consultant, it is considered that there is no functional justification for the caravan to be retained on site to house essential workers for this horticultural use. Accordingly, permission should be refused and enforcement action authorised to secure the removal of the caravan from the site.

CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, HOUS3 - Dwellings in the Countryside, HOUS5 - Agricultural or Forestry Dwellings, and ENV10 - Conservation of the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and advice in Planning Policy Wales (2002) and TAN 6 (2000), it is concluded that there is no proven agricultural need for a second worker to be housed on site.

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse the planning application, the Director of Legal, Public Protection and Housing Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure the cessation of the residential use and removal of the unauthorised caravan. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE

1. In the opinion of the Local Planning Authority, there is no justification for a second residential unit to serve the existing horticultural use and therefore the proposal represents unjustified residential development in the countryside outside any recognised settlement. Accordingly, the development both breaches and undermines the objectives of Policies ENV1 - Development in the Countryside, HOUS2 - Residential Development, HOUS3 - Dwellings in the Countryside, HOUS5 - Agricultural or Forestry Dwellings and ENV10 - Conservation of the Countryside, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained in Planning Policy Wales 2002 and Technical Advice Note 6.

2006/01541/RG3 Received on 31 October 2006

Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT
Chris Fray, Head of Econ. Dev. & Leisure, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan, CF63 4RT

Land adjacent to Cogan Hall Farm, Penarth

Layout and landscaping of public open space

SITE DESCRIPTION

Council owned agricultural land to the west of the David Wilson Homes and Wimpey Homes residential developments at Cogan Hall and to the east of Old Cogan Hall Farm. The site is approximately 7.5 Ha. Part of the site is designated as a Scheduled Ancient Monument relating to farming and settlement activity in the medieval period.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to landscape and layout the site to form part of the Public Open Space provision for the housing development at Cogan Hall. The land was secured as part of the original Section 106 Legal Agreement that included commuted sums to layout and maintain the land to provide strategic footpath links to Cosmeston Lakes Country Park as well as to provide accessible open space for the new residential development adjacent to the site.

The proposed works include improved links between the residential estate and the open space through the use of kissing gates, timber stiles and footbridges etc., the re-directing of a public footpath to take it further away from existing residential properties. The proposal also includes the construction of tar spray and chip footpaths, additional "buffer" planting to screen and separate the public areas and the private residential areas to the west of the site, new fencing, an informal kick-about area with timber "goalposts" and strategically positioned benches and an interpretation/information board.

The majority of the site is to be left as grassland (to be mown once every fortnight) with wildflower areas on the periphery of the site and native planting (Hawthorne, Blackthorn, Holly, Ash, Field Maple and Hazel) in the "buffer" planting areas.

PLANNING HISTORY

02/00062/FUL – Land to the west and south of the site – use of land for the extension to Cosmeston Lakes Country Park was approved but a legal undertaking was provided not to undertake the scheme due to alleged factual inaccuracies in the report.

02/00061/FUL – Use of land as Public Open Space – as above.

00/00665/OUT – Application for the renewal of the previous outline consent (Ref. 93/01129/OUT) was granted on 23 February 2001, subject to a Section 106 Legal Agreement.

93/01129/OUT – First outline planning consent granted for the entire Cogan Hall Farm development, and this was approved on 14 November 1997 subject to conditions and subject to a Section 106 Legal Agreement.

CONSULTATIONS

Penarth Town Council were consulted on 15 November 2006 and re-consulted on the amended site location plan on 2 March 2007. No comments have been received to date. In respect of the amended plans the Town Council advised on 2 July 2007 that the application should be approved on the basis of the amended plans.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 15 November 2006. "This department has no comment to make regarding the application."

The Head of Visible Services (Highways and Engineering Design) was consulted on 15 November 2006. "Further to the site inspection undertaken in relation to the above application, I would comment that the Highway Authority have no objection to the above proposals.

However, it should be noted that if car parking charging is introduced at Cosmeston Park, it is likely that displaced parking will take place within the residential area adjacent to the above site."

Environment Agency Wales was consulted 15 and 21 November 2006. Their comments are included as Appendix A to this report.

Cadw (Welsh Historic Monuments) was consulted on 15 November 2006. Their comments are attached as Appendix B.

Glamorgan Gwent Archaeological Trust was consulted on 27 November 2006. They confirm that they support the application but they have requested a condition be attached to any consent requiring the applicant to submit a detailed programme of investigation for the archaeological resource of the deserted Medieval village.

The Council's Biodiversity Officer/Ecologist – Having reviewed the Ecological Surveyors report regarding presence of otter and water vole, the Council's Biodiversity Officer/Ecologist had no further comments to make, but recommended the option of management recommendations detailed in the report.

The Head of Visible Services (Operational Manager Engineering Design) "The submitted details indicate proposals to construct a footbridge over a stream that passes through the development. As this may require the prior consent of the Environment Agency it is recommended that you seek their comments."

The Council's Public Rights of Way Officer was consulted on 15 November 2006.

"The property is crossed by two Public Rights of Way shown on the Definitive Map; namely Restricted Byway No.14 Penarth (Mile Lane) to the south and Public Footpath No.12 Penarth to the north.

The proposals have no significant impact on RB 14, other than to create junctions with new footpaths in a couple of locations. Public Footpath No.12 however is significantly affected by the proposal, effectively diverting its route approximately 80 metres to the north by reconstructing the footbridge in a different location. If consent is granted for this application, a formal Diversion Order under the Town and Country Planning Act will be required to enable it to proceed. Orders made under the Town and Country Planning Act are non-executive functions and can be resolved at this Committee. Consequently, if Committee resolves to grant consent for this Planning Application, it can at the same time authorise the making of the Footpath Diversion Order that is required.

The path linking RB 14 with FP 12 to the immediate east of the farm buildings is not a formally registered Public Right of Way, that part of Cart Road No.14 Penarth having been legally stopped up by an Order made in 1980 under S.108 of the Highways Act 1959. Consequently the present proposal to close it again does not legally require a further Order. However it should be noted that the 1980 closure was never physically implemented and the public continued to use the path up to the present day. This could easily give rise to the potential for a new path to be claimed in this location under S.53 of the Wildlife and Countryside 1981, should any member of the public wish to do so. I am satisfied that an acceptable alternative route is included in the proposal, which should satisfy any aggrieved user, but the potential for such action should nevertheless be brought to the attention of the applicant."

Councillors Janice Birch and Mark Wilson were consulted on 5 December 2006 and re-consulted on the amended site location plan on 2 March 2007. No comments have been received to date.

REPRESENTATIONS

Neighbouring occupiers were notified on 15 and 27 November, 2006 and re-notified on 2 March 2007. The application was advertised on site and in the press on 28 November, 2006. The occupiers of Old Cogan Hall Farm, Old Cogan Hall Nos. 2 and 3 Cogan Hall Cottages and the Sub Warden of St. Peters Church have objected to the proposal on the following grounds:

- The loss of agricultural/grazing land.
- The increase in the number of visitors and vehicles to the site leading to the blocking up of the access lane to Cogan Hall Cottages and the access to the Farm.
- The public open space will surround the existing residential properties.
- The financial cost of creating the public open space.
- The scheme will be detrimental to the local farming and residential community.
- The scheme should be the subject of a change of use application from agricultural land.
- The lack of any provision for parking.
- The use of the access lane by maintenance vehicles and the subsequent damage to the un-metalled lane.
- The lack of a suitable access for emergency vehicles.
- The loss of a slurry pit for the farm.
- The possibility of the landscaping damaging archaeological remains, and,
- The loss of privacy.

An estate agent acting on behalf of the occupier of Cogan Hall Farm has stated that the site includes a parcel of ground and the slurry pit that are presently tenanted to him under the Agricultural Holdings Act 1986 and that he has not been formally notified of the application as having a legal interest in the land. The Director of Legal and Regulatory Services has confirmed that the Grazing Licence was terminated on 18 March, 2006 and that the slurry pit was surrendered to the Land Authority of Wales (the Council's predecessor in title) in 1992.

In addition, and subsequent to the the production of the report to the October Committee a letter was received from Burgess Salmon solicitors acting on behalf of Mr. T. J. Bailey of Old Cogan Hall Farm.

Copies of four letters of objection (including the letter relating to ownership/tenancy of the site and the letter from Burgess Salmon) are included as Appendix C to this report.

REPORT

The application was reported to Planning Committee in October. Consideration was deferred to allow the report to be updated, given that the content of the report did not reflect the up to date position as regards to amendments submitted during the life of the application.

Planning Policies

The application can be assessed against Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV24 – Conservation and Enhancement of Open Space and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales, the approved Supplementary Planning Guidance Note on 'Design in the Landscape' (2006) and the Cogan Hall Development Brief and the Landscapes Working for the Vale of Glamorgan document and the Cogan Hall Farm Master Development Brief.

Issues

The Council were allocated the application site as part of the Section 106 Legal Agreement relating to the Cogan Hall Farm housing development. The site was formerly used as grazing land and the land is not considered to be the best and most versatile agricultural land and therefore, the proposal accords with Policy ENV2 of the Unitary Development Plan (UDP). The application also accords with Policies ENV1, ENV10, ENV11, ENV15 and ENV16 as it is compatible to the rural nature of the site, there are no buildings proposed for the site and the otter and water vole survey has confirmed that there is no evidence of either species on the site.

Paragraph 7 of the Schedule to the Section 106 Legal Agreement attached to the outline consent for a residential development at Cogan Hall Farm stated:

"The Developers hereby covenant with the Council: To pay to the Council upon the commencement of development the sum of £243,057.22, the sum of £117,094.22 of which shall be used for the laying out and landscaping of that area of land marked green on the plan and £125,963 of which sum shall be put to the maintenance of the land subsequent to the laying out and landscaping thereof."

Paragraph 2.4.1 of the Cogan Hall Farm Master Development Brief states:

"The open space requirements of the development will be met in part through an agreed extension to Cosmeston Lakes Country Park. This extends along the western boundary of the southern development area, retaining an area as open landscape and providing a rural backdrop to Cogan Hall Farm."

The Council has carried out a consultation programme with various consultees including an application for Scheduled Monument Consent to CADW, discussions with the Environment Agency relating to Sully Brook and on-site sewers and the Council's Ecologist relating to wildlife in and around the site. The contract to layout the land will incorporate a three year maintenance period before being handed over to the Parks and Ground Maintenance Department.

Local residents have been consulted on the proposals and the scheme has been revised to take into account their comments. The footpath to the northern end of the site will be diverted to take it further away from the private residential properties (this will require a formal diversion order under the Town and Country Planning Act 1990). The access and maintenance gates have been relocated away from the cottages and extra "buffer" planting is proposed on the boundary with the residential properties along the western boundary of the site. The site of the former slurry pit to the east of the Old Cogan Hall Farm buildings no longer forms part of the application following amendments received on 22 May 2007. The plan ref. no. 20084/31 has been amended to clearly show the site boundary as well as features such as the slurry pit boundary which lies outside the application site. In addition to this a leaflet will be produced for circulation locally explaining the nature of the open space works and the aims of the management practice. This will highlight the conservation value of the site and will encourage interest in local flora and fauna. An interpretation board will be located to explain the archaeological significance of the site as well as its wildlife and a number of benches and an informal kick about area are proposed for locals and visitors.

Whilst there is no evidence of either water voles or otters on the site, the Licensed Ecological Surveyor has made recommendations in his report relating to the management of the streamside vegetation and hedgerows and these will be incorporated into the project.

With regard to the land ownership issues in and around the site, the Director of Legal and Regulatory Services has confirmed that the Grazing Licence for part of the site was terminated on 18 March, 2006 and that the slurry pit area of land was surrendered to the Land Authority of Wales (the Council's predecessor in title) in 1992. Notwithstanding this fact, the slurry pit is in any event not part of the application site. Therefore, the application site is wholly controlled by the Council and it has not been necessary to serve notice on the occupier of Cogan Hall Farm. This fact has been rechecked and further clarification has been obtained that none of the land within the application site is currently tenanted or licensed for agricultural purposes.

It is considered that this area of open space is a natural extension of the Cosmeston Lakes Country Park and will provide a useful informal area of land for existing and future residents in the surrounding area. Links are to be provided between the adjoining residential estate and the open space in order to improve accessibility to this area. As there are no formal activities or buildings proposed for the site and there is no charge to park at Cosmeston Park, it is considered that the site will only be used by residents within walking distance of the site and should not attract significantly more visitors and vehicles to the area. In addition to this, the Highway Officer notes that any vehicle blocking the highway adjacent to Cogan Hall Cottages would in fact be causing an obstruction which would be an issue of traffic enforcement to be dealt with by the police.

The site location plan and the red line boundary has been revised during the life of the application, with the most recent revision being made 22 May 2007. In addition and following discussions within the tenant of Old Cogan Hall Farm, Condition No. 6 is proposed to reflect the desirability of obtaining enhanced planting at the western boundary of the site to screen Old Cogan Hall Farm.

CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV15 – Local Sites of Nature Conservation, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV24 – Conservation and Enhancement of Open Space and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales, the approved Supplementary Planning Guidance Note on 'Design in the Landscape' (2006), the Cogan Hall Development Brief, Landscapes Working for the Vale of Glamorgan document and the Cogan Hall Farm Master Development Brief, the proposal is considered acceptable in respect of its impact on the privacy and amenity of existing dwellings, the ecology of the site, the visual amenities of the area in general and ancient scheduled monument areas and the wider character of the rural area.

RECOMMENDATION

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

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

Reason:

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

2. This consent shall relate to the plans registered on 31 October, 2006 other than where amended by plans reference 20084/31H, 34,35 (Red and Blue line plan), received 22 May 2007 .

Reason:

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

3. The works shall be carried out in accordance with the licensed ecologists survey and recommendations.

Reason:

To safeguard issues of ecological importance, in accordance with Policy ENV16 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

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

Reason:

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

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

Reason:

To comply with the Wildlife and Countryside Act 1981.

6. Notwithstanding the submitted details additional planting shall be provided on the western boundary with Cogan Hall Farm and details of the planting shall be submitted to and approved in writing by the Local Planning Authority prior to the planting being undertaken in accordance with Condition No. 7 below.

Reason:

In the interests of the amenities of adjoining occupiers.

7. 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.

8. That the Director of Legal and Regulatory Services be authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 diverting Public Footpaths No. 12 Penarth as shown on the attached map.

Reason:

To enable the development to proceed in accordance with consent granted.

- (2) That the Director of Legal and Regulatory Services be authorised to: confirm the Order on completion of the works provided no objections are received, or submit the Order to the Welsh Assembly Government should any valid objections be received.

NOTE:

1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
2. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.

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

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

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

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

2007/01399/RG3 Received on 8 October 2007

John Dent Major Projects Manager, Vale of Glamorgan Council, Docks Office, Barry, Vale of Glamorgan.

John Dent Major Projects Manager, Vale of Glamorgan Council, Docks Office, Barry, Vale of Glamorgan.

Hood Road Goods Shed, Hood Road, Barry Waterfront, Barry

Change of use of building to allow storage

SITE DESCRIPTION

The application site is Hood Road Goods Shed, Hood Road, Barry Waterfront. It is a primarily single storey brick built shed building, 80m long x 10m in depth, which lies directly adjacent to Hood Road.

The application site also includes two areas of land at either end of the goods shed, one approximately 50m long x 20m deep (to the west) and 65m long x 20m deep (to the east). There is a vehicular access to the land from the events car park directly to the south.

DESCRIPTION OF DEVELOPMENT

The application proposes the change of use of the building to:

A conservation shed for the storage, restoration and exhibition of heritage and related rolling stock, as part of the Barry Steam Railway Project.

The application lists the building as vacant at present, with the last use being the storage and maintenance of buses.

PLANNING HISTORY

None relating to this building.

CONSULTATIONS

Barry Town Council. No representations have been received to date.

The Head of Visible Services (Highway Development). No representations have been received to date.

The Head of Economic Development and Leisure. No representations have been received to date.

Network Rail. No representations received date.

The Director of Legal, Public Protection and Housing Services (Environmental Health). No representations have been received to date.

REPRESENTATIONS

Silver Star DIY were consulted and a site notice has been posted. No representations have been received to date.

REPORT

Planning Policies

The application site lies within the settlement boundary of Barry, and accordingly the following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are relevant to the consideration of the application:

ENV6- East Vale Coast:

OUTSIDE THE GLAMORGAN HERITAGE COAST DEVELOPMENT WITHIN THE UNDEVELOPED COASTAL ZONE WILL BE PERMITTED IF:

- (i) A COASTAL LOCATION IS NECESSARY FOR THE DEVELOPMENT AND
- (ii) THE PROPOSAL WOULD NOT CAUSE UNACCEPTABLE ENVIRONMENTAL EFFECTS BY WAY OF:
 - VISUAL OR NOISE INTRUSION;
 - IMPACT ON AREAS OF LANDSCAPE IMPORTANCE;
 - AIR, LAND OR WATER POLLUTION;
 - EXACERBATION OF FLOODING OR EROSION RISK;
 - HAZARDOUS OPERATIONS; OR
 - IMPACT ON ECOLOGY OR FEATURES OF GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE.

IN AREAS OF EXISTING OR ALLOCATED DEVELOPMENT WITHIN THE COASTAL ZONE, ANY NEW PROPOSAL SHOULD BE DESIGNED WITH RESPECT TO ITS LOCAL CONTEXT AND SENSITIVE TO ITS COASTAL SETTING.

ENV25- Regeneration of Urban Areas:

MEASURES TO IMPROVE THE ENVIRONMENTAL QUALITY OF THE URBAN FABRIC WILL BE FAVOURED WITH PRIORITY BEING GIVEN TO OLDER URBAN AREAS AND HOUSING ESTATES. PARTICULAR ATTENTION WILL BE GIVEN TO THE REGENERATION OF DERELICT OR DEGRADED LAND ESPECIALLY WITHIN THE FORMER DOCKLAND OF BARRY AND PENARTH.

ENV27- Design of New Developments:

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

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

EMP2- New Business and Industrial Development:

PROPOSALS FOR NEW BUSINESS AND INDUSTRIAL DEVELOPMENT INCLUDING AGRICULTURAL SERVICE INDUSTRIES AND THE EXTENSION, CONVERSION AND REPLACEMENT OF EXISTING PREMISES FOR SUCH PURPOSES, WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE PROPOSAL DOES NOT LIE WITHIN THE COUNTRYSIDE EXCEPT FOR THOSE PROPOSALS ACCEPTABLE UNDER THE TERMS OF ENV8 (RURAL BUILDINGS) OR COMM2 (REDUNDANT HOSPITALS);
- (ii) THE PROPOSAL MINIMISES THE LOSS OF GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A) AND DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ATTRACTIVE LANDSCAPE AND HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iii) THE SIZE AND RELATIONSHIP OF ANY NEW BUILDING AND / OR ALTERATION OR EXTENSION IS NOT DISPROPORTIONATE TO ITS SIZE AND SETTING;

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

EMP3- General Industry:

DEVELOPMENT WILL BE PERMITTED FOR B2 USE* (GENERAL INDUSTRY) WHERE:

- (i) THE PROPOSAL IS COMPATIBLE WITH EXISTING BUSINESS /INDUSTRIAL / WAREHOUSING USES;
- (ii) IT WILL NOT CAUSE DETRIMENT TO THE AMENITIES OF NEARBY RESIDENTIAL AREAS;
- (iii) THE NATURE AND SCALE OF THE PROPOSED DEVELOPMENT DOES NOT UNACCEPTABLY AFFECT SURROUNDING USES;
- (iv) IT DOES NOT PRESENT ADDITIONAL RISK TO THE HEALTH OR SAFETY OF USERS OF THE SITE AND DOES NOT UNACCEPTABLY POLLUTE AIR, WATER OR LAND; AND
- (v) IT DOES NOT UNACCEPTABLY AFFECT THE USE OF THE ADJOINING LAND BY VIRTUE OF THE RISK AND IMPACT OF POTENTIAL POLLUTION.

Issues

It is considered that the primary issues in the assessment of the application concern the principle of the use in this location, any impact on the amenities of surrounding uses and the locality, and highways issues.

The goods shed is a large and prominent building situated within the western part of the waterfront, located in an ideal position to facilitate activities related to the steam railway and the regeneration of the area. Policy ENV25 in particular favours development proposals which would aid regeneration, particularly in former dockland areas. The building is presently vacant and it is considered the proposed use would bring the goods shed back into an appropriate beneficial use, which would assist the development of the Barry Steam Railway and the wider regeneration of the docks area. It is also envisaged that the proposed use would provide opportunities to encourage public visits to the waterfront for specific exhibition events.

The building is located approximately 60m away from the Council's Business Service Centre to the north and 110m from Howe Motors to the west, which are the closest two neighbouring uses. Accordingly, it is considered that the nature and extent of the use would cause no harm to the amenities of these neighbouring uses. There are no residential properties located within a distance which would have bearing on their amenities.

There are no external alterations proposed to the building and it is therefore considered that the proposal will have no material visual impact on the character of the building or the wider street scene.

Whilst comments have not yet been received from the Council's Highways Engineer, it is noted that the site benefits from an extensive parking area to the west of the building, 15m x 50m in size, in addition to the large parking area to the south of the site that is presently used when staging public events, including recently circuses. Access to the building is over Council land to the rear, through the large car park and it is therefore considered that the proposed use would not have an adverse effect on the free flow or safety of the highway. The building would only be open for public events on limited specific occasions, as opposed to on an open door basis.

It has been confirmed that engines are to be delivered to the main shed at Barry railway centre and then taken down the track to Hood Road. Parts of engines would arrive at the application site by appropriate vehicle, which would in most cases be small vans, and occasionally heavy loaders (estimated at a few times a year). It is therefore unlikely that vehicle movements to and from the site would often exceed those of the 2-3 staff that the application states would be employed at the site.

In light of the above, it is considered that the proposed use represents a desirable and beneficial use for the building, which at present does not contribute to the vitality of the waterfront. It is further considered that the use is compatible with the location and surrounding uses, in compliance with the criteria of Policies ENV27, EMP2 and EMP3 of the Unitary Development Plan.

CONCLUSION

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

Having regard to Policies ENV6 - East Vale Coast, ENV25 - Regeneration of Urban Areas, ENV27 - Design of New Developments, EMP2 - New Business and Industrial Development and EMP3 - General Industry, it is considered that the proposed use is acceptable in that it would bring the building back into an appropriate use to benefit Barry Waterfront and the Steam Railway, would not cause harm to the amenities of surrounding uses, and provides for an appropriate access and level of parking.

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. The use of the building hereby granted shall be limited to that of storage, restoration and exhibition of heritage and related rolling stock, and for no other use within Use Classes B2 or B8 of the Town and Country Planning (Use Classes) Order 1987.

Reason:

In order to control the nature of the use and to ensure compliance with Policies EMP2 and EMP3 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.

Directorate of Env. & Economic Regeneration, Vale of Glamorgan Council, Dock Offices, Barry Docks, Barry, Vale of Glamorgan., CF63 4RT
Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry., CF63 4RU

Civic Offices, Holton Road, Barry

Upgrading of hard and soft landscaping to the main public entrance

SITE DESCRIPTION

The Vale of Glamorgan Council's main Civic Offices, located on Holton Road, Barry.

DESCRIPTION OF DEVELOPMENT

The upgrading of the existing hard and soft landscaping to the main public entrance at Holton Road, consisting of works to include:

- removal of existing steps and backfilling;
- removal of existing paving slabs and replacement with new paving;
- realigned entrance walkway and revised seating area to provide central and level access to the main entrance; and
- new soft landscaping and seating.

PLANNING HISTORY

None relevant to this application.

CONSULTATIONS

Barry Town Council were consulted on 19 October 2007. To date no representations have been received.

REPRESENTATIONS

A site notice was displayed on 22 October 2007. To date no representations have been received.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005 and within which the following policies are of relevance:

Issues

The main issue concerns whether the proposals would adversely affect the character or appearance of the immediate streetscene.

The proposals broadly seek to provide for a new centralised and level access point from Holton Road directly to the main entrance for the Civic Offices, which will include removal and backfilling of an existing set of steps, removal of the existing walkway, and re-paving of the existing main steps and surfaces to the building and around the existing Memorial.

The paving will be silver grey Charcon paving to match that being used on Holton Road, while the Design Statement identifies that the works extend the theme of giving the town centre a more useable pedestrian emphasis. To create a visually cohesive town centre, the choice of street furniture and paving materials has also been carefully considered to be compatible with the materials used for the restoration works at Barry Town Hall, Kings Square and Central Park.

The use of benches, and uplighters (including illumination of the Memorial) as used on Holton Road, and new lighting columns within the site, will also ensure design consistency and continuity.

To this extent, the scheme in its entirety will not only provide for a greater ease of accessibility to the Council Offices, but also continue the improvements currently evident in Holton Road through to the Civic Offices frontage, to the extent that these will undoubtedly represent a significant improvement in the quality of the public realm in this part of Holton Road.

Although there will be some loss of trees and soft landscaping, this will be complemented by new planting and by the higher quality of finish to be applied throughout the frontage area. To this extent, the scheme complies with the aims of Policy ENV27 of the Unitary Development Plan.

CONCLUSION

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

Having regard to Policy ENV27 – Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposed development will represent a significant improvement in the quality of the frontage and its relationship to the upgraded Holton Road.

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. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development hereby permitted, which shall include new / replacement tree and shrub planting, and indications of all existing trees and shrubs/ 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.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following completion of the development; 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.

NOTE:

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

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

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

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

05/01694/FUL 'A'

Bayer Lodge, Western Avenue,
Bridgend, CF31 3TZ

Tel: (01656) 644644
Fax: (01656) 644600
Web Site: www.coark.com

Our Ref: D8D/LP/32197
Your Ref:



Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Offices
Barry Dock
Barry
CF63 4RT
For the attention of Mrs Y Pritchard

*Winners of the Welsh
Property Award -
Commercial and Retail
Agents of the Year
2005-2006.*

08 February 2006

Dear Mrs Pritchard

**PLANNING APPLICATION NO. 05/01694/FUL - CONVERSION OF BARN TO A
DWELLING AND SELF CONTAINED ANNEXE AT WHITEWELL FARM
BUILDINGS, TYN Y COED FARM, BONVILSTON**

Thank you for your letter dated 16 January 2006. It would appear that there are a number of issues that require us to carry out further surveys and submit further information to enable the determination of our application. I would be grateful if you could clarify a number of points to help us reach a decision as to whether we commission these further surveys. I have dealt with these points in the same order as they appear on your letter and these are as follows:-

1.0 TAN 15 - DEVELOPMENT AND FLOOD RISK

Upon reviewing the development advice maps, it would appear that only an isolated area of our site lies within the 'extreme flood risk' zone. This area appears to be isolated to the immediate vicinity of the road and parallel water course. In addition, the buildings are located more than 20m from the extreme risk zone. This would suggest that the barn buildings themselves are not at risk from flood damage, but that the occurrence of the flooding might hinder access to the site by emergency services. I would also point out that our Client and his family have lived at Tyn y Coed Farm for over 50 years and has never encountered flooding in the area.

We believe that our proposed development represents an opportunity to address the flood risk within the area of our site by incorporating mitigation measures into the development scheme such as sustainable drainage systems and a risk management plan. These would benefit both the proposed development site and also the existing, adjacent Whitewell Cottages. Use of a sustainable drainage system such as a pond could also benefit the local environment, ecology and wildlife habitat.

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05/01694/FUL 'A'₂

We acknowledge that the inclusion of impermeable tarmac surfacing to the vehicle driveway of our proposed scheme could exacerbate the flood risk. We would propose to change the design and specification of the site surfacing to utilise the existing landscaping and permeable materials.

In light of the points raised above, I would be grateful if you would clarify the following:-

- Is the flood consequence assessment a pre-requisite for the Planning Application's determination?
- Would the local authority (in conjunction with the Environment Agency) be willing to consider the inclusion of flood mitigation measures as an alternative to the commissioning of a flood consequence assessment survey?

2.0 PRESENCE OF ENDANGERED BATS

Upon receipt of your further comments and advice in respect of the flooding issue, our Client would be happy to commission further, more detailed surveys to establish the exact nature of the bat roosts and to subsequently inform a method statement for mitigation measures.

At this stage I would point out that there appears to be scope to protect these bats and their roosts by broadly incorporating the following measures:-

- Existing chimney breasts to south east building (identified as a bat roost within our survey report) to be retained and undisturbed before, during and after the works;
- If it is identified (as a result of further surveys for bats) that the small stable building is used as a roost at other times of the year then we would be willing to withdraw this from the proposed conversion. No works will be done to this building and it would be retained as a roost site for the bats;
- Works will be carried out strictly in accordance with any eventual licence granted by the Councryside Council for Wales (e.g. timing of works, method of working, restrictions etc)

3.0 HIGHWAY CONSIDERATIONS

As required in your letter dated 16 January 2006, we are happy to incorporate four parking spaces, an on site turning facility and vision splays of 2.4m x 45m. We believe that these can be incorporated without disturbing the existing hedgerow and tree line.

We would propose to provide the above information including amended drawings upon receiving your further comments in respect of the flood risk.

05/01/694/FUL'A'₃

4.0 POLICY ENV7 - SMALL SCALE RURAL CONVERSION

I disagree with your opinion that the existing buildings are a scattered grouping of relatively small structures which are not capable of conversion to residential use without an unacceptable level of reconstruction and new build development. Our design layout demonstrates that the existing buildings are capable of providing an acceptable living accommodation subject to the inclusion of a new 'link building' between the barns to the south of the site. Our proposed scheme retains and reuses the original form, scale and layout of the barn buildings and where possible, reconstruction has been left to a minimum. We envisage that the only major structural element that will require reconstruction would be the roof, however, the existing ridge lines and pitches would be replicated. The replacement of these roof structures is inevitable regardless of whether the building is eventually converted or not. The existing stonework and window/door openings would be retained as they are, and consolidated by way of sympathetic repointing using traditional lime mortar. To a certain extent, our proposed scheme will in fact preserve many of the existing features on the barn buildings.

With regard to the loss of species rich hedgerow, we do not believe that the vehicular access requirements will entail this. Again, we would provide additional information to support this upon receiving your further comments.

5.0 SUSTAINABILITY

We note your comments in respect of the lack of local facilities and public transport within the vicinity of our site. We concede that this will encourage the use of private vehicles therefore reducing the sustainability of our scheme, however, as you are aware achieving a wholly 'sustainable' development would be extremely difficult. We would propose to compensate for this shortfall in sustainability by amending and improving other aspects of the scheme (in terms of sustainability) such as the specification and use of local materials, 'green energy' systems, sustainable materials etc.

As an additional option, would your Planning Department consider the use of the separate stable buildings as a 'work from home' office as a 'sustainable' feature of the scheme?

I would be grateful if you could indicate whether such an approach, as suggested above, would win favour with your Planning Department and therefore compensate for the lack of local facilities and public transport within the vicinity of our site.

6.0 RESIDENTIAL AMENITY

- We note your comments in respect of the possible loss of privacy between our proposed development and Whitewell Cottages. We would propose to include a new planted boundary between Whitewell Cottages (both of which are owned by our Client) and the proposed barn conversion. Again, I would appreciate your feedback in this respect before submitting further information.

05/01694/FUL 'A'

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Our Ref: D8D/LP/32197
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Vale of Glamorgan Council
Dock Offices
Barry Dock
Barry
CF63 4RT

*Winners of the Welsh
Property Award -
Commercial and Retail
Agents of the Year
2005-2006.*

For the attention of Ms Y Prichard

30 August 2006

Dear Mrs Prichard

**PLANNING APPLICATION NO. 05/01694/FUL
CONVERSION OF BARN TO A DWELLING AND SELF CONTAINED ANNEXE,
WHITEWELL FARM BUILDINGS, TYN-Y-COED FARM, BONVILSTON**

I refer to your letters dated 16 January 2006 and 27 February 2006, both of which requested further information and clarification in respect of our Planning Application.

On behalf of my Client, W S Jones & Son, I have responded to the various points you have raised below.

1.0 FLOOD RISK

- 1.1 I refer to my previous letter dated 13 July 2006, in respect of the potential flood risk at the Whitewell Farm buildings. The Environment Agency have confirmed that they have no objection to our proposed development on flood risk grounds.

2.0 ENDANGERED BATS

- 2.1 With reference to the presence of endangered lesser Horseshoe and Brown Long Eared Bats at the site, I confirm that we are currently in the process of procuring further more detailed Bat Surveys to inform a Method Statement and Mitigation Plan to protect the roosting bats. I will forward these reports to you as soon as they are available. Initial discussions with the Countryside Council for Wales suggest that they will not object to our scheme provided the bats' habitats are protected and there is scope to do this within the existing chimney and the roof space.

3.0 HIGHWAY MATTERS

- 3.1 Please find attached six copies of Drawing No. 32197/5 and also amended Drawing No. 32197/3 (Revision A). The former Drawing indicates that the vision splays of 2.4m x 45m are available subject to a 'crown lift' to the trees lining the road in the south eastern direction. The latter Drawing clarifies the location of four parking spaces and an on site turning facility (utilising the existing agricultural vehicle tracks).

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Ymgynghorwyr Elddo Yng Nghymru - Property Advisors in Wales

05/01694/FUL'A'

01 SEP 2006

PLANNING
D.S. & COUNCIL
RECEIVED 01/09/2006

4.0 FOOTPATH DIVERSION

- 4.1 Please find enclosed a copy of the Footpath Officer's letter dated 27 February 2006, agreeing the diversion of the footpath in principle and subject to payment of a £1,000.00 fee to the Vale of Glamorgan Council.

5.0 PRIVACY & AMENITY

- 5.1 As mentioned above I have enclosed six copies of revised Drawing No. 32197/3 (Revision A). This Drawing provides further details in relation to external landscaping, vehicle areas and the treatment of boundaries.

- 5.2 We have proposed the following design features to safeguard the privacy and amenity of the inhabitants of Whitewell Cottage and our proposed dwelling:-

- Retention of all hedgerow boundaries to the south east of the site
- Planting of 2 No. trees to the south eastern boundary of the site (species to be agreed) to reduce the effect of overlooking windows
- Infilling of south eastern hedgerow boundary to provide a complete privacy belt between Whitewell Cottage and our proposed dwelling

6.0 BUILDING REGULATIONS

- 6.1 I refer to comments in your letter dated 16 January 2006, relating to 'Compliance with Building Regulations in such matters as means of escape'.

- 6.2 I assume that your concerns specifically relate to means of escape from bedroom 2, 3 and the bathroom adjacent to bedroom 3. You will note that each of these rooms benefits from both a means of escape via the central stairs, and also an emergency egress window.

7.0 PLANNING POLICY

- 7.1 I refer to your concerns relating to the suitability of the existing buildings for residential conversion and the effect upon the rural/agricultural character of the landscape.

- 7.2 I have amended the design to address the specific concerns that you have outlined and these can be summarised as follows:-

- We have changed the single storey barn to a 'work from home office'. The design utilises the existing building structure and you will note that we have omitted the previous minor extension to this building. The use of these converted buildings as 'work from home office' will discourage private car use.

Our design utilises the existing farm buildings footprints, external openings, roof pitches and ridge lines, vehicle entrance, vehicle routes, planted boundaries and stone walls. The only

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elements of 'new build' are the two storey link building and infilling of the gable wall to bedroom 4. With regards to the proposed two storey link building, we would be happy to incorporate any design changes, materials etc that you may request. I do not believe that the infilling of the gable wall to bedroom 4 utilising random stone construction to match existing comprises new or rebuilding that would adversely affect the character of the barns.

I do not agree that our proposed scheme is entirely contrary to the principles of sustainability as it comprises the conversion of a redundant agricultural building that forms an important feature of the local rural/agricultural landscape. The amendments of our design to utilise the single storey annexe as an 'work from home office' will help to reduce private car use to and from our proposed development.

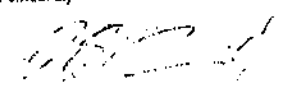
I would also refer you to similar rural conversion schemes that have been granted Planning Permission by your local authority in recent years and these are as follows:-

- Skipper Philip Barn, Monk Nash (04/0981/FUL)
- Wallas Farm, Wick Road, Ewenny
- Boverton Mill Barns, Boverton, Llantwit Major (06/00498/FUL, 06/00499/FUL, 06/00500/FUL)
- Plwila Dafydd, Pendoylan, Cowbridge (03/01596/FUL)
- New Barn, St Athan (05/00137/Reg 3)

I confirm that (notwithstanding the outcome of further Bat Surveys) on behalf of my Client we would appeal any subsequent refusal of this Planning Application.

I trust that the above is in order, however, should you have any queries or require any further information then please do not hesitate to contact me.

Yours sincerely


DANIEL BROOKS-DOWSETT BSC (HONS)
daniel.brooks-dowsett@coark.com
Direct Dial 01656 644614

RECEIVED

01 SEP 2006

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

05/0 1694/FUL 'A'

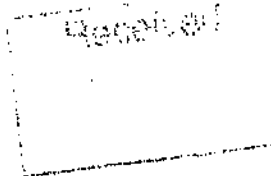


ENVIRONMENT
AGENCY

Our Ref : SE/2006/01317-2/1
Your Ref : 05/01694/FUL

Date : 29 June 2006

S W Lloyd
Cooke and Arkwright
Bayer Lodge
Western Avenue
Bridgend
CF31 3TZ



Dear Sir/Madam

**CONVERSION OF AGRICULTURAL BUILDINGS ADJACENT TO 'WHITEWELL'
INTO ONE DWELLING INCLUDING SELF CONTAINED ANNEXE BUILDING.
TYN Y COED FARM, BONVILSTON, CARDIFF, CF5 6TQ.**

The Agency has recently been consulted by the Local Planning Authority in connection with the above proposal. The following comments were made and are repeated here for your reference.

Further details regarding the above application were received from Cooke & Arkwright Chartered Surveyors on 1st June 2006. We have considered this additional information and are now in a position to respond.

The site plan submitted (drg No. 32197/1) indicates the development in question lies outside the extreme flood outline and therefore we have no objection to this development on flood risk grounds. Other sources, for example, Local Unitary Authorities, may be able to provide information on issues such as localised flooding from drains, culverts and small watercourses.

The following comments should also be considered :-

Additional consultation with the Local Authority has confirmed that there are recorded incidents of localised flooding along sections of highway in the general area of the site. Any potential occupiers should be made aware of this information.

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

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

It is noted that the applicant has indicated 'private treatment plant' for the disposal of foul effluent, with discharge of treated effluent to controlled waters.

Under the terms of the Water Resources Act 1991/Groundwater Regulations 1998, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent to a watercourse or other controlled waters, and will be required for discharge to a soakaway if the number of persons served by the system is ten or more. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). Therefore we may require an application for consent to discharge effluent from this site under the provisions of the Water Resources Act 1991.

The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS 6297: 1983.

The following comments are for the attention of the developer:-

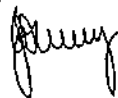
The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

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

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

Should you wish to discuss any of the above matters further, please do not hesitate to contact the undersigned.

Yours faithfully



JON GOLDSWORTHY
Planning Liaison Officer

05/01694/FUL'A₁₀
Bayer Lodge, Western Avenue,
Bridgend, CF31 3TZ

Tel: (01656) 644644
Fax: (01656) 644600
Web Site: www.coark.com

Our Ref: DBD/LP/32197
Your Ref:



Vale of Glamorgan Council
Dock Offices
Barry Dock
Barry
CF63 4RT

*Winners of the Welsh
Property Award -
Commercial and Retail
Agents of the Year
2005-2006.*

For the attention of Ms Y Prichard

16th July 2007

Dear Mrs Prichard

**PLANNING APPLICATION NO. 05/01694/FUL
CONVERSION OF BARN TO A DWELLING AND SELF CONTAINED ANNEXE,
WHITEWELL FARM BUILDINGS, TYN-Y-COED FARM, BONVILSTON**

I am writing on behalf of my Client W S Jones & Son, to submit further information, namely the Bat Survey and Mitigation plan, as required in respect of the above Planning Application.

Accordingly, Please find enclosed 4 copies of the following reports:-

- Report on survey for Bat Roost sites by Steve Pickering, dated 25th June 2007;
- Method Statement and Mitigation plan - Barn and Outbuildings at Tyn-y-Coed Farm, Bonvilston.

Upon reviewing the reports you will note that it is feasible to undertake our proposed development of the site without unduly disturbing bats that may be present on the site, provided that the works are undertaken in accordance with the method statement and mitigation plan.

You will also note that the licensed surveyor has recommended that the existing chimney void, as well as a new void to the south east barn are retained exclusively for the bats in order to retain existing, and create new roosting opportunities.

I will amend the drawings to identify the aforementioned design elements of the mitigation plan and will formally submit them to your planning department shortly.

I trust that the above is in order, however, should you have any queries or require any further information then please do not hesitate to contact me.

L106-D32197 - Tyn-y-Coed Farm Bonvilston 07 07 16 VGC DBD.doc

Ymgynghorwyr Eiddo Yng Nghymru - Property Advisors in Wales

Directors: Roger D. Thomas FRICS (Chairman), Michael A. Lundy FRICS FCI A&A (Chairman), Philip A. Angell FRICS, Graham Davies FRICS (Council) FRICS,
Andrew R. Wardlaw FRICS, Julian P. Gaskin FRICS, Richard C. Parnham FRICS FCI A&A, Anthony H. Symonds FRICS, Anthony J. West FRICS FRICS

URGENT.*E-mail did not transcribe so am sending a fax.***Pat Jones***Sincerely Pat Jones*

From: "Pat Jones" <pat.gareth@tiscali.co.uk>
Cc: <addobbinson@valeofglamorgan.gov.uk>; <drthomas@valeofglamorgan.gov.uk>; <GCKemp@valeofglamorgan.gov.uk>
Sent: 09 October 2007 23:49
Subject: Whitewell Farm Buildings

We have just heard that our planning application relating to Whitewell Buildings is to be considered at the Council planning committee meeting on 10 October, 2007.
 My husband Gareth and myself trading under the name W.S. Jones & Son would be grateful if the following

could be taken into account when the matter comes under discussion.

Officers recommend refusal of our application on the basis of two main criteria, namely;

1. Scattered grouping of relatively small structures not capable of residential use without substantial reconstruction and new build;
2. Unacceptable and intrusive development that would detract from the rural character and appearance of the Nant Llanarfan landscape.

Having read the report we offer the following comments:-

Contrary to the wording in the report these buildings are not a scattered grouping; an accurate description would describe them as a cohesive set of farm buildings built together for practical working. They include the two storey farmhouse still in existence clearly identified by the high pitched roof, windows/doors, stone staircase and bread oven. The inclusion in the plans of the proposed link building merely re-instates that part of the original house removed some years ago - the footings of that building remain as can be seen from old photo's we have. In point of fact my husband went to school in the 1960's with the children who lived in that house. Moreover, one member of a family that lived at that house presently resides in the village of Borvilston.

It is accepted that some roof reconstruction will be required however, the majority of the walls of these buildings remain intact. The proposed scheme retains and re-uses original form, scale and layout of the house and barn buildings and re-construction has been kept to a minimum. Existing pitches, ridge lines will be replicated, existing stonework and window/door openings retained and consolidated by sympathetic re-pointing using traditional lime mortar. Our proposed scheme will largely preserve and re-use many of the traditional features of the buildings including the stone walls, vehicle entrance, vehicle route and planting boundaries.

The intended use of the house and buildings has been carefully designed to be sympathetic in character and appearance to its environs. The buildings are within a mile of the village of Borvilston where there is a church, a shop, a number of pub/restaurants together with good public transport links via the A48 road. The buildings are not in a particularly isolated location in the open countryside in that their level is lower than the surrounding fields, and as such do not intrude into the surrounding landscape.

As farmers we feel passionately about these buildings - they are part of the local history of the area. The scheme for their development is essentially a low impact enhancement of what is already there including appropriate landscaping. A site visit would confirm this. Llanarfan Community Council acknowledge that the buildings have been redundant for many years and that the plans show a sympathetic conversion into a dwelling which has the support of the Council.

09/10/2007

06/00025/FUL'A

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

Date: 20.07.07

Reference: Flemingston Court.let24

Your reference: P/DC/YP/2006/00025/FUL

CONVERSION OF REDUNDANT FARM BUILDINGS TO HOLIDAY UNITS AT FLEMINGSTON COURT FARM

Dear Sir

I refer to your letter dated 16.03.06, to my reply dated 24.05.06 and to my meeting with Yvonne Prichard and Nick Lloyd at the site on 02.08.06. Below, I have addressed each of the planning issues as they occur in your letter. I have also sent a separate letter to Nick Lloyd, which deals with both the planning issues and the listed building consent issues.

1. **Archaeology** – applicant willing to agree and to implement a programme of archaeological investigation and building recording/analysis as part of the scheme. An amended copy of the 'statement to accompany the planning application' is attached, which deals with this issue at Page 8.
2. **Mitigation for bats** – amended copy of 'statement to accompany the planning application' deals with this issue at Page 8. Refer also to amended DWG JT/09DE (A1) – Details of mitigation measures for protected species. I have already discussed the proposed measures with Claire Bryant of CCW in advance of their preparation and sent a copy of the drawing and other information direct to her.

The sycamore tree referred to by the Council's ecologist as a potential bat roost was located within the highway and not on the applicant's land. It was identified as a possible danger to the listed building and to highway users and has now been removed by the Council.

3. **Highway access** – amended copy of 'statement to accompany the planning application' deals with this issue at Page 6.
4. **Impact of sycamore tree on holiday Unit 1** – although the tree has now been felled, the stump remains in situ and because the roots are still intact there is potential for re-growth. Your Principal Building Control Officer undertook a visual inspection on 15.05.06. He could find no evidence that the root system has caused displacement of the wall or caused floor heave within the building. Nevertheless, he agreed that whatever the future use of the building might be and whatever the extent of demolition and re-build of the wall that would be necessary, the only option would be to remove the tree roots to safeguard the building. Removal or treatment of the root system would be undertaken as part of the scheme and may in itself cause voids, which would have to be filled to ensure the stability of the wall.
5. **Raising of the floor system in holiday Unit 2** – it is not intended to raise the floor system in this building but structural calculations would be undertaken to prove that the span and sizes of the existing floor joists would be adequate to support any additional loading.

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6. **Foundations** – Refer to new DWG JT/09S - Cross-sections through converted buildings (including typical foundation and roof detail)
7. **Headroom for stairs to holiday Unit 3** – the design of the upper landing has been amended to incorporate tapered treads to achieve the required minimum headroom of 2m.
8. **Foul drainage** – amended copy of 'statement to accompany the planning application' deals with this issue at Page 7.
9. **Storm drainage** – an existing system of pipes and inspection chambers already exists on site with an out-fall onto adjacent farm land in the ownership of the applicant. The system would be inspected and repaired as necessary and a calculation made of its operating capacity. The reduction in the area of hard surfaces on the site would probably mean that the overall rate of run-off would be reduced. It is intended to capture some of the roof-water to supply water butts and some to supply the new pond.
10. **New build garages** – have been deleted from the scheme and there would be eight external car parking spaces instead as illustrated on DWG JT/08 (A1) – Proposed site layout. The area devoted to car parking and vehicle manoeuvring has deliberately been reduced to a minimum to prevent to prevent ad hoc car parking outside the designated spaces and to reduce unnecessary vehicle intrusion into the curtilage of the listed buildings.

New garages were to have been built, partly to provide replacement nesting sites for those lost by the conversion of the agricultural buildings, particularly for swallows. Instead, it is now proposed to submit a separate planning application for the construction of a new agricultural building, which would be located some 12m to the west of the nearest holiday unit and which would include measures for wildlife mitigation. The amended copy of the 'statement to accompany the planning application' deals with this issue at Page 8.
11. **Private amenity space** – the proposed conversion to holiday units means that the requirement for private amenity space would be reduced and it is no longer intended to create private gardens outside the courtyard. Instead, there would be a new orchard on the open area that would be released by the removal of Building 7.
12. **Car parking** – there would be a total of ten spaces available to holiday-makers within the curtilage of the site as agreed with Mr Paul Harrison in your Highways section.
13. **Garaging to be incorporated within the barns** – two parking spaces have been incorporated within holiday Unit 1 with direct access from the public highway. It would not be possible to incorporate garage spaces in any of the other holiday units without either creating new external openings or modifying the size and shape of the existing ones. The use of part of the buildings in this way would also require ground levels to be artificially raised within the courtyard and vehicle ramps to be installed. The intention of the proposed layout and the design of the low-level pedestrian access gates would be to prevent any vehicle ingress into the courtyard area.
14. **Sections through double height areas** – refer to new DWG JT/09S - Cross-sections through converted buildings (including typical foundation and roof detail).

Further to my telephone conversation with Yvonne Prichard on 10.07.07, please find attached the documents and plans referred to in the attached schedule. If you require any additional copies or you wish to discuss any of the issues in more detail, please don't hesitate to contact me.

Yours faithfully

Neil McLean

Neil McLean

PA.12

06/00025/FUL 'A' 3

AMENDED PLANNING APPLICATION

STATEMENT TO ACCOMPANY THE PLANNING APPLICATION FOR THE CONVERSION OF REDUNDANT FARM BUILDINGS TO HOLIDAY UNITS AT FLEMINGSTON COURT FARM - FLEMINGSTON

The background

The planning application site is shown edged red on Location Plan JT/01 and adjoining land in the ownership of the applicant is shown edged blue. The layout of the existing farm complex is shown on Plan JT/02 and on Aerial Photograph 1.

The agricultural holding covers about 550ha and changes in the market have meant that the farm enterprise now concentrates mainly on fattening lambs; beef rearing; the production of hay, haylage and arable crops; and the grazing of horses. The evolution of the business in this way has meant that the stone-built farm buildings, which are the subject of the planning application have become redundant. If an economic use cannot be found for them, then it is likely that they will continue to deteriorate. Accordingly, it is proposed to convert Buildings 1, 2 and 3 shown on Plan JT/02 to form four separate holiday units.

Some of the more modern agricultural buildings and structures within the complex are also considered to be redundant and would be dismantled and removed from the site. Those that would be demolished have been indicated on Plan JT/02. They would be replaced by two new agricultural buildings. A new hay and grain store on the south-western edge of the farm complex, which has already been constructed under planning permission reference 04/01462/FUL and a new equipment store/stables to be located some 12m to the west of Building 3. The approximate location of the latter has been illustrated on DWG JT/08(A1) and this would be the subject of a separate planning application.

The planning history

"Flemingston Court" (the location of which is shown on Plan JT/02) is a Grade II* listed building that dates back to the 16th century. Buildings 1, 2 and 3 date back to at least the mid 19th century and have been given a Grade II listing. They are considered to be of special interest because they form part of a planned Victorian farm associated with Flemingston Court. An application for Listed Building Consent is being made simultaneously.

Planning permission was granted for the conversion of Buildings 1, 2 and 3 to form four residential units in December 1991 (Reference: 91/00742/FUL). Listed building consent was given for the work in February 1992 (Reference: 91/00743/LBC). In January 1997, the time-scale for the implementation of the two permissions was extended from five to seven years but the planning permission expired in December 1998, before any of the work had started. Copies of the time-expired planning permission notices are contained in **Appendix 1**.

The planning application

Building 1 is a traditional stone-built cart shed with cambered openings and a Welsh slate roof. At the south-east end is a small projection with slit ventilators and a loft door in the gable end. The side elevations of the building are shown on Photographs 2 and 3 and the end elevations on Photographs 4 and 5. The existing floor plans and the existing elevations are illustrated on DWG JT/03 and DWG JT/04 respectively. Building 1 would be converted to create a single holiday unit.

Building 2 is a two-storey long barn, which is situated opposite Flemingston Court. The elevation that faces the farmhouse is shown on Photograph 6. It has cambered heads to doors and windows, slit ventilators and dove-box openings below eaves level. The south-west elevation, which is also shown on Photograph 6, has a flight of stone steps giving access to a loft door. The north-east elevation of Building 2 is shown on Photograph 7.

The farm-yard elevation of the building is shown on Photograph 9. It has two stone-built buttress walls, which have been used to form a modern lean-to building with the addition of concrete blocks and a corrugated roof. The existing floor plans and the existing elevations are illustrated on Plans JT/03 and JT/04 respectively. Building 2 would be converted in conjunction with Building 3 to create two holiday units.

Building 3 is a single-storey cow-house with distinctive, semi-circular headed openings facing the farmyard. Part of the roof is still Welsh slate but the south-east section has been replaced with corrugated sheets. The farmyard elevation of the building is shown on Photograph 8 and part of the other side elevation is shown on Photograph 10. A more recent farm building currently obscures the south-east elevation. The existing floor plans and the existing elevations are illustrated on DWG JT/03 and DWG JT/04 respectively. Building 3 would be converted in conjunction with Building 2 to create two holiday units.

06/00025/FVL 'A' 4

All three redundant buildings have been listed and possess architectural features, which are not seen to their best advantage at the present time. The conversion work would be designed to retain the original form of the buildings and to minimise change to their external appearance.

At the south-eastern extremity of Building 3 is a more recent mono-pitch side extension and a dual-pitch end extension (Buildings 4 and 5 shown on Photograph 11) which have been constructed using a combination of traditional and modern materials. In the south-east corner of the farmyard, there is also a modern concrete block/render shed with a corrugated roof (Building 6 shown on Photograph 12).

Buildings 4, 5 and 6 would be demolished and removed from the site. It is intended also to demolish the covered yard (Building 7 shown on Photograph 13) which presently obscures the south-west elevation of Building 3. The extensive areas of concrete hard standing within the farm-yard and below Building 7 would also be removed.

There would be new hard and soft landscaping within the farm-yard. Masonry walls, trees and hedgerows would be used to establish new boundaries elsewhere, as illustrated on DWG JT/08 (A1).

The conversion of Building 1

The main principles of the conversion of Building 1 may be summarised as follows:

- (i) Refurbishment of the building to provide approximately 200m² of accommodation (external measurement) and 53 m² of integral car parking/storage at a lower level for **Holiday Unit 1** as identified on DWG JT/08 (A1). The proposed floor layout is illustrated on DWG JT/05 (A1) and the proposed elevations are illustrated on Plan JT/06 (A1). All the existing openings in the side and end elevations would be retained for use as windows or entrance doors and there would be no new openings. The four roof-lights facing the farm-yard would be replaced with conservation roof-lights of comparable size.
- (ii) Where possible, the existing slates and ridge fixings would be reclaimed and if necessary supplemented with additional products of comparable size and colour. The ridge and eaves detail of the original roof would be retained or reinstated.
- (iii) The concrete hard-standing within the farmyard and adjacent to Building 1 (shown on Photograph 3) would be removed and replaced with a raised terrace to provide pedestrian/disabled access and a sitting-out area for visitors. The concrete hard-standing adjacent to the north-west elevation would also be removed in order to create a small garden. The proposed layout of the new courtyard, which would serve all four holiday units has been illustrated on DWG JT/08 (A1).

The conversion of Building 2

The main principles of the conversion of Building 2 may be summarised as follows:

- (i) Refurbishment of the building to provide approximately 330m² of accommodation on two levels for **Holiday Unit 2** and 106m² of accommodation on two levels for **Holiday Unit 3**. The proposed floor layouts are illustrated on DWG JT/05 (A1) and the proposed elevations are illustrated on DWG JT/06 (A1). All the existing door and window openings in the side and end elevations would be retained, as would the ventilation slits and dove-box entrances.

One new window would be introduced at ground floor level in the north-east elevation to offer a means of escape and to introduce additional light into one of the bedrooms. There would also be two new window openings at first floor level in the elevation on the farmyard side. The first of these would provide additional light in the lounge and the second would enhance light penetration to the kitchen/dining area of Unit 2. It is proposed also to install four conservation roof-lights on this elevation, one of which would serve Unit 3.

- (ii) The concrete blocks and corrugated roof (shown on Photograph 9) would be removed from the farmyard elevation and only the buttress walls and cast iron stanchions would be retained. The front elevation would remain open and a combination of natural slates and glazed panels would be fitted to form a new roof covering, supported by the buttress walls and the existing timber frame-work. The design of the farmyard elevation has been illustrated on DWG JT/07DE (A1).
- (iii) The stone stairway on the south-west elevation would be dismantled and re-constructed in situ. The reconstruction of the stairs would enable a new damp-proof membrane to be installed to prevent water penetration between the steps and the barn wall. The existing loft doorway would be glazed to provide additional light in one of the bedrooms of Unit 3.

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- (iv) Where possible, the existing slates and ridge-tiles would be reclaimed and if necessary supplemented with additional products of comparable size and colour. The eaves detail of the original roof would be retained or reinstated.
- (iv) The concrete hard-standing within the farmyard (shown on Photographs 9 and 11) would be removed and replaced with a fixed gravel courtyard to provide pedestrian/disabled access for Unit 2 and to provide a communal amenity area for all of the holiday units.

The conversion of Building 3

The main principles of the conversion of Building 3 may be summarised as follows:

- (i) Refurbishment of the building to provide approximately 43m² of accommodation for **Holiday Unit 3** and 125m² for **Holiday Unit 4**. The proposed floor layouts are illustrated on Plan JT/05 (A1) and the proposed elevations are illustrated on Plan JT/06 (A1). All the existing openings in the side and end elevations would be retained for use as windows. One new door opening would be created in the south-west elevation of Unit 3 to give access to the rear.
- (ii) The corrugated roof covering would be removed and the existing slates and ridge-tiles would be reclaimed. Replacement Welsh slates of comparable size and colour would be fixed and the eaves detail of the original roof would be reinstated.
- (iii) The raised concrete hard-standing within the farmyard and adjacent to Building 3 (shown on Photograph 8) would be removed and replaced with a raised terrace to provide pedestrian/disabled access to Units 3 and 4.
- (iv) Building 7 and the hard-standing beneath (shown on photograph 13) and structures 8 and 9 would all be removed – as illustrated on Plan JT/08 (A1).

Vehicle access and car parking

The proposed layout of the access and parking areas is illustrated on Plan JT/08 (A1). The main principles of the scheme may be summarised as follows:

- (i) The widening of the existing access lane from the public highway into the farmyard to 4.5m and improving visibility on the southern side of the access by relocating a masonry wall.
- (ii) Surfacing only of the first 10m of the access lane in permanent materials. Construction of a fixed gravel driveway thereafter, to provide vehicular access to the external car parking spaces.
- (iii) Use of the existing garages in the lower level of Building 1 to provide two car-parking spaces for Unit 1, with direct access from the public highway.
- (iv) The provision of eight external parking spaces for holiday-makers using Units 2, 3 and 4.

Landscaping

- (i) Removal of concrete hard standings within the original farmyard and the creation of a courtyard with new hard and soft landscaping as illustrated on DWG JT/08(A1). The courtyard would serve to provide pedestrian access and a communal amenity area for all four holiday units.
- (ii) Partial relocation and repair of the masonry wall which forms the highway boundary on the south-east side of the main vehicle access. Construction of a new stone wall (using traditional building methods and materials) to define the boundary with Flemingston Court.
- (iii) Planting of four specimen trees on the highway verge to the north-east of Building 1.
- (iv) Planting of indigenous tree species and a mixed deciduous hedgerow around the southern perimeter of the site to screen the external car parking spaces and to re-enforce the boundary with adjoining agricultural land.
- (v) Construction of a new pond to preserve and enhance the setting of the courtyard and to prevent ad hoc car parking outside the designated spaces.

06/00025/FVL'A₆

National Planning Policy

Paragraph 4.8 of **Planning Guidance (Wales) Technical Advice Note 12: Design**, is relevant. It states that Planning Application Design Statements should be submitted with all planning applications for development which have design implications. Hence, the inclusion of this statement to accompany the planning application.

Paragraph 6.1.1 of **Planning Policy (Wales) March 2002 (PPW)**, explains that it is important that the historic environment - encompassing archaeology, listed buildings and conservation areas - is protected. The Assembly Government's objectives in this field are to protect archaeological remains, to ensure that the character of historic buildings is safeguarded and to ensure that conservation areas are protected and enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses or householders.

Paragraph 6.1.2 of PPW states that Local Planning Authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs.

Paragraph 6.3.2 of PPW requires Local Planning Authorities to formulate and to publish proposals for the preservation and enhancement of conservation areas and in this case these have been published in a Supplementary Planning Guidance document entitled "Conservation Areas in the Rural Vale" 1999.

Paragraph 6.5.7 of PPW explains that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest that it possesses.

Paragraph 6.5.15 of PPW states that if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there would be a strong presumption against the grant of planning permission.

Paragraph 7.6.11 of PPW states that if an existing rural 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. This would not be the case at Flemingston Court and these issues have been dealt with in more detail below.

Supplementary Planning Guidance

A description of the important man-made and natural features, which contribute to the character of the Flemingston Conservation Area has been published in a Supplementary Planning Guidance document entitled "**Conservation Areas in the Rural Vale**" 1999. Consideration has been given to the "key issues" identified in that document as follows:

- (i) *The maintenance, care and enhancement of trees and woodland areas* - the proposals would entail the felling of only one tree. This is a semi-mature sycamore situated against the north-east elevation of Building 1 and identified on Plan JT/02. As part of the soft landscaping scheme it is proposed to plant new indigenous tree species to the north-east of Building 1 and around the southern perimeter of the site, as illustrated on DWG JT/08 (A1).
- (ii) *The protection and restoration of stone boundary walls and hedges, which surround the village* - the proposals would not involve the loss of any existing stone boundary walls or hedges. It is proposed to retain and to repair the masonry wall, which forms the highway boundary on the south-east side of the main vehicle access, using traditional building methods and materials.
- (iii) *The identification and protection of important open areas, which determine the character of the village* - there would be no loss of such areas.
- (iv) *The enhancement and management of roadside verges within the village* - the verge to the north-east of Building 1 would remain undisturbed and its appearance would be enhanced by the planting of new trees.

The Council has also published a Supplementary Planning Guidance document in draft form entitled the "**Flemingston Conservation Area Appraisal**". It provides additional information on the form and character of the village and identifies proposals for the future management and enhancement of the area as follows:

06/00025 /Au A₇

- (i) In accordance with paragraph 3.2, careful consideration has been given to landscape design, in order to protect and enhance views into the village. The existing woodland to the south-east of the application site would be retained. It is proposed also to remove Building 7 and two unsightly structures nearby which presently obscure the south-west elevation of the listed group of barns.
- (ii) In accordance with paragraph 3.3 provision for car parking would be made within the application site and the means of access would leave the existing road layout virtually unchanged. The layout of the access and the driveway have been illustrated on Plan JT/08 (A1).
- (iii) The six design principles for new development are set out in paragraph 3.6 and the proposals would accord with those principles as follows:

Context of the site – would be enhanced by the removal of Buildings 7, 8 and 9 and the reclamation of part of the area to create a new orchard. The context of the courtyard would be enhanced by the demolition of Buildings 4, 5 and 6 and the removal of concrete hard-standing.

Recycling of old buildings – the main objective of the scheme is to convert the listed barns to create four new holiday units. Unless an economic use can be found for the buildings, then it is likely that they will continue to deteriorate.

Preservation and enhancement of the character of the conservation area – already discussed above.

Materials and details – The majority of the conversion work would be undertaken using traditional building methods and wherever possible, the scheme would employ reclaimed and recycled products and materials.

Sustainability – the fundamental principle of the scheme would be to adapt the existing agricultural buildings to accommodate new uses, whilst still retaining the rural character of this part of the village.

Scale – the scale and appearance of the barns would remain largely unchanged.

Unitary Development Plan Policy

Policy ENV 8 of the UDP states that proposals, which involve small-scale conversions of rural buildings to new uses, will be permitted if all of the following criteria are met:

- (i) *Where the buildings are of architectural or historic value, the proposed conversion retains those architectural or historic features present in the buildings*

All three buildings have been listed and possess features of architectural interest, which are not seen to their best advantage at the present time. This is partly because of the need for repair and maintenance; partly because of the unsympathetic extensions to Building 3; and partly because of the close proximity of unsightly modern buildings and structures. The scheme would involve the careful renovation of the listed buildings and the removal of Buildings 4 - 9 as shown on Plan JT/02.

- (ii) *Not applicable to holiday conversions*
- (iii) *The building is structurally sound and the conversion can be achieved without substantial reconstruction of the external walls or extension to the building*

A competent person has carried out a structural survey of the condition of the buildings. The conclusion of the survey report is that, subject to the comments and recommendations described therein and provided all the works are carried out by competent persons, there is no reason why the buildings cannot be converted to living accommodation. It is evident from the survey report, from the photographs and from the submitted drawings that substantial reconstruction of the external walls or extension to the buildings would not be necessary. A copy of the survey has been attached as **Appendix 2**.

- (iv) *Conversion work can be undertaken without unacceptably altering the appearance and rural character of the building*

The conversion work has been described above and the proposed elevations have been illustrated on Plan JT/06 (A1). There would be only three new window openings in all (confined to two of the elevations in Building 2). The two new windows in the farmyard elevation would be at first floor level. Accordingly, they would be concealed by the new roof which would span between the buttress walls.

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The third new window would be at ground floor level in the north-east elevation and would be necessary as a means of escape, to provide ventilation and to introduce additional light into one of the bedrooms. One new door opening would also be created in the south-west elevation of Building 3 to give access to the rear. Those apart, the appearance of the original elevations and the roof design of all three buildings would remain virtually unchanged.

The stone stairs at the western end of Building 2 have been responsible for water penetration through the external wall into the building. Accordingly, it is proposed that the stairs should be dismantled and reconstructed in situ. The reconstruction of the stairs would enable a new damp-proof membrane to be installed to overcome the problem of water penetration between the steps and the barn wall.

The survey has reported that the existing roof systems are mainly in good condition and (subject to structural calculations) would be retained. Accordingly, roof pitches would be preserved and the original eaves and verge detail would remain unchanged.

The existing roof coverings consist mainly of Welsh slate with a mixture of stone, clay and lead-roll ridges. Where possible, the existing slates and ridge tiles would be reclaimed and if necessary supplemented with additional products of comparable size and colour. The restoration of the buildings would employ traditional working methods and materials. The original stonework has a flush pointing and repairs would be undertaken using lime putty based mortar.

New guttering and down-pipes would be round in section, of cast aluminium construction, powder-coated black. Simple casement windows would be installed in the majority of the window openings. Window-frames would be hardwood or pressure treated softwood with a grey finish.

The four roof-lights in the south-west elevation of Building 1 would be replaced with conservation roof-lights of comparable size. New roof-lights would also be introduced into the courtyard elevation of Building 2 as illustrated on DWG JT/06 (A1).

Bespoke window/doors would be introduced into the cart door openings in Building 1 and into the semi-circular headed doorways in Building 3. Detailed design drawings of all the new windows and doors have been submitted with the application for Listed Building Consent.

(v) *Not applicable to holiday conversions*

(vi) *Vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside*

Annex B of Planning Guidance (Wales) Technical Advice Note (Wales) 18 - Visibility Standards for Roads provides the relevant guidance on the design of a residential access. In this case, there is already an access way, which serves the farmyard (shown on photograph 14). The entrance would be used to provide vehicle access to three of the new holiday units and pedestrian access to all four.

The public highway that serves the site is lightly trafficked and vehicle speeds are generally below 20mph because of the width and the configuration of the carriageway. Accordingly, the normal requirement would be for a minor road distance 'x' of 2.4m and a major road distance 'y' of 33m. The 'y' distance in a northerly direction exceeds 100m but is limited to 22m in a southerly direction because of the proximity of a stone boundary wall (shown on photograph 15).

Informal written consultations on the issue, were undertaken with both Development Control and Highways on 27th October 2004. Copies of the letters of consultation are attached as **Appendix 3**. It was explained that the agricultural use of the redundant buildings could be re-activated without the need for planning permission, which could anyway lead to an intensification of the use and an increase in the size of vehicles using the access in its present form.

The response letter from the Development Control section, dated 21st December 2004, is also attached as **Appendix 3**. It explains that the impact of any access improvements on the conservation area would be an important consideration to be balanced against highway safety issues. No written or verbal response was received from Highways.

The previous planning consent reference 91/00742/FUL permitted relocation of the access and substantial changes to the highway. Since that time, criteria (vi) of **Policy ENV 8** has shifted the balance more towards protecting the appearance of the countryside. Paragraph 3.3 of the conservation area appraisal document also advises that, where highway improvements are required, they should respect the character of the area.

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Technical Advice Note (Wales) 18 advises that it is not always practicable to comply fully with visibility standards for example, for conservation requirements, as would be the case here. However, in order to improve highway safety, it is proposed to widen the existing access ramp to 4.5m and to enhance visibility in a southerly direction by relocating a masonry wall.

(vii) *Satisfactory parking provision can be made within the curtilage of the site.*

The proposed layout of the car parking spaces has been illustrated on Plan JT/08 (A1). There would be a total of ten spaces available to holiday-makers within the curtilage of the site. The area devoted to external car parking and vehicle manoeuvring has deliberately been reduced to a minimum to prevent ad hoc car parking outside the designated spaces and to reduce unnecessary vehicle intrusion into the curtilage of the listed buildings.

Sufficient manoeuvring space would be available to enable transit size commercial vehicles to turn within the site and return to the public highway in a forward gear. There would also be sufficient space for a 10m rigid HGV to reverse into the site clear of the public highway to make essential deliveries. Emergency vehicles would also have uninhibited access to all three external elevations of the holiday complex.

(viii) *In the case of conversions to small-scale tourism use the proposal should not create unacceptable traffic or other environmental problems*

The conversion of the buildings to holiday homes would generate perhaps 30 vehicle movements per day. The public highway that serves the site is lightly trafficked and there are no problems associated with on-street parking in this part of Flemingston. Full provision would be made for car parking within the application site, as illustrated on Plan JT/08 (A1).

(ix) *Not applicable to holiday conversions*

(x) *The proposal is not incompatible with activities carried out on adjoining land*

Paragraph 31 of Planning Guidance (Wales) Technical Advice Note (Wales) 6 *Agricultural and Rural Development* advises that to minimise conflict between neighbouring land uses, local planning authorities should exercise particular care when considering planning applications for this type of use within 400 metres of established livestock units.

In order to improve the amenity of holiday-makers, it is intended to demolish the covered yard (Building 7 shown on Plan JT/02) which is partly used for sheltering livestock.

(xi) *Utility and infrastructure services can be provided without unacceptable visual intrusion and without detriment to the environment*

The farm complex already has the benefit of modern services. Accordingly, there would be no need to introduce new utility and infrastructure services to the site.

It is proposed that sewage from the converted holiday homes would be directed towards a new septic tank in the approximate position shown on DWG JT/08 (A1). A percolation test has been carried out in accordance with the methodology described in Appendix B of the Environment Agency Pollution Prevention Guidelines - PPG4 and in accordance with requirements of BS 6297: 1983. Accordingly, the following information is submitted with the planning application:

- (a) the location of the proposed septic tank - please refer to DWG JT/08 (A1);
- (b) the porosity test results and a break-down of the associated calculations - please refer to **Appendix 4**;
- (c) the location of the trial pits - please refer to DWG JT/08 (A1); and
- (d) there are no water features within 100 metres from the site.

(xii) *The proposed new use would preserve or enhance the setting or character of any conservation area*

Already discussed above.

(xiii) *The proposal would preserve or enhance the architectural or historic quality of a Listed Building or its setting*

Already discussed above.

2006/01818/FUL A¹

7 The Lindens
Bradford Place
Penarth
CF64 1LA

Tel: 02920707014

01/02/07

D R Thomas Esq.,
Head of Planning and Transportation,
The Vale of Glamorgan Council,
Dock Office,
BARRY.
CF63 4RT

Dear Sir,

Applications No. 2006/01818/FUL

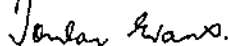
We object to the above application on the following grounds.

1. The land is within the conservation area and is a "Garden Development". Our understanding is that this is against previous decisions of the planning committee which have ruled against any garden development in the conservation area.
2. If approved, it will mean even more congestion on a street (Bradford Place) which is used for car parking by business people from 8.00am to 5.30 pm.
3. Such a development will considerably reduce the value of our property as it will dominate our sky line and destroy our views. The proposed building is a massive 8 metres high. We objected to the original proposals and, since then, subsequent variations show that the building has grown - even though one of the grounds for our objection was the size of the building.

We ask the planning committee to reject the application.

X ✓ Please note that this is a individual objection. I am also charged with objecting on behalf of the residents of Tho Lindens and have submitted a separate letter.

Yours faithfully,



Tonlas & Nerys Evans.

2006/01818/FUL 'A'

6 KYMIN TERRACE
PENARTH
VALE OF GLAMORGAN
CF64 1WW
T. 02920 702111

28/02/2007

Rob Thomas Esq.,
Head of Planning Services
Dock Offices,
HARRY.

Dear Mr. Thomas,

Re: PLANNING APPLICATIONS Nos. 2006/01818 and 01819/FUL
2 Kymin Terrace, PENARTH

I refer to the above recently submitted Planning Applications. We have carefully studied the proposals by the applicants, and, taking all matters into consideration have come to the following conclusion: that both applications should be **REFUSED** for the following reasons:-

- the proposals are generally contrary to the view, long held in Penarth, that large houses in equally large gardens, are an essential ingredient of the Penarth Conservation Areas; that such properties are clearly supported in the neighbourhood; that they contribute to the overall nature and character of the area; and that any dilution of this principle by reducing the size of these gardens, would lead to an unacceptable change in the character of the area.
- We consider that the sub-division of this fine family property into 3 units would destroy the character and nature of the existing dwelling. Similar properties of its size and layout in the surrounding area, are almost all occupied by single families, and this has contributed to the retention of well maintained gardens and frontages, which has been clearly recognised in the Conservation Area Appraisal for north Penarth.
- the proposal would have an adverse impact on Kymin Terrace, which is recognised for special protection by being listed under an Article 4 Direction. Any changes, however small, would destroy the elements that led to the placing of these special controls upon the entire terrace. The removal of the porchway, in particular, would compound the change of character, and is unacceptable.
- Kymin Terrace is unusual in that it only contains housing (c.1870) on one side of the road, being bounded by parkland in the ownership of the Vale of Glamorgan Council, on the other. One effect of this is that parking of vehicles is restricted, by common acceptance, to the western side of the highway. The proposals would have an adverse impact on the current parking situation, whereby vehicle owners have adopted a voluntary one way system, from North to South, which eases the pressure on the 90 degree bend in the highway at its lower end, where there is only single lane working, and also the numbers of vehicles that normally need to park in the road. It is considered that the off-

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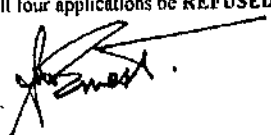
road parking provision would be inadequate for the nature of the occupancy of both the existing and proposed dwellings.

- Kymyn Terrace slopes steeply North-South, and the construction of a property in the rear garden of No. 9, at the top of the road, would instantly destroy the privacy currently enjoyed by householders lower down, each of whom has a rectangular garden to the rear of their house, and over which occupiers of the new property would be able to see, without hindrance. The terrace was carefully constructed to allow owners to enjoy their gardens, but also to ensure that their privacy was carefully protected. To permit a dwelling in the rear garden of the uppermost property, would allow those occupiers to see into, and across, every garden in the rest of Kymyn Terrace.
- The applicant also proposes the creation of a new opening into Bradford Place, and the construction of a dwelling using materials foreign to those currently found in the neighbourhood. It is considered that each of these aspects of the proposal are unacceptable in the context of the style and character of properties in this part of Penarth.
- 9 Kymyn Terrace is a particularly large and finely constructed dwelling, and conveys the essential character of these properties, once constructed for those in the shipping community of Penarth, typically Master Mariners and middle management. To permit the destruction of this, a landmark property in the road, would to all intents and purposes, remove the need for an Article 4 Direction, as the terrace would become just another which has been destroyed by opportunistic developers, without any thought for the overall integrity of the area, which the Vale of Glamorgan Conservation Appraisal recognises as being a Key Frontage, and which, incidentally, has been used as a film location on several occasions, due to its uniqueness in Penarth.
- Welsh Water, as a Statutory Consultee, has recently been made aware of potentially serious drainage issues which are affecting several properties in Kymyn Terrace, and which remain unresolved. The addition of a further 3 units will compound these problems, as each of the new dwellings would feed into the existing drainage system. The Authority's Engineering Division has been apprised of this problem.
- Having discussed this application with a number of our neighbours, we take the view that the latest proposals remain unacceptable, and would severely damage the integrity of this part of Penarth, which currently enjoys a special recognition within the Conservation Area, by being classified as an Article 4 Direction listed property.

Accordingly, we ask that all four applications be **REFUSED** by the Council.

Yours sincerely,

Anthony & Gaynor Ernest.



Application 2006/01818/FUL/A, ~~1~~ ~~2~~**Goldsworthy, Marcus J**

From: Dobbinson, Andrew D (Cllr)
Sent: 09 October 2007 22:18
To: Thomas, Rob
Cc: Goldsworthy, Marcus J
Subject: FW: Planning Application No: 2006/01818/FUL 9 Kymin Terrace, PENARTH. Recommended for Approval.
Importance: High

For information.
 A. Dobbinson. (Cllr)

From: Anthony Ernest [mailto:amernest@googlemail.com]
Sent: 09 October 2007 17:50
To: ADDobbinson@valeofglamorgan.gov.uk; ADHampton@valeofglamorgan.gov.uk; AGPowell@valeofglamorgan.gov.uk; AJPreston@valeofglamorgan.gov.uk; AJWilliams@valeofglamorgan.gov.uk; AMErnest@valeofglamorgan.gov.uk; EHacker@valeofglamorgan.gov.uk; FTJohnson@valeofglamorgan.gov.uk; GACox@valeofglamorgan.gov.uk; GCKemp@valeofglamorgan.gov.uk; JBrich@valeofglamorgan.gov.uk; MRandall@valeofglamorgan.gov.uk; MRHarvey@valeofglamorgan.gov.uk; MRWilson@valeofglamorgan.gov.uk; RJBertin@valeofglamorgan.gov.uk; RMBirch@valeofglamorgan.gov.uk; STWilliam@valeofglamorgan.gov.uk; VMHartrey@valeofglamorgan.gov.uk; WCVaughan@valeofglamorgan.gov.uk
Cc: PChurch@valeofglamorgan.gov.uk; LBurnett@valeofglamorgan.gov.uk; MKellyOwen@valeofglamorgan.gov.uk; CVLClay@valeofglamorgan.gov.uk
Subject: Planning Application No: 2006/01818/FUL 9 Kymin Terrace, PENARTH. Recommended for Approval.

Dear Councillor,

I am writing to ask you to carefully consider the Recommendation before you on Wednesday evening, in respect of the above development at Kymin Terrace, Penarth.

The application site is located within the Penarth Conservation Area. It also falls within the additional Special Designation of an Article 4 Direction.

The proposal seeks the erection of a new 2 storey dwelling in the back garden of an existing substantial 3 storey + basement Victorian residence.

The new dwelling would be 17.2m in length x 13.5m width. It would have a height of between 6m and 8m at ridge level. The new house would have parking for 2 vehicles.

The existing dwelling, constructed in the 1870s, would lose all parking provision, as a consequence.

"The deficiency in parking provision would be 3 vehicle spaces." (Highways Dept.)

"The new dwelling will broach the area of open vista to the Bradford Place elevation".
 (Planning Dept.)

The dwelling would be constructed on a dominant site at the high end of steeply sloping land, comprising the private rear gardens of the remaining dwellings in Kymin Terrace.

10/10/2007

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Substantial issues of privacy to existing gardens are therefore highly relevant to this application.

The new dwelling would be "deficient in Amenity Space by a factor of no less than 36% below Council Guidelines". - Planners.

Kymin Terrace is already 100% fully parked in the evening and at weekends, and the existing dwelling would have to rely on on-street parking, which is clearly unacceptable as the house previously enjoyed secure off-road garaging.

For all of the above reasons, may I invite Committee to either REFUSE the Application, or, at the very least, carry out a Site Visit, so that Members may see for themselves the effect of a new dwelling at this location.

Thank you.

G.M.Ernest (Mrs.)

From: Anthony Ernest <amernest@googlemail.com>
CC: PChurch@valeofglamorgan.gov.uk; LBurnett@valeofglamorgan.gov.uk;
MKellyOwen@valeofglamorgan.gov.uk; CWilliams@valeofglamorgan.gov.uk;
NJGibbs@valeofglamorgan.gov.uk; CLOsborne@valeofglamorgan.gov.uk
Sent: 03 November 2007 13:21
Subject: Planning Application No. 2006/01818/FUL. 9 Kymin Terrace, Penarth. Site Visit -
Tuesday, 6th November - 12:30pm.

Dear Councillor,

May I firstly thank you for your interest in the above application, and for taking the opportunity of coming to Kymin Terrace, on Tuesday next at 12:30pm, to visit the Application Site.

A day or so ago, I understand that you received a copy of an Appeal Decision relating to 37 Victoria Road, Penarth - the former Walton House Hotel. The Inspector was quite clear in his decision - that the Appeal should be DISMISSED.

In reading that Decision Notice, you may be struck by the remarkable similarities between the two Penarth sites - Victoria Road and Kymin Terrace. The arguments for and against the development proposals are uncannily similar. The Conservation Area Issues, the Conservation Appraisal issues, the concept of "large Victorian houses with small front gardens, but large rear gardens", the issues relating to parking provision and more. In each instance, the learned Inspector found that the Appeal failed on these basic concepts, and should thus be Dismissed.

So how does this impact on the Kymin Terrace site? The simple answer is that the arguments are broadly the same, BUT Vale Planners have recommended Approval of the proposals for Kymin Terrace, whereas the Victoria Road site was Refused, and that pragmatic decision endorsed on Appeal.

Many local residents will be affected by the Kymin Terrace proposal - not only in Kymin Terrace itself, but also in Bradford Place and Beach Lane/Road. Planners have received "a number" of objections, although only two were appended to the Report - somewhat inaccurately, as they actually referred to earlier (withdrawn) Applications, now superseded by the latest proposal. In fact there is more recent correspondence within the relevant file, should you enquire.

Local Members will be acutely aware that there is considerable concern in greater Penarth as to a number of developments approved in recent years, that clearly have not met with the more general approval of residents of the town. It is said that Penarth has lost some of its appealing qualities, and that some developments have been of a poor design standard, rather than beneficial to both purchasers and the townscape alike. The Vale has been criticised, (perhaps unfairly), for the appalling state of some prominent buildings in the town - "Normandy" and "Beachcliffe" being typical examples, whilst others also lie in a near derelict state, such as Plymouth Road, whilst a number of retail units in prime trading locations, lie forlorn and empty.

With plans afoot for 2,400 new apartments across the river from Penarth Marina, in 10 huge tower blocks, up to 41 storeys in height, you can see that the pressures are relentless for the area.

Finally, a number of local residents will be in attendance at the Site Visit on Tuesday, and they look forward to being able to talk to you about the issues of allowing a back garden development to proceed in this prime part of the Penarth Conservation Area, which is also covered by an Article 4 Direction for the additional protection of the local landscape.

We trust that you will accept that there are solid, sustainable reasons, for refusing the above application, when you come to decision time, and will feel able to support residents of this area.

My I thank you for taking time out to read this letter.

Yours sincerely,

07/00078/FUL 'A'

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

Ty'n Y Pant
Ystradowen
Cowbridge
Vale of Glamorgan
CF71 7SZ

01446 775958

16 February, 2007

Your reference: P/DC/YP/2007/00078/FUL

Planning application No. 2007/00078/FUL
Location: Crofta Farm, Ystradowen

Dear Sir,

Thank you for your letter dated 6 February, I confirm I have subsequently seen the plans of the proposed changes.

I have objections to this development which relate to the increased use to which the lane from Ystradowen to Llanharry, on which the farm is situated, will be subjected. This lane is very narrow, with few passing places. The distance from the nearest passing place for cars is 0.3 mile and it is doubtful that lorries and cars could pass in the entire 0.5 mile distance from the main road to the farm entrance. It is likely that either lorries or cars would have to reverse that distance around narrow bends, all of which would cause extreme inconvenience and, no doubt, irritation. Even now we frequently experience car drivers who refuse to reverse even a short distance because they feel unable to do so!! Large lorries and machinery such as JCBs find it impossible to reverse due to their size and the lane has been completely blocked.

There is very real danger to the safety of pedestrians, horse riders, cyclists and to children who use the lane going to and from school. The banks of the lane have already been eroded by vehicles whilst Welsh Water was carrying out water mains renovation. I fear further damage will be caused by contractors and materials suppliers using vehicles too large for the lane whilst the buildings are being converted. I have experienced difficulty in receiving deliveries of goods because the delivery drivers refuse to drive their vehicles up the lane because they feel it is too narrow.

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The entrance to the farm is opposite the entrance to my house and my land has suffered damage to the boundary by vehicles trying to pass where there really is no room for them to do so other than by driving on to the verges which are being rapidly eroded despite placing large stones in an attempt to keep vehicles on the lane. I am currently in discussions with Ken in your Highways department about this problem.

A fence protecting my cess-pit has been broken twice and the bank protecting a buttress of my house has been completely destroyed twice, on one occasion by a large lorry which was left leaning against the buttress and had to be lifted off by crane! There is a land drain outside my house which has been frequently blocked by traffic driving over it causing severe flooding. Lorries delivering building materials to the farm will cause inevitable damage in this area due to the narrowness of the road at this point. The turning to the farm has also given drivers of large lorries problems as it is too narrow for them to swing into and they either damage the verges outside my house or damage the above mentioned fence.

Finally, the plans indicate that the development will require spaces for eight cars and this in itself will add to the regular traffic in the lane and the difficulty of negotiating the lane without the need for frequent reversing procedures. The lane was never intended to carry the traffic that is now proposed.

Yours faithfully,



Sara Williams

Application 2007/00078/FUL Appendix B

O'Keefe, Kevin T

From: HThomas312@aol.com
Sent: 21 October 2007 19:58
To: Planning&transport@valeofglamorgan.gov.uk
Subject: Crofta Farm Buildings ref P/dc/yp/2007/00078/FUL

Attention Mrs YC Pritchard

I refer to the above and would like as the owners of Crofta Farmhouse to comment as follows: -

1 The applicant seems to indicate on the plans shown to my wife that their boundary includes the road. This is not the case we own the road the applicants have right of way over it and contribute 50% to the cost.

2 The extent of their boundary is a line across from H to G to F to E to D to C to B. As part of the purchase agreement they were supposed to fence this in within 28 days also back from C to B. We have been happy to leave this unfenced whilst we carry out alterations to Crofta Farmhouse but will of course in due time be expecting them to carry out these works.

3 Chris Morgan in his letter and revised plans refers to passing places in accordance with Highways specification. We agreed with the Applicants that we would leave the current what can only be described as a loose hard standing in place. I am sure you will appreciate we own the land and would not be expending money on Highway specified passing places this is Private property and Highway would have no jurisdiction.

4 There is no mention in Chris Morgan's letter of what works would be done to the ancillary barn to provide storage and ensure it is safe and fit for purpose. There is also no mention of what would happen to the 23 acres owned with the Barns or what would happen to the other farm buildings 6 or 7 in number on the site. Mr Canning we believe has a business related to horses and currently has some fillies on site. Can they define the small area for grazing horses?

5 Lastly Chris Morgan understands there is an existing water supply. This is currently a sub meter off the Crofta farmhouse main and is an accommodation only. A new main would be expected and there is an agreement that this can be brought in over our land subject to the usual reinstatement. There is no electricity to the current buildings as this was off the House supply and has been disconnected.

Please confirm receipt of this email and if I can assist in any way with clarification please let me know. My mobile 07831 830659.

Many thanks
 D Hywel & Mrs Annelie Thomas
 Currently at Manorstone House Trerhyngyll Cowbridge CF71 7TN

22/10/2007

PA.28



Penderfyniad ar apêl

Appeal decision

Ymweliad safle wnaed ar 15/08/06

Site visit made on 15/08/06

gan/by Geraint Rees BA(Hons) DipTF MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date 01/09/06

Appeal Ref: APP/Z6950/A/06/1198800

Site Address: Chestnut Tree Cottage, Graig Penllyn, Cowbridge, CF1 7RT

The National Assembly has transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by A G Developments 1979 Ltd against the decision of the Vale of Glamorgan Council.
- The application (ref 05/01639/FUL) dated 14/10/05 was refused by notice dated 06/04/06.
- The proposal is to construct two new 3 bedroom detached dwellings, widen vehicle access to site, construct new access drive and associated parking for new dwellings and the cottage.

Summary of Decision: The appeal is dismissed for the reasons given below.

Procedural matters

1. The Appellant draws my attention to his more recent application for a new access to the site on which the Council has commented. As the latest application is beyond my powers of determination, I can only consider the proposal on the basis of the plans submitted with this appeal.

Main issues

2. The main issues are firstly the effect of the proposal on the character and appearance of the area and secondly the likely impact of the development on the visual amenities of occupiers of nearby dwellings.

Planning policy

3. The development plan is formed by the adopted Vale of Glamorgan Unitary Development Plan (UDP) of April 2006. Policy HOUS2 states that housing infill, small-scale development and redevelopment which meets the criteria listed in policy HOUS8 will be permitted within settlement boundaries, including the village of Graig Penllyn. The relevant criteria of the policy are (i) the scale and form 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 visual intrusion (amongst other things); (iii) the proposal does not have an unacceptable impact on areas of attractive landscape (amongst other considerations). Policy H11 states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over-development and insensitive or inappropriate infilling. Policy ENV 4 states that new development within or closely related to Special Landscape Areas will be permitted where it can be demonstrated that it would not affect the landscape character, landscape features or visual amenities.

Reasons and conclusion

Issue 1:- Effect on character

4. The appeal site lies on rising ground at the eastern edge of but within the settlement of Graig Penllyn. The existing compact cottage is set quite low within the site immediately adjoining a narrow rural highway. It is proposed to erect two new dwellings including plot 1 in the south western part of the site, and plot 2 near the north eastern boundary of the site, involving the demolition of a single garage. In the Appellant's view the proposal would not result in a cramped form of development as the dwellings would only occupy some 16% of site coverage.
5. In my view the construction of two substantial dwellings on elevated land of an open character at the sensitive interface of the rural village and the open countryside would unacceptably harm the character and appearance of the perimeter of the village and the countryside, including the adjoining hillside to the south and the Special Landscape Area of the Upper Thaw valley on the eastern side of the rural lane flanking the site. The two storey dwelling at plot 1 toward the rear of the site would have a particularly pronounced impact on the surroundings at a height of about 9m above road level. The other dwelling at plot 2 while slightly below road level would also have an adverse visual impact owing to its close proximity to the rural lane where no screen planting would be allowed in order to comply with visibility standards for the new vehicular access.
6. I consider that the proposal would be out of accord with the pattern of development of Graig Penllyn, which is characterised for the most part by dwellings of a spacious disposition in a secluded woodland setting in the Thaw valley. In comparison, the site would be developed to a more intense degree, which would be out of accord with policy H11 of the UDP, and would also form an unacceptably hard edge of development between the village and the open countryside.
7. In order to satisfy the required visibility splays of 2.4 by 33 metres recommended by the highway authority for the new access, it would be necessary to make substantial changes to the road frontage of the property. Currently Chestnut Cottage is served by a short access to the garage, which has little visual impact on the rural surroundings. A wide access would be constructed about 10m to the south east of the cottage together with the required visibility splays to enable emerging drivers from the site and approaching vehicle and pedestrian traffic to view each other in time in the interests of highway safety. Such works would include the removal of shrub vegetation adjoining the garage and a section of hedgerow and trees flanking the highway, and also the lowering and re-aligning of an existing stone boundary wall along the frontage of the rural lane nearest to the cottage.
8. I consider that apart from opening up the site to greater view, the development would unacceptably suburbanise a site in a village which still retains some of its rural character. A considerable percentage of the site taken up by the wide internal access road and 11 car parking spaces would accentuate the intensity of development. The fact that the proposal would more than meet the amenity space standards of the *Supplementary Planning Guidance Amenity Standards* of 2006 does not in my view overcome the shortfall of effective open space, particularly Chestnut Cottage which would now have a very limited curtilage. In this respect the proposal does not pay sufficient regard to the more spacious pattern of development of this attractive village.
9. The appellant draws my attention to a summary of comments of the policy section of the planning department on the proposal. It seems to me that while there is no objection to the

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Appeal Decision APP/Z6950/A/06/1198800

principle of residential development of the site, the section has made no comment on the details of the scheme, which is a matter of policy interpretation, as set out in the officer's report to the planning committee.

10. In my opinion therefore the proposal before me would not form an acceptable form of rounding off of the village at this location. I consider that the proposal would be in conflict with a number of the policies of the UDP on the need to prevent infill development of an unsympathetic character in a sensitive environment
11. On this issue therefore I conclude that the proposal would unacceptably harm the character and appearance of the area

Issue 2:- Visual amenities

12. I observed that plot 1 would be sited close to a number of residential properties on the lower ground fronting the main village highway. The distance between proposed house plot 1 and these dwellings on the lower ground flanking the main street of the village would be about 17-19m. There would be no windows from the new dwelling directly looking onto the habitable rooms of the houses, which would be reinforced by a stone wall of between 1.5m and 2m on the boundary with the existing residential properties. In my opinion, the new dwelling would be set sufficiently apart not to give rise to significant overshadowing of existing properties. Accordingly I conclude that the proposal would not cause an appreciable loss of visual amenities to occupiers of nearby dwellings. Notwithstanding this consideration, I consider that there are sufficiently compelling planning grounds for rejecting the proposal.
13. I have had regard to all other matters raised, but I conclude that the appeal should be dismissed.

Formal Decision

14. For the above reasons, I dismiss the appeal.

Geraint Rees

Inspector

07/00187/FUL B

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

Little Acre
Graig Penllyn
Cowbridge
Vale of Glamorgan
CF71 7RT

Date: 25 August 2007

Planning application reference: 2007/00187/FUL

Dear Sir

Location: land adjacent to Chestnut Tree Cottage, Graig Penllyn

Proposal: Construction of a part single, part two story dwelling, garage and new access

I wish to **object** to the planning application for the following reasons:

- (i) The large access and driveway required for the new dwelling would open up the rural lane and extend urban development even further into the countryside.
- (ii) This is a very narrow and steep lane. Heavy vehicles would be required to deliver the plant and materials necessary to undertake the landscaping and to construct the new dwelling. This would be extremely disruptive and noisy for me and other local residents and cause danger and disruption to highway users.
- (iii) The new access would still have poor visibility towards the up-hill bend and it would be required to serve two dwellings instead of just one. The intensified use of the access would cause danger to all road users.
- (iv) I would suffer from a significant loss of privacy as due to the local terrain, the plot elevation is greater than that of the first floor of my property.

Yours faithfully,

Mr P T N Pedersen

By email

07/00/187/FUL 'Ba'

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Penllyn
Near Cowbridge
Vale of Glamorgan
CF71 7RQ

Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT
Date: 24.08.07

My reference: CTC.let24

Your reference: P/DC/YP/2007/00187/FUL

Dear Sir

Planning application for the construction of a detached part single, part two storey dwelling, garage and new access on land adjacent to Chestnut Tree Cottage, Craig Penllyn - reference 2007/00187/FUL

Thank you for your letter dated 13.08.07. I wish to register my objection to the amended planning application and I would be grateful if you would consider my comments in preparing your report to the Planning Committee. This is a development proposal to which I have already made objections in my previous letter to you dated 03.04.07 under reference CTC.let18. Accordingly, I would ask for all my previous, relevant comments to be taken into account.

I would summarise my objections to the amended planning application as follows:

1. The design of the new access would be contrary to Government advice and would not meet with the requirements of the highway authority as stated in the Planning Inspector's report on appeal reference APP/Z6950/A/06/1198800. Accordingly, it would be dangerous to road users and to users of the new access.
2. The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn.
3. The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In my letter to you (reference CTC.let07 and dated 10.02.06) I expressed the view that the garden of Chestnut Tree Cottage would be capable of accommodating a new low-level dwelling only if it were to be located and designed so as to minimise its impact on the local environment and only if the cottage remained as ancillary accommodation to that new dwelling.

However, the developer has now sold Chestnut Tree Cottage, which has the following implications for the site:

1. A new access must be constructed, which fully meets modern highway standards and which is capable of accommodating traffic generation from two separate residences.
2. The visibility splays for the new access must cross the garden of Chestnut Tree Cottage, which is now in separate ownership.
3. Sufficient private amenity space must be provided to serve both the new dwelling and the existing Chestnut Tree Cottage.
4. Three separate car parking spaces must be provided to serve Chestnut Tree Cottage, four additional spaces to serve the new dwelling, plus sufficient off-road manoeuvring space for both the dwellings.
5. The new dwelling must be sited a sufficient distance from Chestnut Tree Cottage so as not to have an adverse effect on the privacy and the amenity of its residents.

My detailed objections and comments on the submitted documents and plans

1. **The design of the new access would be contrary to Government advice and would not meet with modern safety standards**

Had Chestnut Tree Cottage been retained by the developer to serve as ancillary accommodation to a new dwelling then the proposed vehicle access would have been required to serve only one dwelling. In such circumstances, where there is limited re-development combined with an access improvement, then the Government advises that permission may be granted even though the access would still be below standard. See paragraph B11 of Technical Advice Note (Wales) 18 - March 2007. Accordingly, it would have been possible for more modest improvements to have been made to the existing vehicle access, which could have preserved the rural character of the adjoining lane.

However, the developer has not retained the ownership of Chestnut Tree Cottage and the planning application is for a new, independent dwelling. This means that the new access must be capable of accommodating traffic generation from two separate residences.

In 2006, when planning appeal reference APP/Z6950/A/06/1198800 for new residential development was being determined, your Council informed the Planning Inspector that there needed to be visibility splays in both directions measuring at least 2.4m x 33m. Please refer to paragraph 7 of the written report on the appeal decision.

Yet in the latest revised site plan (Drawing Number AL.0.01 - Rev P5) the minor road distance has now been reduced to 2m and the major road distance in a southerly direction measures only 27m - to the centre of the carriageway. These are substantial relaxations in the Council's safety standards.

Your assistant Mr Paul Harrison has explained to me that the reason the highway authority is prepared to accept these further reductions in the recommended distances is because of the advice in paragraph B11 of the new TAN 18, which was published after the appeal decision. That is, the planning application is within an existing development site served by an existing substandard access, so that there should be

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scope for a "limited redevelopment" that incorporates a substantial access improvement, even though the improved access would still be below standard.

But this planning application cannot be described as a "limited redevelopment". It is for an entirely new development on a site in separate ownership from the existing residence. Chestnut Tree Cottage is not even included within the planning application boundary.

The proposal is for the construction of a new dwelling with a floor area in excess of 210m², a new domestic garage with a floor area of 38m² and seven external car parking spaces. At the present time, the land within the planning application boundary contains only a domestic garage with a floor area of 18.5m² and three external car parking spaces.

Since the existing garage and parking spaces no longer serve Chestnut Tree Cottage, traffic generation from the site is now virtually zero. It is also relevant that planning permission has never been granted for the existing garage or the parking spaces on the application site or indeed for its use as a domestic garden. Although these may have become lawful developments for the benefit of Chestnut Tree Cottage with the passage of time but the site has now been disused for more than 12 months and the development thereon no longer has any association with the original cottage. In similar situations elsewhere, where property remains unoccupied for a significant period, your Council (based on planning case law) has judged that lawful development rights have been lost.

If the application site has no extant permissions for development and if the lawful use has now reverted to agriculture, how can the scheme to build a new dwelling be defined as "redevelopment"?

Even if the existing vehicle access were still associated with Chestnut Tree Cottage, the new development would result in more than a doubling of the traffic movements onto the rural lane. I have now consulted with two neighbouring planning authorities and their officers have confirmed that they would certainly not accept an increase from one separate dwelling to two, within the definition of "limited redevelopment".

Nor would they allow a reduction in the minor road distance from 2.4m to 2.0m where the following constraints apply:

- the access is outside a built-up area;
- there is a significant gradient on the major road;
- there are hedgerows in close proximity to the major road which may impede visibility if uncut; and
- the major road is not wide enough for an oncoming vehicle or cyclist to avoid an emerging vehicle that may protrude beyond the 2m minor road distance

All of these constraints would apply to the new access at the application site and if it to be safe for users of the rural lane and the new driveway then it must at least have visibility splays as recommended by Appendix B of TAN 18 for these circumstances.

Even applying the relaxed standards which your Council seems prepared to accept on Drawings AL.0.01 - P5, the visibility splays in both directions would cross private garden areas and agricultural land, in three different ownerships. In such circumstances it is incumbent on the developer to demonstrate that he has the necessary control over all the land required for the visibility splays. Please refer to paragraphs 28 and 37 of Welsh Office Circular 35/95. Nowhere in the submitted information has the developer been able to demonstrate this control.

Mr Harrison has explained to me that, were planning permission to be granted then he would recommend the imposition of a condition limiting the use of the private garden areas. He said that the condition would need to ensure that there was an uninterrupted view from the centre line of the new access to all parts of the two visibility splays above a height of 600mm and that this would be maintained in perpetuity. How could such a condition be enforced when the garden of Chestnut Tree Cottage is neither owned nor under control of the applicant?

Furthermore, in order to achieve the southern visibility splay shown on Drawing AL.0.01 - P5 it would be necessary to partially remove and reshape the mature, road-side hedge-bank outside the south-eastern corner of the application site. This would require re-grading and/or retaining works on land outside the planning application boundary. It would certainly lead to undesirable damage to the road-side hedge but again how could the applicant be required to do these essential works when he neither owns nor controls this adjoining land.

With the proposed and the existing hedgerows in such close proximity to the edge of the visibility splays as shown on Drawings AL.0.01 - P5 and 183/01, I believe that it would be unrealistic for the LPA to expect clear visibility to be maintained in perpetuity because the natural growth of vegetation would very soon cause obstructions. Please refer to this extract from 'Development Control Advice Note 15 - August 1999':

"The area within visibility splays (both those beside the minor road and those required for forward visibility) must be cleared to provide a surface no higher than 250mm above the level of the adjacent carriageway. Minor departures from this requirement, such as the retention of a single slender pole or column, may be permitted at the discretion of the Department as long as visibility is not materially affected. Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth."

As recently as August last year, the Council and a Planning Inspector confirmed that a new residential access in this location must have minimum visibility splays of 2.4m x 33m in both directions. 12 months later, the application drawings show these distances as being substantially reduced to levels that a neighbouring planning authorities would certainly not accept. I do not agree with your Mr Harrison's interpretation that the proposal represents a limited redevelopment of an existing development site and I suggest that you need to give further consideration as to whether the access shown on Drawings AL.0.01 - P5 would be safe and would accord with Government guidance.

The latest figures for housing land availability in the Vale of Glamorgan illustrate that there is an over-supply. With the balance of planning policy and an appeal decision weighing against the residential development of the site, I find it difficult to understand why you would be prepared to relax highway visibility requirements, apparently to facilitate the development. If there were to be an accident in this location after the development has been completed then it leaves the Council open to challenge.

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2. **The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn**

In paragraph 8 of the appeal decision, the Inspector says: "The fact that the proposal would more than meet the amenity space standards of the *SPG - Amenity Standards* of 2006 does not in my view overcome the shortfall of effective open space, particularly (for) Chestnut Tree cottage, which would now have a very limited curtilage. In this respect the proposal does not pay sufficient regard to the more spacious pattern of development in this attractive village."

I have compared the latest Drawing AL.0.01 - P5 with Drawing Number AS01 that was the subject of the Inspector's comments. I calculate that the increase in amenity space that would certainly be available to Chestnut Tree cottage under the new scheme would be less than 25m². This is the area that I have shaded green on the attached photocopy of Drawing AL.0.01 - P5.

There are three other hatched areas, which I have shaded yellow and orange on the copy of Drawing AL.0.01 - P5, which the agent maintains in his e-mail of 27.06.07 would increase the curtilage of Chestnut Tree Cottage by 127m² as compared with the previous scheme. Yet none of these areas has actually been included within the curtilage of Chestnut Tree Cottage as defined on Drawing AL.0.01 - P5 and there is an ambiguity here which requires clarification.

In any event, the yellow shaded areas could not fall within the definition of usable amenity space because they lie within vehicle access or visibility splay areas. The orange shaded area would be partially occupied by a car parking space and therefore its usable area would also be reduced.

Chestnut Tree Cottage has a floor area of 120m² and submitted Drawing AL.0.01 - P5 illustrates quite clearly that even with the inclusion of the usable part of the orange shaded area, insufficient amenity space would remain around the cottage to meet the Council's standard. Much of it comprises steps, pathways or other hard surfaces and does not fit the definition of usable space in the SPG. Furthermore, the proposed reduction of the road-side wall to a height of 600mm would expose much of the amenity space to users of the highway and to the occupants of Llwyn Celyn.

In very similar circumstances (see appeal reference APP/Z6950/A/00/1051415) the Planning Inspector concluded that the lack of remaining amenity space for an existing dwelling was a significant factor in his dismissing the appeal for a new dwelling.

In fact, the inclusion of the green and yellow shaded areas and the isolated and grade separated orange area, would do very little to change my perception that Chestnut Tree Cottage would be left within a cramped and under-sized curtilage that pays insufficient regard to the more spacious pattern of development in the surrounding village.

3. **The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area**

In paragraph 7 of the appeal decision, the Inspector makes the following observation: "In order to satisfy the required visibility splays of 2.4m by 33m it would be necessary to make substantial changes to the road frontage of the property. Currently Chestnut Tree Cottage is served by a short access to the garage, which has little visual impact on the rural surroundings. A wide access would be constructed about 10m to the south east of the cottage together with the required visibility splays to enable emerging drivers from the site and approaching vehicles and pedestrian traffic to view each other in time in the interests of highway safety. Such works would involve the removal of scrub vegetation adjoining the garage and a section of hedgerow and trees flanking the highway and also the lowering and re-aligning of an existing stone boundary wall along the frontage of the rural lane nearest to the cottage."

In paragraph 8 he summarises the consequences of this as follows: "I consider that apart from opening up the site to greater view, the development would unacceptably sub-urbanise a site in a village which still retains some of its rural character."

The new proposal would have virtually the same consequences as those which the Inspector described in paragraph 7 of his appeal decision and which he considered to be unacceptable. These consequences are inevitable if an access and visibility splays are to be created which meet with the requirements of the highway authority.

In paragraph 4.4 of the Statement that accompanies the planning application (the P5) it is stated that the removal of the road-side trees and hedgerow and their replacement with a low-level earth bank upon which nothing could exceed a height of 600mm would not constitute opening-up the lane. To the contrary, submitted Drawings AL.0.01 - P5 and 183/01 clearly illustrate that it would result in the opening-up of the lane and it is illogical to try to suggest otherwise.

To the south of the new access, the mature road-side trees and hedgerow, which are a characteristic of the rural Vale, would be replaced by an open area of low-level shrub planting. At present, there is no comparable feature along the entire length of Vistia Lane.

To the north of the new access, the road-side stone wall would be reduced to about half its present height and a flat terrace would be formed behind, before a secondary, higher wall would be constructed to delineate the small garden. Similar design features are common-place in sub-urban gardens but they are certainly not a characteristic of the Vale countryside.

The proposal would still involve the construction of a substantial two storey dwelling on a narrow and exposed site. In addition, it would be necessary to provide seven car parking spaces and access for two separate residences, as well as trying to protect the privacy and amenity of Chestnut Tree Cottage. Accordingly, the new buildings would be situated in close proximity to the southern edge of the land ownership boundary. This would necessitate a substantial amount of ground excavation work and the construction of a retaining wall near the southern boundary which, despite the amendments shown on Drawing AL.0.01 - P5, would leave insufficient space for any substantial and effective screen planting.

The result would be that the roofs of the new dwelling and the garage would still be visible above the sky-line when viewed from the adjoining hillside to the south. The new buildings would also be clearly visible from the Special Landscape Area on the eastern side of Vistia Lane. Both these important vistas are referred to by the Inspector in paragraph 5 of the appeal decision. The clutter of possibly seven parked cars on the site (three in tandem at an elevated level and clearly visible from the rural lane) would exacerbate the urbanising effect of the development.

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At paragraph 5.9 of the "Landscape and Visual Assessment" that accompanies the planning application (the LAVA) it is stated that a new hedge along the southern boundary and standard trees in a few locations will present a soft edge to the development as seen from the land to the south.

However, in order to re-create a discernable "soft edge", which did exist before the applicant cut down the standing trees, it would be necessary to plant sufficient numbers of deciduous/evergreen forest species along the southern side of the new dwelling and the garage, which simply could not be accommodated within the layout shown on Drawing AL.0.01 - P5. Of the specimen trees shown on the southern boundary only one has a canopy spread in excess of 3m. By comparison, a mature native ash or oak would have a canopy spread in excess of 20m on maturity.

Future residents would almost certainly be anxious to maintain an open aspect to the south and it is very unlikely that a new hedge would ever be allowed to reach a height at which it would contribute to the creation of a soft edge. If it were allowed to do so, then it would prevent sun-light penetration to the specially designed high-level windows in the south elevation of the dwelling.

Furthermore, some of the specimen trees shown on Drawing AL.0.01 - P5 are planted close to buildings and hard surfaces. Empirical evidence will show that many of the residents of Craig Penllyn (in comparable circumstances) have lopped or even felled maturing woodland trees to prevent problems of canopy spread, root invasion, leaf-fall and loss of sunlight.

At paragraph 5.4 of the LAVA it states that the aerial photograph shows the site as bounded on three sides by residential properties, giving it a sense of belonging to the village. Please contrast this with paragraph 5 of the appeal decision. Here the Inspector describes the site as being "on elevated land of an open character at the sensitive interface of the rural village and open countryside."

Conclusion

At paragraph 5.24 of the PS and elsewhere in the submitted documents, the Planning Inspector is quoted as having said in his appeal decision that: "there is no objection to the principle of residential development of the site". This has clearly become a major tenet for the developer in his attempt to justify the construction of a new dwelling on the site.

However, the Inspector is being misquoted. Please refer to the copy of a letter which I received from the Planning Inspectorate following the appeal decision and which was attached to my letter to you dated 03.04.07 under reference CTC.let18.

In fact, what the Inspector is saying is that it seems to him that the policy section of the Vale Council has no objection to the principle of residential development at the site, based on their comments before the determination of planning application reference 05/01639/FUL.

This is perfectly reasonable because the site lies within the settlement boundary which has been identified for Craig Penllyn by Policy HOUS 2 of the UDP and where there is a positive presumption in favour of development (in principle). However, for development to be permissible (in practice) it must also be consistent with all of the criteria in Policy HOUS 8. There can be no doubt, that even in its amended form the new planning application would still conflict with four of those criteria.

The Planning Inspector has already confirmed that the visibility splays at the new access would need to be at least 2.4m x 33m. The new application Drawing AL.0.01 - P5 illustrates that these requirements cannot be met.

The Planning Inspector has adjudged that the previous application left insufficient, effective amenity space for Chestnut Tree cottage. Also, that the very limited curtilage remaining for the cottage meant that the layout paid insufficient regard to the more spacious pattern of development in Craig Penllyn. The agent is now claiming that there would be a significant transference of curtilage land back to Chestnut Tree Cottage but given the ambiguities on Drawing AL.0.01 - P5, this remains uncertain. In any event, much of the land proposed for re-transference could not be used as amenity space and the amended layout would still fail to overcome the deficiencies identified by the Planning Inspector.

The Planning Inspector has made it clear that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. If a new and independent dwelling is to be constructed on the site then these consequences are inevitable.

The Planning Inspector has described the site as being elevated land of an open character at the sensitive interface of the rural village and open countryside. He said of the previous scheme that it would form an unacceptably hard edge of development between the village and the open countryside.

The scale and layout of the residence in the new planning application would still not allow sufficient space for effective landscaping to create a soft edge on this sensitive boundary and the development would still have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In the case of a recently submitted planning application for a new two storey out-building at Moorlands Farm (see application reference 2007/00273/FUL) you have recommended refusal to the Planning Committee on the basis of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and would have been much less conspicuous than a new dwelling to the south of Chestnut Tree Cottage. Surely if that planning application warrants a recommendation to refuse then so does this one.

I am very concerned that the tenor of the e-mail from the agent dated 27.06.07 indicates that you may now be proceeding towards a recommendation to approve the amended proposal despite the fact that it would still have many of the undesirable consequences referred to by the Planning Inspector and identified by local residents and others in previous correspondence. I am firmly of the opinion the planning application would still conflict with Strategic Policy 1 and Policies ENV 4, ENV 10, ENV 11, ENV 27, HOUS 8 and HOUS 11 in the adopted UDP and should be refused.

Yours faithfully

New McLean

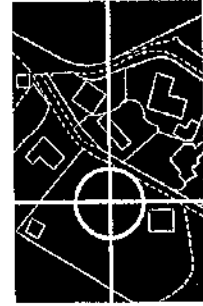
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Neil McLean B.Sc. Dip.T.P. M.R.T.P.I.

07/00187/FUL

BOYER PLANNING

ENVIRONMENTAL PLANNING AND DEVELOPMENT CONSULTANTS
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30 July 2007
Our Ref: BD/06.959

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Dear Yvonne

Town & Country Planning Act 1990

Planning Application No. 2007/00187/FUL - Construction of a Single Storey Dwelling on land adjacent to Chestnut Tree Cottage, Graig Penllyn

I write further to our recent discussions in respect of the above planning application and in particular to the revised site layout which I emailed to you on 27th June 2007. I enclose a copy of this email for your reference as the points raised remain applicable.

In our most recent discussions, you commented that the provision of amenity space for Chestnut Tree Cottage and the proposed dwelling as indicated on the revised layout was now acceptable. In addition, you also commented that the site coverage has been reduced to a more acceptable standard.

As you are aware, I have been in discussion with Paul Harrison (Highways) in order to seek a reduction in his car parking requirements so that even more of the site could be given over to landscaping. However, despite my best efforts, Paul maintains that 7 car parking spaces must be provided on the site, i.e. 3 + 1 visitor for the new dwelling and 2 + 1 visitor for Chestnut Tree Cottage.

You also asked if we could investigate possibilities for incorporating the garage into the dwelling, perhaps at lower ground floor level. As I explained, Stefan from Graham Frecknell Architects spent some time looking into this and concluded that it was not a feasible option for the following reasons: 1) to minimise the length of driveway the garage would need to be constructed in the eastern elevation of the dwelling. However, the excavation required would be considerable as the site falls predominantly from south to north such that the garage would need to be excavated along the contours rather than across the contours. For this reason, the garage would also need to be constructed with tandem spaces. 2) A garage at ground floor level would inevitably increase the ridge height of the dwelling. This would increase the visual impact of the dwelling and it could become unacceptably overbearing on Chestnut Tree Cottage and would be more prominent from the south. 3) One of the reasons for incorporating a garage into the dwelling was to reduce the

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site area which was developed upon. However, the manoeuvring space required for vehicles entering/exiting the garage means that there is very little additional area which can be landscaped. There would therefore be no net benefit of providing an integral garage and as such, the plans remain unchanged in this respect, with the detached garage being retained in its previous position.

I therefore enclose 6 copies of the following revised plans prepared by Graham Frecknell Architects for your further consideration:-

- Site Plan and Sections – Dwg No. AL.0.01 Rev P5
- Floor Plan and Elevations – Dwg No. AL.0.100 Rev P2
- Elevations of Garage – Dwg. No. AL.0.101 Rev P1

I trust that the proposed development is now acceptable and I hope that the scheme can now progress towards a positive determination. I would be grateful if you would confirm whether or not the application will be determined by delegated powers or at planning committee. If in the meantime if you require any further information then please don't hesitate to contact me.

Yours sincerely



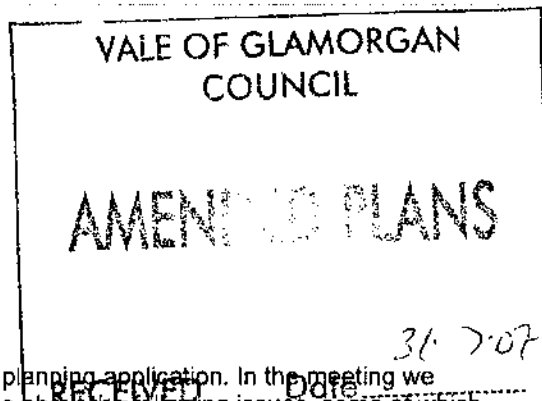
Barrie Davies
Senior Planner

c.c. - Adrian Griffiths – AG Developments 1979 Ltd
Stefan Ropers – Graham Frecknell Architects (letter only)

07/00187/FUL 'C'

Barrie Davies

From: Barrie Davies
 Sent: 27 June 2007 18:09
 To: 'YJPrichard@valeofglamorgan.gov.uk'
 Cc: 'Stefan Ropers'
 Subject: P/07/00187/FUL Chestnut Tree Cottage
 Attachments: 2007.06.26_SITE SKETCH.JPG



Yvonne

I write further to our meeting last week in regard to the above planning application. In the meeting we discussed ways in which we could try overcome your concerns about the following issues, some of which were raised in the meeting and some in your earlier correspondence:-

1. Lack of curtilage to Chestnut Tree Cottage (CTH)
2. Too much hard-standing to the eastern edge of the site
3. Reduction in the copse due to highways insistence for visitor car parking
4. Moving the proposed dwelling away from the southern boundary
5. Increased planting along the southern boundary
6. Reduction in the footprint of the proposed dwelling
7. Reducing the size of the garage

Stefan has now prepared an amended sketch which I attach for your further consideration. The revised scheme addresses your concerns as follows:-

Amenity Space

The amenity area available to CTH has been increased to provide a better balance between the existing and proposed dwellings. CTH will now have a curtilage of 340 sqm whereas in the previous scheme it has 213 sqm i.e. an increase of 127 sqm (37%). The amenity space available to each dwelling is now of similar proportions to surrounding properties such as *Little Acre* and *Stepping Stones* as can be seen on the sketch.

Building Footprint

In your letter dated 18th May 2007 you suggested a "part single story part two story property which will allow for a more spacious setting". By introducing a second floor in part of the building, the footprint of the proposed dwelling has been reduced from 141 sqm in the original scheme to 107 sqm in the revised scheme. The dwelling therefore takes up less site coverage leaving a greater amount of the site available for soft landscaping and amenity space. The roof level does not increase greatly as a result of the new storey as the building will be set lower into the site and the upper floor will incorporate a 'warm roof' to make more efficient use of the building height. As suggested, the building has also been moved further east to provide increased amenity space to the west of the site.

Car Parking

Whilst the revised layout still shows the provision of 7 car parking spaces, we are more than willing to reduce these down to 3 spaces for the new dwelling and 2 for CTH if required. The layout has been vehicle tracked and it works well.

Copse Planting

You will note that the revised scheme shows the reinstatement of much of the copse at the eastern end of the site. This could be further increased if the visitor space could be deleted as per my point above.

Hard-Standing Area

The amount of hard standing at the eastern end of the site has been significantly reduced and softened with additional planting. The site access is as narrow as permitted by highways and is framed with two specimen trees. Views into the site from the east will therefore be extremely limited.

Southern Boundary

The dwelling has been offset from the southern boundary to allow additional planting of specimen trees along the boundary.

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Garage Size

The garage has been reduced in size from 44 sqm to 38 sqm.

In summary, I think it has to be accepted that the attached scheme is light years away from the 2 dwelling scheme which was dismissed at appeal. The current proposal is borne out of a thorough, well thought out design process that has comprehensively considered the surrounding landscape and neighbouring dwellings with input from conservation architects and specialist landscape architects. The revised scheme provides a better allocation of amenity space between CTC and the proposed dwelling such that the "spacious disposition" which the inspector refers to is maintained.

I would be grateful if you would consider this revised scheme at your earliest convenience and your reply by email would be gratefully received. If you wish to discuss the latest layout then please don't hesitate to give me call.

Best wishes

Barrie

Barrie Davies

Senior Planner

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07/00187/FUL

BOYER PLANNING

ENVIRONMENTAL PLANNING AND DEVELOPMENT CONSULTANTS
YMGYNGHORWYR CYNLLUNIO AMGYLCHEDDOL A DATBLYGU



17 September 2007
Our Ref: OJ/06.959

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Dear Yvonne

2007/00187/FUL

Construction of a detached part single, part two storey dwelling, garage and new access: Land adjacent to Chestnut Tree Cottage, Graig Penllyn

I am responding to your letter dated the 4th September to my colleague Simon Barry. Your letter raises 4 points which I address below:

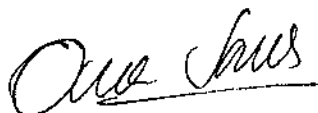
1. **Planning Committee:** we note that the application can no longer be dealt with by delegated power. We will work with you to secure its consideration at the next Committee which is the 10th October.
2. **Landscape Proposals:** You ought to have received by correspondence dated 11th September a landscape plan from Anthony Jellard Associates. That letter also addressed the issue in relation to the southern boundary. I trust this meets with your satisfaction.
3. **S106 Agreement:** My Client is willing to enter into a Section 106 Agreement in relation to the transfer of land for additional amenity space. I trust you agree that this is a matter that can be taken forward in the event of the Council resolving to grant planning permission and there is no need to incur costs in relation to this at the present time.
4. **Highway Issues:** I am aware that you have been sent an email this afternoon from Hywel Evans of SBA with various plans relating to access arrangements and in particular the proposed works within the visibility splays including proposed levels, gradients and retaining structures. I trust these also meet with your approval. As regards the means of securing these works I can confirm that in the conveyance of Chestnut Tree Cottage, my Clients have reserved rights to remove any part of the existing wall as part of the vision splay works and driveway and

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that no plants or other structures are permitted within the visibility splay works. Moreover, I note that you refer to visibility splays of 2.4m x 33m and 2.4m x 24m whereas the original plans prepared by SBA on the basis of discussions with your highway colleagues were on the basis of 2.4m x 33m and 2.4m x 30m. Please can you confirm whether the requirement for the southeast visibility splay has been reduced to 24m.

I would be grateful if you could acknowledge receipt of this email and confirmation that the issues raised in your letter have been satisfactorily addressed.

Yours sincerely



Owen Jones
Associate Director

cc: Adrian Griffiths
Simon Barry

2007/00187/FUL

Appendix D

From: Neil McLean [mailto:neil@fidmac.freemove.co.uk]
Sent: 30 October 2007 16:02
To: Robert Thomas
Subject: Chestnut Tree Cottage - Craig Penllyn

Dear Mr Thomas

Some of the other local residents and I submitted letters of objection to this planning application earlier this year thinking that it was being reported to the Sept. Planning Committee. I also wrote to the Chair of Planning and local elected members urging them to look at the site for themselves. However, the application was deferred and apparently is now going to the next Planning Committee in Nov.

I am writing directly to you because I understand that your case officer (Mrs Prichard) and your other colleagues who have been involved are now inclined to recommend that this application should be approved.

I have attached my detailed comments for your consideration and I do not intend to rehearse those with you now. However, given the planning history, the sensitive nature of the site and the obvious conflict with UDP policies, Govt. advice and your SPG's I am completely mystified by your officers intended recommendation.

The developer and his advisers have used the tactic of first pursuing a scheme which would have been a gross over-development of the site and intrusion into the SLA and pushing that all the way, irrespective of the views of the local community. By gradually commuting the harm that would be caused, they have now managed to convince your officers that a new and separate dwelling would be acceptable. But surely there are still so many shortcomings and conflicts with policy that this cannot be the case?

For example, I have discussed the highway issues with two highway officers in neighbouring authorities and neither would accept as "limited re-development" a situation where there would be more than a doubling of traffic generation. Nor would they accept such significant relaxations of visibility standards outside a built-up area and on a steep gradient like this.

Apparently, legal agreements are being formulated to implement a re-sale of private amenity space by the developer back to the resident of Chestnut Tree Cottage. Even then, the size, configuration and open-ness of the site make it impossible to provide sufficient private and usable amenity space for two separate dwellings in accordance with your SPG requirements.

The Planning Inspector made it clear with the first scheme that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. The impact of the latest access design would be virtually the same as the one upon which he commented. The existing situation is one of mature hedgerows abutting the lane - not set at the back of a wide visibility splay. Please look at my detailed comments on this issue. I am amazed that your highway officer would even contemplate a recommendation to approve where visibility splays extend over a separate private garden on one side and through agricultural land (over which the applicant has no control) on the other. Existing and proposed vegetation is so close to these splays that their continuing maintenance would be nearly impossible for your staff to enforce.

In his landscape and visual assessment, David McQuitty for the developer says that the proposed hedgebank along the southern boundary, incorporating standard trees in a few locations, would be a positive contribution to the natural landscape heritage of the area. In reality, the developer cut down the mature trees that once formed this boundary, before the appeal was dismissed. As a result, the Planning Inspector described this as "elevated land of an open character at the sensitive interface of the rural village and open countryside". As I explain in my detailed comments, the re-creation of a soft woodland edge to the village with

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new housing development in such close proximity would be incompatible. The miniature trees shown on the landscape drawing would not screen the new buildings from the surrounding SLA. Larger woodland species, together with a significant indigenous hedgerow, would have adverse consequences for sun-light penetration to the new residence. There are plenty of examples around the village of what happens in those circumstances! A recommendation to approve the soft landscaping scheme, with trees so close to the proposed buildings and hard-surfaces would be contrary to the latest advice in sections 13, 14 and 15 of BS5837 (2005).

Your Council has recently refused a planning application nearby for a new out-building at Moorlands Farm (see application reference 2007/00273/FUL) because of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and even though the site was outside the settlement boundary, it would have had much less impact on the SLA than a new dwelling to the south of Chestnut Tree Cottage. As a local resident, I had no objection to that proposal. I know that your Council is striving for consistency in the determination of planning applications and if the Moorlands Farm scheme warranted a refusal because of its visual impact then surely so does this one?

Accordingly, I would be grateful if you could carefully consider whether your officers' recommendation to approve would be appropriate in this case.

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Rosevine Cottage
Vistla Road
Penllyn
Near Cowbridge
Vale of Glamorgan
CF71 7RQ

Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT
Date: 24.08.07

My reference: CTC.let24

Your reference: P/DC/YP/2007/00187/FUL

Dear Sir

Planning application for the construction of a detached part single, part two storey dwelling, garage and new access on land adjacent to Chestnut Tree Cottage, Craig Penllyn - reference 2007/00187/FUL

Thank you for your letter dated 13.08.07. I wish to register my objection to the amended planning application and I would be grateful if you would consider my comments in preparing your report to the Planning Committee. This is a development proposal to which I have already made objections in my previous letter to you dated 03.04.07 under reference CTC.let18. Accordingly, I would ask for all my previous, relevant comments to be taken into account.

I would summarise my objections to the amended planning application as follows:

1. The design of the new access would be contrary to Government advice and would not meet with the requirements of the highway authority as stated in the Planning Inspector's report on appeal reference APP/Z6950/A/06/1198800. Accordingly, it would be dangerous to road users and to users of the new access.
2. The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn.
3. The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In my letter to you (reference CTC.let07 and dated 10.02.06) I expressed the view that the garden of Chestnut Tree Cottage would be capable of accommodating a new low-level dwelling only if it were to be located and designed so as to minimise its impact on the local environment and only if the cottage remained as ancillary accommodation to that new dwelling.

However, the developer has now sold Chestnut Tree Cottage, which has the following implications for the site:

1. A new access must be constructed, which fully meets modern highway standards and which is capable of accommodating traffic generation from two separate residences.
2. The visibility splays for the new access must cross the garden of Chestnut Tree Cottage, which is now in separate ownership.
3. Sufficient private amenity space must be provided to serve both the new dwelling and the existing Chestnut Tree Cottage.
4. Three separate car parking spaces must be provided to serve Chestnut Tree Cottage, four additional spaces to serve the new dwelling, plus sufficient off-road manoeuvring space for both the dwellings.
5. The new dwelling must be sited a sufficient distance from Chestnut Tree Cottage so as not to have an adverse effect on the privacy and the amenity of its residents.

My detailed objections and comments on the submitted documents and plans

1. **The design of the new access would be contrary to Government advice and would not meet with modern safety standards**

Had Chestnut Tree Cottage been retained by the developer to serve as ancillary accommodation to a new dwelling then the proposed vehicle access would have been required to serve only one dwelling. In such circumstances, where there is limited re-development combined with an access improvement, then the Government advises that permission may be granted even though the access would still be below standard. See paragraph B11 of Technical Advice Note (Wales) 18 - March 2007.

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Accordingly, it would have been possible for more modest improvements to have been made to the existing vehicle access, which could have preserved the rural character of the adjoining lane.

However, the developer has not retained the ownership of Chestnut Tree Cottage and the planning application is for a new, independent dwelling. This means that the new access must be capable of accommodating traffic generation from two separate residences.

In 2006, when planning appeal reference APP/Z6950/A/06/1198800 for new residential development was being determined, your Council informed the Planning Inspector that there needed to be visibility splays in both directions measuring at least 2.4m x 33m. Please refer to paragraph 7 of the written report on the appeal decision.

Yet in the latest revised site plan (Drawing Number AL0.01 – Rev P5) the minor road distance has now been reduced to 2m and the major road distance in a southerly direction measures only 27m – to the centre of the carriageway. These are substantial relaxations in the Council's safety standards.

Your assistant Mr Paul Harrison has explained to me that the reason the highway authority is prepared to accept these further reductions in the recommended distances is because of the advice in paragraph B11 of the new TAN 18, which was published after the appeal decision. That is, the planning application is within an existing development site served by an existing substandard access, so that there should be scope for a "limited redevelopment" that incorporates a substantial access improvement, even though the improved access would still be below standard.

But this planning application cannot be described as a "limited redevelopment". It is for an entirely new development on a site in separate ownership from the existing residence. Chestnut Tree Cottage is not even included within the planning application boundary.

The proposal is for the construction of a new dwelling with a floor area in excess of 210m², a new domestic garage with a floor area of 38m² and seven external car parking spaces. At the present time, the land within the planning application boundary contains only a domestic garage with a floor area of 18.5m² and three external car parking spaces.

Since the existing garage and parking spaces no longer serve Chestnut Tree Cottage, traffic generation from the site is now virtually zero. It is also relevant that planning permission has never been granted for the existing garage or the parking spaces on the application site or indeed for its use as a domestic garden. Although these may have become lawful developments for the benefit of Chestnut Tree Cottage with the passage of time, the site has now been disused for more than 12 months and the development thereon no longer has any association with the original cottage. In similar situations elsewhere, where property remains unoccupied for a significant period, your Council (based on planning case law) has judged that lawful development rights have been lost.

If the application site has no extant permissions for development and if the lawful use has now reverted to agriculture, how can the scheme to build a new dwelling be defined as "redevelopment"?

Even if the existing vehicle access were still associated with Chestnut Tree Cottage, the new development would result in more than a doubling of the traffic movements onto the rural lane. I have now consulted with two neighbouring planning authorities and their officers have confirmed that they would certainly not accept an increase from one separate dwelling to two, within the definition of "limited redevelopment".

Nor would they allow a reduction in the minor road distance from 2.4m to 2.0m where the following constraints apply:

- the access is outside a built-up area;
- there is a significant gradient on the major road;
- there are hedgerows in close proximity to the major road which may impede visibility if uncut; and
- the major road is not wide enough for an oncoming vehicle or cyclist to avoid an emerging vehicle that may protrude beyond the 2m minor road distance

All of these constraints would apply to the new access at the application site and if it to be safe for users of the rural lane and the new driveway then it must at least have visibility splays as recommended by Appendix B of TAN 18 for these circumstances.

Even applying the relaxed standards which your Council seems prepared to accept on Drawings AL0.01 – P5, the visibility splays in both directions would cross private garden areas and agricultural land, in three different ownerships. In such circumstances it is incumbent on the developer to demonstrate that he has the necessary control over all the land required for the visibility splays. Please refer to paragraphs 28 and 37 of Welsh Office Circular 35/95. Nowhere in the submitted information has the developer been able to demonstrate this control.

Mr Harrison has explained to me that, were planning permission to be granted then he would recommend the imposition of a condition limiting the use of the private garden areas. He said that the condition would need to ensure that there was an uninterrupted view from the centre line of the new access to all parts of the two visibility splays above a height of 600mm

and that this would be maintained in perpetuity. How could such a condition be enforced when the garden of Chestnut Tree Cottage is neither owned nor under control of the applicant?

Furthermore, in order to achieve the southern visibility splay shown on Drawing AL.0.01 – P5 it would be necessary to partially remove and reshape the mature, road-side hedge-bank outside the south-eastern corner of the application site. This would require re-grading and/or retaining works on land outside the planning application boundary. It would certainly lead to undesirable damage to the road-side hedge but again how could the applicant be required to do these essential works when he neither owns nor controls this adjoining land.

With the proposed and the existing hedgerows in such close proximity to the edge of the visibility splays as shown on Drawings AL.0.01 – P5 and 183/01, I believe that it would be unrealistic for the LPA to expect clear visibility to be maintained in perpetuity because the natural growth of vegetation would very soon cause obstructions. Please refer to this extract from 'Development Control Advice Note 15 - August 1999':

"The area within visibility splays (both those beside the minor road and those required for forward visibility) must be cleared to provide a surface no higher than 250mm above the level of the adjacent carriageway. Minor departures from this requirement, such as the retention of a single slender pole or column, may be permitted at the discretion of the Department as long as visibility is not materially affected. Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth."

As recently as August last year, the Council and a Planning Inspector confirmed that a new residential access in this location must have minimum visibility splays of 2.4m x 33m in both directions. 12 months later, the application drawings show these distances as being substantially reduced to levels that neighbouring planning authorities would certainly not accept. I do not agree with Mr Harrison's interpretation that the proposal represents a limited redevelopment of an existing development site and I suggest that you need to give further consideration as to whether the access shown on Drawings AL.0.01 – P5 would be safe and would accord with Government guidance.

The latest figures for housing land availability in the Vale of Glamorgan illustrate that there is an over-supply. With the balance of planning policy and an appeal decision weighing against the residential development of the site, I find it difficult to understand why you would be prepared to relax highway visibility requirements, apparently to facilitate the development. If there were to be an accident in this location after the development has been completed then it leaves the Council open to challenge.

2. The layout fails to provide the existing Chestnut Tree cottage with sufficient amenity space to meet the Council's approved standards and it does not pay sufficient regard to the spacious pattern of development in Craig Penllyn

In paragraph 8 of the appeal decision, the Inspector says: "The fact that the proposal would more than meet the amenity space standards of the *SPG – Amenity Standards* of 2006 does not in my view overcome the shortfall of effective open space, particularly (for) Chestnut Tree cottage, which would now have a very limited curtilage. In this respect the proposal does not pay sufficient regard to the more spacious pattern of development in this attractive village."

I have compared the latest Drawing AL.0.01 – P5 with Drawing Number AS01 that was the subject of the Inspector's comments. I calculate that the increase in amenity space that would certainly be available to Chestnut Tree cottage under the new scheme would be less than 25m². This is the area that I have shaded green on the attached photocopy of Drawing AL.0.01 – P5.

There are three other hatched areas, which I have shaded yellow and orange on the copy of Drawing AL.0.01 – P5, which the agent maintains in his e-mail of 27.06.07 would increase the curtilage of Chestnut Tree Cottage by 127m² as compared with the previous scheme. Yet none of these areas has actually been included within the curtilage of Chestnut Tree Cottage as defined on Drawing AL.0.01 – P5 and there is an ambiguity here which requires clarification.

In any event, the yellow shaded areas could not fall within the definition of usable amenity space because they lie within vehicle access or visibility splay areas. The orange shaded area would be partially occupied by a car parking space and therefore its usable area would also be reduced.

Chestnut Tree Cottage has a floor area of 120m² and submitted Drawing AL.0.01 – P5 illustrates quite clearly that even with the inclusion of the usable part of the orange shaded area, insufficient amenity space would remain around the cottage to meet the Council's standard. Much of it comprises steps, pathways or other hard surfaces and does not fit the definition of usable space in the SPG. Furthermore, the proposed reduction of the road-side wall to a height of 600mm would expose much of the amenity space to users of the highway and to the occupants of Llwyn Celyn.

In very similar circumstances (see appeal reference APP/Z6950/A/00/1051415) the Planning Inspector concluded that the lack of remaining amenity space for an existing dwelling was a significant factor in his dismissing the appeal for a new dwelling.

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In fact, the inclusion of the green and yellow shaded areas and the isolated and grade separated orange area, would do very little to change my perception that Chestnut Tree Cottage would be left within a cramped and under-sized curtilage that pays insufficient regard to the more spacious pattern of development in the surrounding village.

3. **The development would have a detrimental impact on the appearance of the local landscape and the rural character of the area**

In paragraph 7 of the appeal decision, the Inspector makes the following observation: "In order to satisfy the required visibility splays of 2.4m by 33m it would be necessary to make substantial changes to the road frontage of the property. Currently Chestnut Tree Cottage is served by a short access to the garage, which has little visual impact on the rural surroundings. A wide access would be constructed about 10m to the south east of the cottage together with the required visibility splays to enable emerging drivers from the site and approaching vehicles and pedestrian traffic to view each other in time in the interests of highway safety. Such works would involve the removal of scrub vegetation adjoining the garage and a section of hedgerow and trees flanking the highway and also the lowering and re-aligning of an existing stone boundary wall along the frontage of the rural lane nearest to the cottage."

In paragraph 8 he summarises the consequences of this as follows: "I consider that apart from opening up the site to greater view, the development would unacceptably sub-urbanise a site in a village which still retains some of its rural character."

The new proposal would have virtually the same consequences as those which the Inspector described in paragraph 7 of his appeal decision and which he considered to be unacceptable. These consequences are inevitable if an access and visibility splays are to be created which meet with the requirements of the highway authority.

In paragraph 4.4 of the Statement that accompanies the planning application (the PS) it is stated that the removal of the road-side trees and hedgerow and their replacement with a low-level earth bank upon which nothing could exceed a height of 600mm would not constitute opening-up the lane. To the contrary, submitted Drawings AL.0.01 - P5 and 183/01 clearly illustrate that it would result in the opening-up of the lane and it is illogical to try to suggest otherwise.

To the south of the new access, the mature road-side trees and hedgerow, which are a characteristic of the rural Vale, would be replaced by an open area of low-level shrub planting. At present, there is no comparable feature along the entire length of Vistia Lane.

To the north of the new access, the road-side stone wall would be reduced to about half its present height and a flat terrace would be formed behind, before a secondary, higher wall would be constructed to delineate the small garden. Similar design features are common-place in sub-urban gardens but they are certainly not a characteristic of the Vale countryside.

The proposal would still involve the construction of a substantial two storey dwelling on a narrow and exposed site. In addition, it would be necessary to provide seven car parking spaces and access for two separate residences, as well as trying to protect the privacy and amenity of Chestnut Tree Cottage. Accordingly, the new buildings would be situated in close proximity to the southern edge of the land ownership boundary. This would necessitate a substantial amount of ground excavation work and the construction of a retaining wall near the southern boundary which, despite the amendments shown on Drawing AL.0.01 - P5, would leave insufficient space for any substantial and effective screen planting.

The result would be that the roofs of the new dwelling and the garage would still be visible above the sky-line when viewed from the adjoining hillside to the south. The new buildings would also be clearly visible from the Special Landscape Area on the eastern side of Vistia Lane. Both these important vistas are referred to by the Inspector in paragraph 5 of the appeal decision. The clutter of possibly seven parked cars on the site (three in tandem at an elevated level and clearly visible from the rural lane) would exacerbate the urbanising effect of the development.

At paragraph 5.9 of the "Landscape and Visual Assessment" that accompanies the planning application (the LAVA) it is stated that a new hedge along the southern boundary and standard trees in a few locations will present a soft edge to the development as seen from the land to the south.

However, in order to re-create a discernable "soft edge", which did exist before the applicant cut down the standing trees, it would be necessary to plant sufficient numbers of deciduous/evergreen forest species along the southern side of the new dwelling and the garage, which simply could not be accommodated within the layout shown on Drawing AL.0.01 - P5. Of the specimen trees shown on the southern boundary only one has a canopy spread in excess of 3m. By comparison, a mature native ash or oak would have a canopy spread in excess of 20m on maturity.

Future residents would almost certainly be anxious to maintain an open aspect to the south and it is very unlikely that a new hedge would ever be allowed to reach a height at which it would contribute to the creation of a soft edge. If it were allowed to do so, then it would prevent sun-light penetration to the specially designed high-level windows in the south elevation of the dwelling.

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Furthermore, some of the specimen trees shown on Drawing AL.0.01 – P5 are planted close to buildings and hard surfaces. Empirical evidence will show that many of the residents of Craig Penllyn (in comparable circumstances) have lopped or even felled maturing woodland trees to prevent problems of canopy spread, root invasion, leaf-fall and loss of sunlight.

At paragraph 5.4 of the LAVA it states that the aerial photograph shows the site as bounded on three sides by residential properties, giving it a sense of belonging to the village. Please contrast this with paragraph 5 of the appeal decision. Here the Inspector describes the site as being "on elevated land of an open character at the sensitive interface of the rural village and open countryside."

Conclusion

At paragraph 5.24 of the PS and elsewhere in the submitted documents, the Planning Inspector is quoted as having said in his appeal decision that: "there is no objection to the principle of residential development of the site". This has clearly become a major tenet for the developer in his attempt to justify the construction of a new dwelling on the site.

However, the Inspector is being misquoted. Please refer to the copy of a letter which I received from the Planning Inspectorate following the appeal decision and which was attached to my letter to you dated 03.04.07 under reference CTC.let18.

In fact, what the Inspector is saying is that it seems to him that the policy section of the Vale Council has no objection to the principle of residential development at the site, based on their comments before the determination of planning application reference 05/01639/FUL.

This is perfectly reasonable because the site lies within the settlement boundary which has been identified for Craig Penllyn by Policy HOUS 2 of the UDP and where there is a positive presumption in favour of development (in principle). However, for development to be permissible (in practice) it must also be consistent with all of the criteria in Policy HOUS 8. There can be no doubt, that even in its amended form the new planning application would still conflict with four of those criteria.

The Planning Inspector has already confirmed that the visibility splays at the new access would need to be at least 2.4m x 33m. The new application Drawing AL.0.01 – P5 illustrates that these requirements cannot be met.

The Planning Inspector has adjudged that the previous application left insufficient, effective amenity space for Chestnut Tree cottage. Also, that the very limited curtilage remaining for the cottage meant that the layout paid insufficient regard to the more spacious pattern of development in Craig Penllyn. The agent is now claiming that there would be a significant transference of curtilage land back to Chestnut Tree Cottage but given the ambiguities on Drawing AL.0.01 – P5, this remains uncertain. In any event, much of the land proposed for re-transference could not be used as amenity space and the amended layout would still fail to overcome the deficiencies identified by the Planning Inspector.

The Planning Inspector has made it clear that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. If a new and independent dwelling is to be constructed on the site then these consequences are inevitable.

The Planning Inspector has described the site as being elevated land of an open character at the sensitive interface of the rural village and open countryside. He said of the previous scheme that it would form an unacceptably hard edge of development between the village and the open countryside.

The scale and layout of the residence in the new planning application would still not allow sufficient space for effective landscaping to create a soft edge on this sensitive boundary and the development would still have a detrimental impact on the appearance of the local landscape and the rural character of the area.

In the case of a recently submitted planning application for a new two storey out-building at Moorlands Farm (see application reference 2007/00273/FUL) you have recommended refusal to the Planning Committee on the basis of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and would have been much less conspicuous than a new dwelling to the south of Chestnut Tree Cottage. Surely if that planning application warrants a recommendation to refuse then so does this one.

I am very concerned that the tenor of the e-mail from the agent dated 27.06.07 indicates that you may now be proceeding towards a recommendation to approve the amended proposal despite the fact that it would still have many of the undesirable consequences referred to by the Planning Inspector and identified by local residents and others in previous correspondence. I am firmly of the opinion that the planning application would still conflict with Strategic Policy 1 and Policies ENV 4, ENV 10, ENV 11, ENV 27, HOUS 8 and HOUS 11 in the adopted UDP and should be refused.

Yours faithfully

Neil McLean B.Sc. Dip.T.P. M.R.T.P.I.

creu lle gwell
creating a better place

Appendix A



07/00711/FUL
Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

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

Ein cyf/Our ref: SE/2007/102599/01-L01
Eich cyf/Your ref:
P/DC/JMC/2007/00711/FUL

Dyddiad/Date: 09 July 2007

Annwyl Syr/Madam / Dear Sir/Madam

**NEW HOUSING SCHEME PROVIDING TWO SEMI-DETACHED AND TWO
DETACHED DWELLINGS AT SITE AT GLO FARM MEWS/STATION ROAD,
DINAS POWYS, VALE OF GLAMORGAN**

Thank you for referring the above application, which was received on 19 June 2007.

We note the previous use of land is a petrol station. We wish to ensure that the redevelopment of the site will adequately protect controlled waters from potential contamination of soil or groundwater. The Local Planning Authority may require at least a desktop study to be provided prior to granting planning permission.

The site is situated on a major aquifer as defined by the "Policy and Practice for the Protection of Groundwater" (Environment Agency, 1998), which potentially highly productive and able to support large abstractions for public supply or other purposes. The Environment Agency therefore considers this to be a sensitive location with respect to the protection of controlled waters.

We cannot comment further on the application without information relating to potential contamination at the site. Given the former use as a petrol station, we recommend that planning permission be deferred at this stage. However, if this is not possible, we recommend that the following conditions be incorporated into any planning permission granted:

CONDITION: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

Asiantaeth yr Amgylchedd Cymru/Environment Agency Wales
St Mellons Business Park, Fortran Road, St Mellons, Cardiff, CF03 0EY.
Llinell gwasanaethau cwsmeriaid/Customer services line: 08708 506 506
E-bost/Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

Cont/d..

PA.50



THE ENVIRONMENT AGENCY
WELSH GOVERNMENT

A 07/00711/KL

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

REASON: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

CONDITION: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

CONDITION: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: To prevent pollution of controlled waters.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Yn gywir i Yours faithfully

Kayna Tregay
Miss Kayna Tregay
Planning Liaison Officer

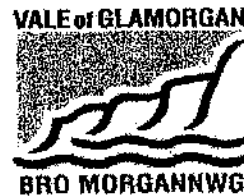
Deialu unbongrcho/Direct dial 02920 245046
Ffacs unbongrcho/Direct fax 02920 362920
E-bost unbongrcho/Direct e-mail kayna.tregay@environment-agency.gov.uk
cc Hoole & Walmsley Architects

ACK:	01thd
NO:	01thd
ACTION BY:	01thd
RECEIVED	
REGENERATION AND ECONOMIC DEVELOPMENT	
ENVIRONMENTAL	

RECEIVED

End

2002 10 01

**RE:-Site at Old Farm Mews, Station Road, Dinas Powys.**

Further to a recent site inspection carried out in relation to the submitted planning application for a new housing scheme consisting of two semi - detached dwellings and two detached dwellings at the above location.

The Highway Authority would inform the Local Planning Authority that " Old Farm Mews " is not adopted at present although it would appear that the developers Poil Development (West) Ltd entered into a legal agreement with the former Highway Authority (South Glamorgan County Council) under Section 38 of the Highways Act 1980 on the 14th July 1988.

In relation to the submitted proposals the Highway Authority would advise the Local Planning Authority that there are no highway objections to the proposals to develop the vacant site as residential in lieu of 2 small commercial units as previously approved.

However, there is an objection to the submitted proposals for the following reasons:-

- (1) The proposed development fails to provide adequate onsite parking for both Residents and visitors in accordance with the Parking Guidelines and Appendix 6 – Car Parking Guidelines of The Vale of Glamorgan Adopted Council's Adopted Unitary Development Plan 1996 – 20011 Which will generate additional on street parking on this narrow road (less than 5.5m) to the detriment of highway and public safety.
- (2) The individual vehicular accesses lacks adequate visibility for vehicles emerging in both directions along the road and to the existing / proposed maintenance strip which will create hazards to the detriment the detriment of highway / public safety.
- (3) The proposed 1st and 2nd floor elevations of Plots " A ", " C " and " D " overhang areas previously identified for adoption (Maintenance strips) within the aforementioned Legal agreement and the proposed continuation of the of these maintenance strip of varying width as proposed would create hazards to the detriment of highway / public safety.

B

07/00711/KL

- (4) The proposals to siting and configuration of the proposed double width solid timber doors > 900mm in height fronting the vehicular access as proposed with insufficient vision splays to serve the individual plots as identified above, would also result in the gates being opened outwards over the maintenance strip and adjoining road creating hazards to the detriment of highway / public safety.

L. M. Howells
25th July 2007

Planning Officer:- Jane Crofts (JMC)

Site Photographs to follow

Appendix C 07/00711/K

Our ref: VOG0788/JP

CURATORIAL DIVISION

Director of Environmental and Economic Regeneration
The Vale of Glamorgan Council
Dock Office
Barry Dock
BARRY
CF63 4RT

9th July 2007

FAO: J Crofts

Dear Sir

Re: Proposed Housing Development
Old Farm Mews, Dinas Powys.
PL.App.No.: 2007/00711/FUL.

Thank you for sending the details of this application.

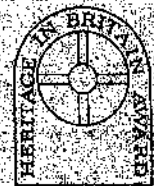
Dinas Powys Common is the site of intensive Romano-British occupation, centred on the remains of a farmstead. There has also been extensive evidence for Bronze Age activity in the area. The Romano-British farmstead and its immediately adjacent fields have been statutorily designated as a scheduled ancient monument. However, the full extent of this complex and any associated features is not known and it is therefore possible that evidence of Roman activity could stretch as far as the application area. Recent archaeological work c.50m to the south of the application area has recorded a number of ditch features which were potentially of Roman date. Consequently, as the extent of archaeological features and deposits is unclear and that previous buildings have previously disturbed part of the site, it would be prudent if a condition requiring the applicant to appoint an archaeologist to conduct a watching brief were attached to any planning permission granted by your Members. This would ensure that any archaeological information revealed during the construction of the proposed extension was properly investigated and recorded. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

We would suggest that the condition should be worded:

The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin

GLAMORGAN
GWENT
ARCHAEOLOGICAL
TRUST LTD

Curatorial
Division



Registered Organisation

Glamorgan-Gwent
Archaeological Trust
Limited

Heathfield House
Heathfield
Swansea SA1 6EL

Tel: (01792) 655208
Fax: (01792) 474469

www.ggat.org.uk
email: curatorial@ggat.org.uk

Registered Office: As Above
Registered in Wales No. 1276976
A Company limited by Guarantee
Without Share Capital
Registered Charity No. 505608

C

07/00711/KL

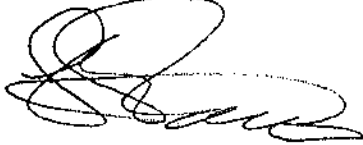
until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

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

A list of archaeological contractors who have indicated their availability to work in Wales is available from our website, www.ggat.org.uk and another list is available from <http://www.bajr.org/WhoseWho/Contractor.asp>

Thank you for the opportunity to comment. Should you require further information or assistance, please contact us.

Yours faithfully



Jim Parry
Archaeological Planning Officer



Dŵr Cymru
Welsh Water

PO Box 10
Treharris
CF46 6XZ

Tel: +44 (0) 1443 331155
Fax: +44 (0) 1443 331161
Web site: www.dwrcymru.com

Blwch Post 10
Treharris
CF46 6XZ

Ffôn: +44 (0) 1443 331155
Ffacs: +44 (0) 1443 331161
Safle gwe: www.dwrcymru.com

Appendix D.

07/00711/FUL

Director of Planning
Vale of Glamorgan County Borough
Council
Dock Office
Holton Road
Barry Docks
Barry
CF63 4RT

Date: 19/06/2007
Enquiries Tel.: 01443331155
Our Ref.: 2007/DCWW/44802
Your Ref.: 2007/00711/FUL
Grid Ref.: ST1528571252

Dear Sir

Re: Two semi-detached & two detached dwellings, Site at Old Farm Mews, Station Road, Dinas Powys, Vale of Glamorgan

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

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

SEWERAGE

Conditions

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

Reason :- To Protect the integrity of the Public Sewerage System.

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

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

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

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

glas

Glas Cymru Cyfyngedig

Welsh Water is owned by Glas Cymru - a "not-for-profit" company
Mae Dŵr Cymru yn eiddo i Glas Cymru - cwmni nid elw

We welcome correspondence in Welsh and English
Rydym yn croeso awgrymion yn y Gymraeg neu yn Saesneg

NDC working with Glas Cymru in providing all
planning and development functions.

Glas Cymru Cyl, a Sefidli ddiwylliedig wedi'i sefydlu yn
Wales no. 2366777. Registered office: Pen-y-rhyn Road,
Hosur, Treharris, Merthyr Tydfil, Glamorgan CF46 6LY

NDC yn cydweddu i Dŵr Cymru ar ran weithgareddau a
daliolgydd.

Dŵr Cymru Cyl, cwmni diwylliedig wedi'i sefydlu yn
Wales no. 2366777. Sefidli ddiwylliedig: Pen-y-rhyn Road,
Hosur, Treharris, Merthyr Tydfil, Glamorgan CF46 6LY

D

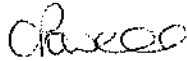
07/00711/FUL

Advisory Notes

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

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

Yours faithfully,



PP

Rhidian Clement
Planning Team Leader

Our response is based on the information provided by your application/enquiry. Should the information change then we reserve the right to make new representation.
44802

Appendix E

07/00711/ful

1b Old Farm Mews,
Dinas Powys,
Vale of Glamorgan.
CF64 4AZ.

The Planning Department,
Vale of Glamorgan Borough Council,
Dock Office,
Barry Docks,
Barry.CF63 4RT.

Planning Application Old Farm Mews.
Ref.2007/00711/ful.

18th June 2007.

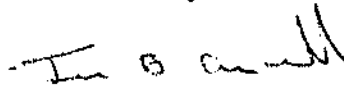
Dear Sirs,

Having viewed the plans for the proposed development in the Parish Council offices, I write to express my concern about the development as shown in the plans and details.

The design and character of the buildings shown are not in keeping with the conservation status of the village. The density of the development is also of concern to me, the existing Old Farm Mews is already congested where it joins Station Road, as this area is used as an unofficial car park by non residents which has in the past caused difficulty for emergency vehicles trying to gain access to Old Farm Mews. The addition of at least 8 more vehicles can only make this situation worse.

Having spoken to some of the other residents in Old Farm Mews a development that is in accord with the buildings would be welcomed, but not what is being proposed.

Yours faithfully,



John B. Averill.

Appendix E

07/00711/FUL

Flat 11,
Britway Court,
Britway Road,
Dinas Powys.
Vale of Glamorgan.
CF64 4AL.

Dear Sir,

28 June 2007,

Town and Country Planning Act, 1990 (as amended),
Application No 2007/00711/FUL.

Location : Site at Old Farm Mews, Station Road, Dinas Powys,

Proposal : New housing scheme providing two semi-detached dwellings and two detached dwellings.

Thank you for your invitation to comment upon the above application. I have four comments as under.

- (1) The proposal seems to me to pay scant regard to the fact that the works are intended to take place in a Conservation Area where, by definition, the area must be protected and preserved against decay and change of nature and character. By no stretch of the imagination can you say that the proposed buildings represent no change in the character of the village centre at Dinas Powys.
- (2) The intended structures are on three levels and to place them on the south side of Britway Court courtyard would result in an over-bearing and sun-blocking obstruction which would seriously affect the quality of the natural light which I currently enjoy. By extension, the value of my property would be greatly reduced.
- (3) The additional traffic entering the proposed construction site from the north end of Station Road will have difficulty in turning right across the north-going flow of traffic, in what is a very narrow part of Station Road and steps would have to be taken to greatly reduce or prohibit the Station Road parking in this area which villagers have long enjoyed.
- (4) On a matter of detail; contrary to that shown on the site drawings, the northern boundary of the proposed building site appears to be interrupted by a number of short excursions from neighbouring properties.

I trust that after due consideration this application will be roundly rejected.

Yours sincerely,

G. A. Jones

(J. Jones)

E

07/00711/FUL

7 Britway Court,
Britway Road,
Dinas Powys,
Vale of Glam
CF64 4AL
Tele 02920 513554
susiemurray@btinternet.com

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

23rd June 2007

Dear Sir,

Re: Application Number 2007/00711/FUL
Old Farm Mews, Station Road, Dinas Powys

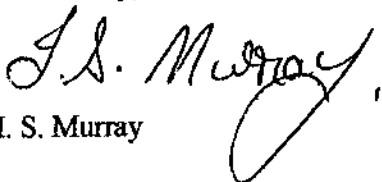
With reference to the above application, both my husband and myself have inspected the plans and both strongly object to this new housing scheme.

The properties will overlook our courtyard where the residents like to sit as we have no gardens with our flats. Number 14 Britway Court has the lounge window to the side of the building which will block the light. The proposed properties are three storeys high with flat roofs and although the plans state that they will be no higher than the surrounding properties, the third floor windows will obviously be much higher than other properties in this area.

We were under the impression that the village square is a conservation area and if this is the case, then the front of the house which will be actually on Station Road is totally out of character with the square and will be an absolute eyesore.

It would be appreciated if you would let us know the decision on this application as we are concerned that the building of these houses may devalue our property.

Yours faithfully,



Mrs I. S. Murray

E

07/00711/Ful

Barbara & Paul Scourfield
1 The Mount
Dinas Powys
Vale of Glamorgan
CF64 4AB

Tel No 02920 514465
Mob 07974 794835
E- Mail scourfield@btinternet.com

12th July 2007

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

Dear Mr Thomas

Re Planning Application No0700711Ful Residential Development at
Old Farm Mews, Station Road, Dinas Powys, CF64 4AZ

We are the owners of 1A Old Farm Mews the property nearest the proposed development and wish to register our objections to the Proposals on the following grounds:

- 1 Old Farm Mews is an un -adopted Highway and is purely an access there are already 6 residential units off this access and we believe this development of a further 4 residential units is in breach of Planning Guidelines.
- 2 Over development and unsuitable development of an important site in the middle of a small village within a conservation area.
- 3 No allowance has been made for the removal and storage of refuse from the site. At present all 6 of the residences on Old Farm Mews because of its lack of adoption have to carry all refuse to the end of the Mews for collection. This situation will be further exacerbated by almost a 100% by the proposals. This will lead to Environmental Health issues with large amounts of refuse being left on a small area.
- 4 There are at present problems with traffic entering the Mews emergency vehicles have been prevented from entering and leaving the Mews. We relate this from observation and from personal experience. No improvements to the entry are indicated. Given the number of vehicles in the proximity these situations will only increase

E

07/00711/RU

5 Proximity and level of a viewing balcony to bedrooms of 1A and 1B Old Farm
Mews

Whilst we are objecting to these specific proposals we do not object to a
development of the site in principal only that be sympathetic and in scale with
its environs

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Barbara J & Paul V Scourfield'. The signature is fluid and cursive, with a large initial 'B' and 'P'.

Barbara J & Paul V Scourfield

F 07/00711/FUL

good
~~the correct balance of~~ space utilisation
and minimised the impact to the
existing dwellings in Old Farm
Mews by having 2 parking spaces
each.

With respect to the design, we again
are in support, ~~as we~~ as we would
prefer a design that showed
creativity and quality, ^{rather} than some
other design of plain, red brick, un-
characteristic nature, or indeed
of a cheap and basic design. The
current planned design gives the
right message for Dinas Powys
Village - quality and character.

I would like to propose to the residents
in Old Farm Mews that we consider
an entrance system to the road
once/during built. Yours faithfully,
Simon + Penny Jones. 0790 9843801

Appendix F. 07/00711/FUL

P/DC/JMC/2007/00711/FUL

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 987
ACK:

Old Court
6 Station Road
Dinas Powys
Vale of Glamorgan
CF64 4DE

Dear Sir/Madam,

02.11.2007

I would like to comment upon the ^{ENVIRONMENTAL AND ECONOMIC REGENERATION} application details for the proposed site at Old Farm Mews, given its proximity to our dwelling.

The architect kindly came to visit us around the time the plans were submitted and showed us the plans, model, etc. We discussed the site in depth so that all of our questions were answered.

In summary, my wife and I wholly support the plans as they are. We feel the architect has achieved

2007/01000/FUL

APPENDIX 'A'

4. Purcell Road
Penarth
CF64 3QL
24.07.2007

from and County. Planning Act.
Application No 1490 (as amended)
2007/01000/FUL
Location: 5 Purcell Road, Penarth

Dear Sir,

With reference to your letter
dated 13/07/2007, I would inform you
that the temporary boundary fence is an
expense and completely out of character
to the rest of the fronts in the area.

Perhaps your Inspector could visit the
site and determine for himself.

I strongly object to this fence being
made a permanent feature.

Yours faithfully
Mrs PF Morgans

2007/01000/FUL
1A'

116 Purcell Rd
Penzance
CF66 3QL

Dear Sir,

Re Planning Application for 5 Purcell Rd

I have been away on holiday so have not had chance to inspect details in the Planning Dept. but, I am looking out every day on the fence the applicant has already erected (presumably without planning permission), and I can certainly raise an objection to that.

The fence is much too high, it makes the house look like a fortress and is certainly not in keeping with all the surrounding properties.

Yours faithfully
V. J. Stoll (Mrs)

2007/01000/FUL

'A'

49 Sullivan Close
Penarth
Vale of Glamorgan
CF64 3QR

Tel: 029 2071 1657

Planning Officer
Vale of Glamorgan Council
Council Offices
Holton Road
Barry

5th August 2007

Dear Sirs.

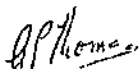
**Planning Permission Requested
5 Purcell Road, Penarth.**

I have noticed in the local newspaper 'Planning Hopefuls' column, that the occupants of the above premises in Penarth, have submitted a planning application to retain a temporary wooden perimeter fence.

I would like to bring to your attention that this house is situated on the junction of Sullivan Close / Purcell Road. The fence is very high and presents a danger to traffic entering Purcell Road from Sullivan Close. The vision of drivers of vehicles leaving Sullivan Close is completely obstructed by this fence. In order to ascertain whether traffic is approaching this junction along Purcell Road, Sullivan Close vehicles are forced to pull out blind, at least half a vehicles length into the junction. The fence also, to an extent, hinders the vision of Purcell Road drivers approaching the junction.

I feel that perhaps it would be preferable if one of your officers could visit the site before planning permission is granted. Refusal of this planning application in its present form would, I am sure, prevent a possible serious Road Traffic Collision in the future.

Yours faithfully



G P Thomas

Partridge, Natalie L

From: webmaster@valeofglamorgan.gov.uk
Sent: 04 August 2007 17:05
To: developmentcontrol@valeofglamorgan.gov.uk
Subject: Form Submission

knew what's
Happening

Cheers.

9007/01000/POL
A

Vale of Glamorgan Website - Planning Enforcement Complaint

Email Result For Form :

Date of complaint : 040807

Complainant's name : Mrs Jayne Neadley

Complainant's address :
23 Sullivan Close
Penarth
Vale of Glamorgan
CF64 3QR

Telephone number : 029 2070 7283

2nd Contact number :

Email : kevin.neadley@btinternet .com

Details of complaint:
%%Details_of_complaint%%

Location:
5 Purcell Road
Penarth

Complaint (unauthorised works being undertaken):
Boundary fence has been built and retrospective planning application sought. This
fence obscures the view of motorists coming out of Sullivan Close, forcing them out
into Purcell Road to ascertain what traffic is approaching. I therefore wish to lodge
a complaint against retrospective planning permission being granted on the grounds of
safety.

Offender's name (if known) :

Offender's address (if known) : 5 Purcell Road, Penarth

Penderfyniad ar yr apêl

Gwrandawriad a gynhaliwyd ar 06/02/07

Ymweliad â safle a wnaed ar 06/02/07

Appeal Decision

Hearing held on 06/02/07

Site visit made on 06/02/07

gan/by Clive I Cochrane DipArch MSc MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date: 19/03/07

Site address: Elm Grove House, 12 Elmgrove Road, Dinas Powys CF64 4AB

Appeal A – Ref: APP/Z6950/R/06/1200141

The National Assembly has transferred the authority to decide these appeals to me as the appointed Inspector.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Dr M L Ham against the decision of Vale of Glamorgan Council.
- The application Ref: 2006/00106/CAC, dated 20/01/06, was refused by notice dated 13/07/06.
- The demolition proposed is "full demolition of the existing two storey house and single storey extension together with single storey detached garage. The new dwelling is to be rebuilt on the existing footprint of the house (excluding single storey extension)".

Summary of Decision: The appeal is dismissed.

Appeal B – Ref: APP/Z6950/A/06/1200142

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr M L Ham against the decision of Vale of Glamorgan Council.
- The application Ref: 2006/00256/FUL, dated 09/01/06, was refused by notice dated 13/07/06.
- The development proposed is: -
 - 1) Demolition of Elm Grove House and construction of two new apartments, built to footprint and height of existing building.
 - 2) Construction of two-storey extension of two apartments.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeal site lies within the Dinas Powys Conservation Area and therefore, in determining these appeals, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
2. With regard to the proposed demolition of Elm Grove House, Welsh Office Circular 61/96 advises that the general presumption should be in favour of retaining unlisted buildings in the conservation area which make a positive contribution to the special character or appearance

of the area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In exercising control over demolition, Planning Policy Wales 2002 advises that account should be taken of the part played in the architectural or historic interest of the area by the building, in particular of the wider effects of demolition on the building's surroundings and the conservation area as a whole, and consideration should also be given to the merits of any proposed replacement structures.

3. The relevant considerations in determining applications for the demolition of listed buildings are set out in paragraphs 91-92 of Circular 61/96. These include the condition of the building and the economic viability of repairing and maintaining it; the adequacy of efforts made to retain the building in use; and the merits of the alternative proposals for the site.

Main Issues

4. The main issues in the appeals are whether the existing building makes a positive contribution to the character of the Dinas Powys Conservation Area; whether the proposed redevelopment scheme would preserve or enhance the character or appearance of the conservation area; and whether the proposed scheme would adversely affect the amenity value of the trees protected under the Tree Preservation Order on the site.

Planning Policy

5. The relevant development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Policy ENV17 aims to protect the historic environment, ENV20 controls development in conservation areas and ENV21 deals with demolition in conservation areas. UDP Policy ENV27 deals with the design of new development and HOUS8 sets out residential development criteria.

Reasons

Contribution to the Character of the Conservation Area

6. There is some debate as to whether or not the building makes a positive contribution to the character of the conservation area. The Council agrees with the appellant that the building is not of special architectural or historic importance, although it is accepted that this former farmhouse is one of the oldest buildings in the conservation area. While the Council claims that it does make a contribution to the character as part of the historical growth of the area, the appellant points out that the Council has already permitted a scheme in 2004 which includes significant alteration and modernisation of the building. Preliminary works for this scheme led to the discovery that the building is in poor structural condition and as a consequence, the building now remains an empty shell awaiting the outcome of these appeals.
7. The appeal site lies a short distance away from the historic core of the conservation area, which is grouped around The Square. Although on the periphery, the house has a large landscaped garden with trees and it forms part of the spacious setting of the rest of the conservation area. Nearby, a small estate of modern houses is of an interesting, award-winning design. All vestiges of historic fabric or architectural detail have been stripped out of Elm Grove House in recent investigatory and preparatory works for the approved scheme, and the house appears to have been mainly of the mid-19th century period with earlier origins.
8. The Dinas Powys Conservation Area is made up of a mixture of building periods and styles, materials, forms and land-uses. There are 18th century buildings dotted about and street

2007/0109/OUT

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frontages of mainly Victorian or Edwardian commercial and residential buildings. Its character and charm is mainly in its layout around The Square, and the radiating roads in each direction. In my view Elm Grove House, on one of the radiating routes, adds to the pre-Victorian character of the area, in the form of a large house set in its spacious grounds with specimen trees. It presents an imposing main range with a slate roof and chimney stacks, and its window and door openings are of a 19th century style of domestic architecture.

9. Although it is now stripped bare of architectural detail to an empty shell, the building still appears to have an interesting traditional character, layout and relationship to the road frontage that adds to the historic character of the locality. In addition, the open space of the gardens, stone walls and trees forms a vital ingredient in the character and appearance of the conservation area. It is therefore a building that adds value to the character of the area, and accordingly, there is a presumption in favour of its retention.

Justification for Demolition

10. The appellant accepts that the building is not beyond repair, but the structural engineer's reports indicate that such works would not be financially viable. The Quantity Surveyors estimate in July 2005 was that the cost of refurbishment would be more than £320,000 plus 7.5% professional fees and building costs increases to November 2006 of 6%. With further cost increases since that date and adding in the purchase costs and charges, the total cost of acquisition and refurbishment would be more than £715,000, and valuations demonstrate that there would be little or no prospect of recovering that sum if the property were to be sold on the open market. The view is taken that the refurbishment of the building is not an economically viable proposition and therefore the building could not be retained as a dwelling.
11. On the other hand, the Council considers that insufficient justification has been submitted for the proposed demolition. Whilst it is acknowledged that the appellant's structural engineer's report shows that the building does suffer from structural problems and recent partial demolition works, it nevertheless does not appear to be incapable of refurbishment or repair. It is felt that sufficient evidence has not been submitted to prove that demolition of the property is the only viable solution.
12. The appellant's evidence regarding the structural condition of the building, the cost estimates for refurbishment and its valuation are not challenged by the local planning authority. However, I have borne in mind that all old buildings display structural defects to a greater or lesser degree, and it is sometimes easy to exaggerate these in a cumulative way that appears to justify demolition, rather than to tackle them as a restoration project for a building that is worthy of retention. I also take note of the considerable differences in the schedules of defects and costings before and after the work commenced on the 2004 approved scheme. In the structural engineer's survey of July 2003 particular items, such as the relatively modern main roof structure and covering was considered to be sound, but it is included in the later survey as an item costing £25,606 to replace. Similarly, the main shell of the building was said to show "very little sign of structural distress" in 2003 and there did not seem to be a problem with the structural timberwork, which showed signs of settlement and deflection that "is not surprising in a building of this age". It is now said to be in such poor condition that works costing nearly £100,000 are needed for underpinning, structural support and other work to the existing external walls.

2007/01091/DUT

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Appeal Decision APP/Z6950/E/06/1200141

13. In addition, the appellant's valuation exercise is limited to the restoration and marketing of the building as a single dwelling. Whereas, in reality it might prove feasible to both restore and extend the building to create more than one dwelling or several apartments, but such alternative solutions have not been costed or valued. Consequently, the case for demolition of the building appears to be the worst possible scenario, a combination of heavy repair costs and a low market value.
14. Bearing in mind its positive contribution to the character of the conservation area, I am not convinced about the efforts being made to retain and preserve the building. The building has been stripped out to the extent that major internal walls and first floor timbers which lent support and braced the whole structure have been removed, which gives the inside of the building an alarming, unsupported appearance. Also, the external walls have been subjected to many alterations of openings and layout over the years, which may have affected their overall stability in an unbraced situation.
15. I consider the unsupported condition of the stripped-out building to be extremely harmful to its structural integrity, even on a temporary basis, and it is likely to lead to further damage in due course. It may of course be considered an offence under sections 7-9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to cause the destruction of an unlisted building in the conservation area without consent under section 74 of the Act.

Proposed Replacement Development

16. The proposed redevelopment scheme for the site consists of a replacement building of similar dimensions to the existing house, plus a 2-storey extension that would nearly double its length across the site. The removal of the existing single storey rear section and the detached garage means that the actual footprint of the proposed building is not much greater than the existing. However, the scale and form of the proposed two storey building would have a far greater physical presence across the site frontage. The development would affect the spaciousness of house and garden and it would inevitably erode the open space that contributes to the character of the conservation area.
17. The replacement building would intrude unacceptably into the open area of the site, when viewed from the front boundary wall in particular. The loss of the existing traditional house and its replacement by a larger block, of a terraced appearance, would detract from the character of the conservation area. The proposed design would introduce a uniform, fairly bland elevation of modern sash windows and balcony doors in rendered elevations, with belled-out render above the windows in the modern style, and there would be an extensive slate roof without the traditional chimney stacks. As such, it would appear as a modern, discordant and visually intrusive feature in the street scene, and would cause harm to the character and appearance of the conservation area.
18. In detail, the design of the extension roof would introduce a mix of large and small dormers and a half-hipped gable with heavy bargeboards all around, which would appear to be an over-elaborate modern style of architecture. In this sensitive historic location, it would form an unacceptable replacement for the simple traditional vernacular style of the existing house. The design would represent a sharp contrast to the existing character of Elm Grove House and the rest of the conservation area. Consequently, the proposed development is considered unacceptable and insensitive in its approach to the setting of the original building and the wider conservation area.

2007/01091/OUT

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19. In conclusion therefore, the qualities of the proposed replacement building do not justify the demolition of the existing building in terms of its contribution to the special architectural or historic interest of the area. The scheme would fail to either preserve or enhance the character or setting of the conservation area as a whole, and the development is therefore contrary to the relevant policies in the Unitary Development Plan.

Trees

20. The 2003 and 2004 Tree Preservation Orders protect a giant sequoia at the south-east corner of the property, a yew tree near to the building and 2 yew trees close together in the north-west corner of the site. As the Council claims, insufficient information has been provided in the form of an accurate tree survey to allow a proper assessment of the likely impact of the proposal on the existing redwood and yew trees. Clearly, if the development was to proceed it would be advantageous to remove the stunted and over-pruned yew tree in close proximity to the front elevation, as this is not a good specimen and could continue to cause damage to the building.
21. Whilst it is difficult to assess the likely impact of the proposed development on the protected trees, which each contribute much to the pleasant character of the conservation area, with careful design it would be possible to accommodate them, particularly next to the proposed boundary wall and car parking areas. However, the proposed demolition and redevelopment fails to meet other conservation and design criteria, so that the development should not be allowed to proceed for those reasons.

Conclusions

22. I have considered the Council's lists of suggested conditions, to be imposed in the event of the appeals succeeding and planning permission conservation area consent being granted, but I conclude that these would not overcome the main objections to the proposals. With regard to the proposals, I conclude that the existing building makes a positive contribution to the character of the Dinas Powys Conservation Area and its total demolition is not justified. The proposed scheme would not be a suitable replacement and it would fail to preserve or enhance the character or appearance of the conservation area. For the reasons given above and having regard to all other matters raised, I conclude that both appeals should be dismissed.

Formal Decisions

23. I dismiss appeals A and B.

Clive I Cochrane

Inspector

2007/01091/OUT

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Appeal Decision APP/Z6950/E/06/1200141

APPEARANCES

FOR THE APPELLANT:

Mr G Powys Jones MSc FRTPi	- Planning Consultant
Dr M L Ham	- Appellant
Mr J Rosser RIBA	- Architect for the Appellant
Mr A Rogers BEng CEng FStructE	- Ashley Rogers Associates, Consulting Structural Engineers

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Ball BSc DipTP MRTPI	- Principal Planner (Appeals & Enforcement)

INTERESTED PERSONS:

Mrs A Jones	- 17 Elm Grove Lane, Dinas Powys CF64 4AU
Mrs M Hayley	- Community Councillor, Long Drive, Twyncyn, Dinas Powys CF64 4AS
Mrs J Evans	- 10 Elmgrove Road, Dinas Powys

DOCUMENTS

Document 1 List of persons present at the hearing.

Document 2 Letter of notification and addresses

PLANS

Plan A Application Plans:	
Site Location Plan	062/PA/15
Survey: Ground & First Floor	062/S01
Survey: Section & Elevations	062/S02
Site Plan Existing	062/S03/16B
Survey: Sections & Elevations	062/PA/17B
Proposals: Ground Floor Plans	062/PA/40
Proposals: First Floor Plans	062/PA/41
Proposals: Elevations	062/PA/42
Boundary Wall & Site Layout	062/PA/43

07/01156/FUL'A

Civic Planning Associates

35 Marine Drive, Barry, Vale of Glamorgan, CF62 6QP
Telephone & Fax: 01446-419157



Our Ref: PJT/ajt

27 June 2007

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

Dear Mr Thomas

**Use of outbuilding for holiday let purposes
Great Hamston Farm, Dyffryn, St. Nicholas**

Please find enclosed a planning application on behalf of Mrs J Frampton of Great Hamston Farm, Dyffryn, to use an outbuilding, which is incidental to the dwelling house, for holiday let purposes. Also enclosed is a cheque in the sum of £316.00 for the planning fee and duly signed Certificate A.

The building is of natural stone construction with a tiled roof, and is adjacent to the St. Lythans road. An existing agricultural type access to the immediate south of the building will serve as a dedicated access to the proposal. The building is of sound construction and good repair and easily lends itself to conversion to a small scale holiday let without having any impact upon the local environment. Minimal alteration is required to the external appearance of the building to achieve conversion and the level of the land will enable access for all. The submitted plan shows a ramped access to the building and in order to introduce more light and ventilation to the rear kitchen and bathroom, two small windows have been incorporated into the design, one on each end elevation. It is considered that the insertion of these windows will have a positive effect on the aesthetics of the building and will not impact on the structural integrity of the stone walls.

Mrs Frampton considers that there is a demand locally for tourist related accommodation and is of the opinion that the conversion of the outbuilding will be a sound economic proposition. Mrs. Frampton also considers that the location of the building, close to the capital city, the attractive Vale of Glamorgan, Dyffryn House and Gardens and the proximity to the M4, makes the building attractive to conversion.

PA.75

07 / 01156 / FUL 'A' 2

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It is considered that this proposal is supported by Government guidance and Unitary Development Plan Policy. Planning Policy Wales promotes diversification in rural areas and the re-use and adaptation of existing rural buildings and recommends that local planning authorities adopt a positive approach.

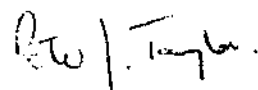
It is noted that Technical Advice Note (TAN) Wales 13 - Tourism recognises that tourism makes a major contribution to the Welsh economy. It also states:-

"Conversion of redundant buildings into holiday accommodation where conversion to residential dwellings would not be permitted may reduce the pressure on other housing in rural areas. Such permission may be granted with a condition specifying use as holiday accommodation only."

The Vale of Glamorgan Unitary Development Plan recognises that tourism plays an important role within the local economy and the need to encourage new investment in tourism in not only facilities but also accommodation. The Unitary Development Plan also recognises that the conversion of buildings in the countryside to tourism use can have a beneficial effect and need not compromise the policies to safeguard the countryside. The proposal has been assessed against the policies of the Unitary Development Plan and in particular Policy ENV8 - Small Scale Rural Conversions and it is submitted that this small scale conversion meets the requirements of all the guiding criteria of the policy. Also consideration has been given to Supplementary Planning Guidance - The Conversion of Rural Buildings.

Should you wish to discuss this application with us or need clarification on any matter, please do not hesitate to contact us.

Yours faithfully


P.J. Taylor

RECEIVED

29 JUN 2007

**ENVIRONMENTAL
AND ECONOMIC
REGENERATION**

Encs.

**CONSULTATION RESPONSE: HEAD OF ECONOMIC DEVELOPMENT & LEISURE
(ECOLOGY)**

APPLICATION REFERENCE: 2007/01277/OUT

APPLICATION SITE: The Villa, Pendoylan Road, Gwern-y-Steeple

2007/01277/OUT

APPENDIX A

Copy sent to applicant

on 12/10/04
NLF

GREAT CRESTED NEWTS*

It is noted that several ponds lie within 500m of the application site, which is the recognised foraging range for a great crested newt. Great crested newts are widespread in the Vale of Glamorgan. Should this pond support breeding populations there is the possibility that great crested newts could be using the application site as terrestrial habitat.

- It is recommended that the developer be made aware that great crested newts and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an offence to damage or destroy a breeding site or resting place, to either intentionally or recklessly damage, destroy or obstruct access to a place used for shelter and protection, or to intentionally or recklessly disturb great crested newts within a place used for shelter or protection.
- It is recommended that the following good practice guidelines be followed to minimise potential impacts on great crested newts, assuming potential presence on the application site:
 - In the event that great crested newts are found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales, (CCW) (tel. 02920 772400).
 - Take particular care when disturbing materials/dense vegetation at ground level that could be being used by sheltering/hibernating great crested newts.
 - Keep grassland on/surrounding the development site short to discourage newts from entering site.

It is noted from the planning application that no trees are to be felled by the proposed development. However if they are to be affected it should be noted that:

NESTING BIRDS

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

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

Mature trees may provide potential roost sites for bats.

- It is recommended that the developer be made aware that British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.
- It is recommended that an assessment of any large/mature trees proposed for works/removal be conducted by a licensed bat surveyor to identify any which have may potential bat use. A full bat survey of any trees assessed to have bat potential should then be conducted by the licensed surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts
- In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision. Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent

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

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

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

PETERSTON-SUPER-ELY COMMUNITY COUNCIL

Clerk
D.G. Bailey

My ref: 15(273)

Your ref: P/DC/MCF/2007/01277/OUT

8 October 2007

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

21 Le Sor Hill,
Peterston-super-Ely,
CARDIFF
CF5 6LW

2007/01277/OUT

APPENDIX B

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

I refer to your proforma dated 19 September 2007, enclosing a copy of an outline planning application by Mr. and Mrs. P.T. Thomas for "one detached house in part of existing garden as infill" at "The Villa", Trehedyn, Peterston-super-Ely.

Members of the Council visited the site and were apprised of its history and of the area immediately surrounding from the information available to me. Until 1982 the land was in Pendoylan Community, so that I have no details of the planning permission granted in 1976 for the existing dwelling to which Mr. Thomas refers in his well-presented case supporting the application, a case read by all the councillors present. I am surprised, however, at his statement that "At the time the planning officers offered consent for three detached houses on the frontage", despite the fact that the frontage then clearly was somewhat wider as it incorporated what is now a separate access to land at the rear of the neighbouring property to the west. He also mentions in his statement that in 1976 the site which he originally purchased and on which his property was eventually erected some years later was shallower than it is now. In my files I have details of a public local inquiry in 1972, just 4 years prior to the planning consent, when the long-time owner of "Llwyn Glas" immediately to the west appealed unsuccessfully against refusal of planning permission for three houses with garages on the very same site. Members were told of the arguments deployed at that appeal and the reasons given by the inspector for dismissing it.

In 1989 the owner of "Glynderwen" adjoining the site to the east applied for outline planning permission for a bungalow for his younger son and family in the rear garden. That application was opposed by my Council and was turned down by your Council, because it would have constituted a deleterious intensification of existing ribbon type development in the open countryside, would have conflicted with the planning authority's countryside policies and, as a tandem proposal, would have created an undesirable precedent for further development. The current application has some parallels with that one and there is obvious scope in this particular locality for similar speculative applications where there are lengthy gardens to the rear of existing houses. "Maes-y-Deri", the one house in Gwern-y-Steeple which is set back some distance behind the line of the adjacent houses, is a legacy of a very old planning permission, even predating the green belt era, for three houses, only two of which were initially constructed. The gap between these

-2-
2007/01277/OUT B

dwellings as erected is sufficiently narrow to rule out the building of a third property in line with them, on the basis that such development would be unacceptably cramped. It is assumed that, for this reason, the local planning authority took the view, exceptionally, at the detailed planning stage that there was no realistic option for the applicant but to site "Maes-y-Deri" to the rear of their two longish and established gardens.

Members were reminded of the data recently conveyed to them at their meeting on 10 September about the Local Development Plan candidate site register and that two bids for proposed residential use, amounting in total to 10.66 hectares, had been put forward in this part of the village, viz. sites ID Nos 2386/CS.1 opposite Gwern-y-Steeple and, more particularly, 2504/CS.2 adjacent to the western side of "Llwyn Glas".

The applicants have drawn attention to several exceptions in the Vale, mostly it is believed arising from appeals to the Planning Inspectorate, to the general rule that, apart from those relating to agriculture and forestry, approval of applications should be confined to those within the Council's defined settlement boundaries. A plan of the Peterston-super-Ely Settlement Boundary was shown to members. The applicants have referred to their proposal as "infilling", my understanding of which is that it relates, normally if not exclusively in this context, to development within the approved settlement area only and in line with the properties on either side as well.

In terms of the Unitary Development Plan, for the benefit of those members unfamiliar with the planning policy framework, I ran through those sections which appeared relevant to the case under consideration, viz. Policies ENV 1 - Development in the Countryside, ENV 4 - Special Landscape Areas (Ely Valley and Ridge Slopes), HOUS 2 - Additional Residential Development, HOUS 3 (Dwellings in the Countryside), (possibly) HOUS 8 - Residential Development Criteria and (possibly) HOUS 11 - Residential Privacy and Space.

Members noted that the applicants required a "smaller, more manageable, energy efficient and environmentally friendly house" and were of the opinion that there was enough space on site to accommodate such a dwelling in line with the existing property. After considering all the issues, the Council decided that they would have no objection to such provision, provided that this condition was met. They would not, however, be in favour of any residential development to the rear of "The Villa", since this would create an unwelcome precedent for double banking and, in the light of the lay out and planning history of the broader area of Gwern-y-Steeple/Trehedyn, could have potentially adverse repercussions for the future.

It is assumed that the nature of the application means that it will be determined by Committee. Please ensure that the Council's views are taken fully into account when this happens.

Yours faithfully,

David G. Bailey
Clerk

PL12770B.

Appendix A

2007/01281/FUL

Egerton Grey

COUNTRY HOUSE HOTEL

Porthkerry • Rhosce (near Cardiff) • Vale of Glamorgan • CF62 3BZ
Phone: (01446) 711666 • Fax: (01446) 711690 •
Web: www.egertongrey.co.uk • E-mail: info@egertongrey.co.uk

Mr R. Thomas.
Vale of Glamorgan Planning Department.
Civic Offices,
Holton Road,
Barry,
Vale of Glamorgan.

30th October, 2007.

Dear Mr. Thomas

Re: Planning application, Egerton Grey.

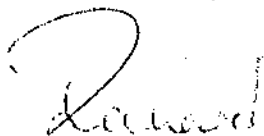
I was disappointed to hear that our application for change of use has been forwarded to committee, rather than officer delegation.

Your visiting officer felt the application was straight forward, and frankly I am astonished that someone on the planning committee asked for committee consideration. This is potentially very damaging to business as a result of the possible publicity, and little thought has been given to this.

However, I can assure you and the committee that I have no immediate plans to sell, or indeed convert back to a domestic dwelling. The whole process is a valuation exercise, so as to achieve maximum valuation for lending purposes, perhaps for future development of the business.

Kind regards,

Yours sincerely,



Richard Morgan-Price.
PROPRIETOR.

APPENDIX 'A'

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

Our ref: SE/2006/100107/02-L01
Your ref: 2006/01541/RG3
Date: 13 December 2006

06/01541/R93

Dear Mr Thomas

Layout and landscaping of public open space at land adjacent to Cogan Hall Farm, Penarth, Vale of Glamorgan.

Further information has been received from LTC Landscape Architecture Ltd regarding the above planning application on 12 December 2006.

We have reviewed the following information: -

- Email from Anita Bromley, LTC Landscape Architecture Ltd, dated 12 December 2006.
- Land at Old Cogan Farm, Penarth, Glamorgan - Otter & Water Vole Survey, November 2005, David Clements Ecology Ltd.
- Cogan public open space: General ecological recommendations.

We have considered the above documents and have no objection to the proposed development.

In addition to the comments made in our letter dated 08 December 2006, we wish the following recommendations to be considered.

A buffer strip of 7-10m width should be retained and managed along the length of all watercourses within the site. This will provide a corridor along which wildlife can move and disperse between habitats and will protect the riverbanks from excessive erosion.

We would encourage the retention of mature trees and hedgerow for their conservation and aesthetic value. Tree / hedgerow removal should not be undertaken during the months of March to June (inclusive) in order to protect breeding birds. Breeding birds are protected by the Wildlife and Countryside Act 1981.

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

Bats and their roosts are protected by the Wildlife and Countryside Act 1981. Bats use trees as roosts during the summer months and mature trees should be surveyed by a licenced ecologist before any tree work is undertaken.

An otter holt should only be installed where there is suitable habitat free from disturbance by humans and dogs. Expert advice should be sought prior to the construction of a holt.

Any planting within the site should be with native species with local provenance, to maximise the site's value for biodiversity.

We would encourage the developer to incorporate holes and ledges into the design of the footbridge, to encourage birds and bats to use the structure as a nesting or roosting site.

We recommend that the ecological recommendations outlined in the document prepared by the Vale of Glamorgan's ecologist be adopted as planning conditions.

Yours sincerely

06/01541/R93

Jon Goldsworthy
Planning Liaison Officer

'H

Direct dial 029 2024 5039
Direct fax 029 2036 2920
Direct e-mail jonathan.goldsworthy@environment-agency.gov.uk

EndEnd



Plas Cerw, Uned 5/7 Cain Coed
Parc Nanigaw, Caerdydd CF15 7QQ
Ffôn 01443 336000 Ffacs 01443 336001
E-bost cadw@wales.gsi.gov.uk
Gwefan www.cadw.wales.gov.uk

Plas Cerw, Uned 5/7 Cain Coed
Parc Nanigaw, Caerdydd CF15 7QQ
Tel 01443 336000 Fax 01443 336001
Email cadw@wales.gsi.gov.uk
Web www.cadw.wales.gov.uk

Mr Rhodri Davies
Planning & Transportation
Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF83 4RT

Eich cyfeirnod
Your reference

P/DC/RD/2008/01541/RG3

Efn cyfeirnod
Our reference

A-CAM11-09-0032-00

Dyddiad
Date

4 December 2008

Llinell uniongyrchol
Direct line

01443 336008

E-bost
Email:

Lisa.roberts-
clarks@wales.gsi.gov.uk

06/01541/RG3

APPENDIX 'B'

Dear Mr Davies

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING APPLICATION NO: 2008/01541/RG3 LAYOUT AND LANDSCAPING OF PUBLIC OPEN SPACE AT LAND ADJACENT TO COGAN HALL FARM, PENARTH

I refer to your letter of 15 November 2008, enclosing a copy of the planning application for the proposed development as described above.

The remains of Cogan medieval village (GM535), are visible today in the form of earthwork features including house platforms, boundary banks for crofts and fields and sunken tracks or "holloways" in the fields to the north and east of St Peter's Church (founded 12th century). The village enjoyed many centuries of occupation before suffering depopulation from the 16th century onwards.

A series of archaeological investigations including geophysical surveys, topographic surveys and excavations in the 1980s enabled the core area of the village to be established and scheduled. The village remains extend over several fields, all used today as permanent pasture. The earthwork remains are predominantly under grass / meadow with hedgerows and tree cover alongside the public footpath which runs through the centre of the site and some areas of mixed scrub.

In principle, Cadw is supportive of the proposal to include the scheduled Old Cogan Village within the public access area, subject to agreement of some minor revisions to the scheme.

Cadw has been in discussion with the applicant regarding the proposed landscaping within the scheduled area and is currently processing an application for Scheduled Monument Consent for the works. It is expected that, subject to the applicant agreeing to some adjustments requested by Cadw, consent will be given.

Requested adjustments include the nature of the paths and their routes. Cadw would favour MOT Type 2 paths over Tar Spray and Chip within the scheduled area, since this reduces the depth of ground disturbance and avoids the use of edging boards. Discussions are also in progress regarding the specific routes of paths and locations of structures such as the play area goalposts in order to ensure that they avoid known archaeological features and potentially sensitive areas. An

Cadw ydyd ystyriedu'r holl argymhellion hyspysu'r Llywodraeth Cymru
Cadw is the Historic Environment Directorate of the Welsh Assembly Government



archaeological watching brief will be necessary during the landscaping works in order to protect archaeological interests.

In view of the work being given to improve public access, Cadw would encourage your authority to give consideration to the provision of on-site interpretation such as an information panel, to help inform visitors about the history of the site, and its archaeological importance.

These views are provided without prejudice to the Welsh Assembly Government's consideration of the matter, should it come before it formally for determination.

Yours sincerely

06/01541/R53 'B'

Mrs Lisa Roberts-Clarke
Gwelnyddu Henebion / Ancient Monuments Administration

APPENDIX 'C'



HERBERT R THOMAS

CHARTERED SURVEYORS, AUCTIONEERS, VALUERS & ESTATE AGENTS
89 High Street, Cowbridge, Vale of Glamorgan CF71 7YL
Tel 01446 772911 Fax 01446 776378 E-mail property@hrt.a-i-s.co.uk www.hrt.uk.com

Our Ref: WPT/CMW/B380a

Your Ref:

Director of Planning, Highway & Transportation Services
Vale of Glamorgan Council
Dock Office
Barry
Vale of Glamorgan

06/01541/R93

DATE: 6th December 2006
Direct Line: (01446) 776370
Email: wpt@hrt.a-i-s.co.uk

Dear Sir,

Planning Application No. 2006/0151/RA3: Land Adjacent to Cogan Hall Farm, Penarth

I act for Mr. Trevor Bailey of Cogan Hall Farm, Penarth and wish to put forward representations on Mr. Bailey's behalf in connection with the above application for the proposed change of use from Agricultural to Public Open Space.

An undertaking was given by the Vale of Glamorgan Council dated 14th May 2003 not to undertake any planning permission on this parcel of ground (Application Nos. 02/00061/FUL and 02/00623/FUL).

In connection with the above application the area of land actually includes a parcel of ground which is presently tenanted to Mr. Trevor Bailey under the Agricultural Holdings Act 1986. I can confirm that Mr. Bailey has received no formal notice from the applicant in connection with the above proposals. It is my understanding that notice should be served if a tenant has a legal interest on the land.

Furthermore, part of the land which is proposed to be taken includes part of the land which forms part of the slurry store. I can confirm that we are considering writing to the Landlords in connection with my Client's statutory rights. For your further information, the Landlords are the Vale of Glamorgan Council and their Agent is Mr. Frank Coleman.



Partners: Edmund H. Miles, BSc (Agric), FRICS, FAAY, Andrew R. Thomas, BSc (Land Man), MRICS, FAAY, Robert J. Calcester, FNALAI, W. Philip Thomas, Dip (Estate Man), MRICS, FAAY, Associate: Matthew F. Jarrold, BSc (Land Man), MRICS, FAAY, Howell J. Edwards, BSc (Estate Man), FRICS, JAAV, Tim Vaughan, BSc (Hons), MRICS
Consultants: Robert Thomas, MA (Dip. Est Man), Cantab, FRICS, FAAY, Alison Ginn, BSc MRICS, FAAY.

RICS Reg No. 154 5476 67

06/01541/RG3² 'C'

I would be grateful if you would please confirm receipt of the above objections. If you wish to discuss any points with me, please do not hesitate to contact me.

Kind Regards.

Yours sincerely,



W. PHILIP THOMAS, Dip (Estate Man) MRICS FAAV
PP Herbert R Thomas

06/01541/R93

8th December, 2006.

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

F.A.O. Rob Thomas – Head of Planning & Transportation.
Your Ref: P/DC/RD/2006/01541/RG3

Dear Sir,

Re: Application No. 2006/01541/RG3
Proposal: Layout and landscaping of public open space.
Location: Land adjacent to Cogan Hall Farm, Penarth.

Further to your letter, dated 27/11/2006, informing me of the planning application that has been submitted, I comment as follows:-

I was first informed of this proposal in May, 2006 and was given a contact name of Malcolm Drysdale (Principle Landscape Architect) to obtain information. I contacted Malcolm and a meeting was held on site on 1/06/2006, with Malcolm, myself and neighbours, to discuss the layout, etc. I have been recently provided with the latest copy of the layout drawing, to be submitted for planning, by Malcolm (dwg No. 20084/31- Rev.E)

My initial thoughts are why is this public open space being proposed, especially at this location, when there is far more suitable land to the South of Cogan Hall Farm which adjoins Cosmeston Country Park and links far more suitably to the Park and the newly completed housing development.

This planning proposal is again removing precious agricultural/grazing land from Cogan Hall Farm, which has already severely suffered loss of land. I cannot see the sense in creating further public open space when we already have the excellent Cosmeston Country Park and Lakes extending from the South of the Farm, which can already be fully accessed on foot from Sully Road.

06/01541/R93

'C'

This proposal will also cause numerous serious problems that need to be addressed, as follows :-

(a). It would attract additional vehicles to park and block the narrow lane which provides access off Sully Road to Cogan Hall Cottages, Farm and Manor.

This lane is narrow and would only exacerbate the problem that we already have with people parking. The lane is only a single track highway and creation of this Open Public Space will inevitably attract the public, who will inevitably visit by vehicle, as well as on foot. Parking of additional vehicles on this lane would then be inevitable and will restrict access for the farm and residents vehicles and more importantly emergency and refuse collection vehicles. Throughout the year, and during the summer months especially, the farmer already experiences numerous problems from vehicles parking on the lane and blocking access/egress for his tractor, etc. When the public park their vehicles on the lane, to walk their dogs, etc, in Cosmeston Park, they are generally away from their vehicle for at least 1 to 2 hours, and cannot be contacted to move their vehicle. This is totally unacceptable. I feel that the creation of "parking restrictions" such as signs and yellow lines, would not deter parking due to the location - who would patrol this ?

(b). Why do we have to lose more agricultural land in the Vale of Glamorgan ? Cogan Hall Farm is already suffering due to loss of land. This loss of agricultural land contradicts the Adopted Unitary Development Plan 1996 - 2011.

(c). The creation of the public open space at this location will completely surround Cogan Hall Cottages and Farm and put us inside the boundary of Cosmeston Country Park, which we feel is unacceptable due to the creation of noise and nuisance that will be generated. Security is also an issue.

(d). What is the proposed cost of creating this public open space ? With the Vale of Glamorgan Council already experiencing financial problems with provision of local services, etc, how can this additional expenditure be justified?

06/01541/R9

'C'

My general opinion is that this proposed creation of public open space is completely un-necessary and will again see the loss of further farming land, and is an un-necessary spending of tax payers money.

I hope that this planning proposal is rejected, to protect Cogan Hall Farm and the local neighbouring properties, as it would be a detriment to our local farming and residential community.

I would appreciate your confirmation of receipt of this letter.

Yours Faithfully,

R Sydenham.

R.Sydenham (Mr & Mrs.)
3 Cogan Hall Cottages,
Sully Road,
Penarth.
Vale of Glamorgan.
CF64 2TQ

APPENDIX 'C'

2 Cogan Hall Cottages
Sully Rd.
Penarth
CF64 2TQ

06/01541/RG3

12.12.06

Dear Sir/Madam

Re: Planning application No. 2006/01541/RG3
Location: Land adjacent to Cogan Hall Farm, Penarth
Proposal: Layout and landscaping of public open space.

I am writing to register our concerns regarding the above application.

Having moved in to this property just over 2 years ago, we were very distressed to find that there are proposals to change the use of the land directly backing on to our property. This did not come up in the search we had done before completing on our property. Had we been aware that the surrounding land was liable for a change of use, it would have greatly affected our decision to buy the property.

One of the many reasons we wanted to live in this area was the privacy it offered and the open aspect to the rear of the property.

We strongly object to the idea that this will no longer be the case and that our garden will be overlooked by passers by until such time as the trees are big enough to screen the garden from the pathway. Even at this time our outlook will be radically altered.

During the summer months the lane leading through to Cosmeston is frequently used by young people (shouting and swearing) who have been drinking either down at the lake or at the Manor House Hotel, and as the parents of young children we are very worried that opening up land to the front and rear of our properties will bring them even nearer and give them alternative place to base themselves for the evening.

Another major concern regarding the change of use of this land into public open space is the parking in the area and the access of emergency vehicles.

I'm sure you are aware that parking is very limited and there are only just adequate spaces for the residents of the farm and cottages. There are currently times, especially at weekends, when we experience problems with walkers using the Cosmeston park who park their vehicles in the lane. You will appreciate that as residents in this area we do not have the option of simply parking in the next street. If we cannot park near our properties there are no other alternatives.

Should an emergency vehicle need access at these times it would be extremely difficult and we are most concerned at the possible impact of more people wishing to park in the vicinity.

If this proposal should go ahead we would like to know what reassurance we will have that people will not be able to park here?

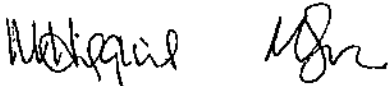
The last point we would greatly appreciate your consideration on is the re-opening of the footpath which runs in front of the cottages.

We feel that with footpaths both behind and in front of the properties a "goldfish bowl" effect will be created.

As both footpaths would eventually lead to the same place, we would like to request that (should the proposal be accepted), the footpath in front of the properties is closed to ensure at least a little privacy in our homes.

We would be grateful if you would keep us informed of any decisions which have been made and acknowledge the receipt of this letter.

Yours faithfully



Margaret Higgins and Michael Beer

06/01541/RG3 'C'

APPENDIX 1C

06/01541/REG3

Old Cogan Hall,
Sully Road,
Penarth
CF64 2TQ

15/12/06

Ref: Application No. 2006/01541/REG3

Dear Sir,

With regard to the proposed landscaping of the fields adjoining Old Cogan Hall Farm we have the following objections:

1. PARKING. The new footpaths are likely to bring people in cars into the area. Parking in our narrow lane leading off Sully Road can already cause problems for us trying to get our vehicles out onto the road. If there are more cars trying to park as a consequence of the new open space we are concerned that emergency vehicles may not be able to reach our house. We may not be able to get our caravan past parked vehicles. We have had our gate blocked by cars parking in front of us in the past.

2. ACCESS TO THE KICK ABOUT AREA.

The access for maintenance vehicles is entirely past our house to the fields behind. I understand the area is to be mown twice weekly. The condition of the unmetalled road leading to our house is terrible. It is no-one's duty to maintain the road. Additional use by heavy machinery will continue to degrade the condition of the road.

3. PLANTING.

The proposed planting immediately behind our house is fenced off but there are stiles both ends allowing someone to gain access to our garden screened from public view by the planting.

'C'

OUR PROPOSALS

1. That the access lane to our houses should be designated "residents only" parking and the remainder should be double yellow lines.
2. That maintenance vehicles should have access to the kick about area from the Dinas Road end as this is the area benefiting from the landscaping they should have the inconvenience of the maintenance vehicles passing their homes.
3. The stile facing towards Mile End Road should be removed allowing access only at the Cogan Hall Farm end.

With Regards,

Jane R. Blethyn
Dr. A.J. Blethyn


Dr. W.T. Young

06/01541/REG3

'C'

2006/01747/FUL

P.191

Thomas, Rob

From: Hacker, Eric (Cllr)
Sent: 14 November 2007 13:00
To: Thomas, Rob; Dobbinson, Andrew D (Cllr)
Cc: Bagstaff, Sally (Cllr); John, Gwyn (Cllr)
Subject: RE: Planning Application 2006/01747/FUL

Rob

I do agree with Gwyn. This area must be sympathetically developed ASAP, but construction will be a problem.

Unfortunately I will not be at the meeting on the 18th to voice the concerns of many people, but Cllr John's suggestion of a condition to seek access into SWP owned land during the construction period is very valid and I would support it.

REGARDS
ERIC HACKER (Cllr)

From: John, Gwyn (Cllr)
Sent: 14 November 2007 12:35
To: Thomas, Rob
Cc: Bagstaff, Sally (Cllr); Hacker, Eric (Cllr)
Subject: Planning Application 2006/01747/FUL

Rob

I refer to the above planning application for the Andrews House, Llantwit Major which comes before Planning Committee on Thursday. Unfortunately, I am unable to attend but I would like to raise the following points :

Whilst I am not against development in this area, I do consider it is still being overdeveloped and two flats and two houses would have been the best way forward. I agree with your proposal to not allow vehicle access to the development, that makes commonsense, however, I am concerned about where owners vehicles will be parked and residents in close proximity have asked to echo their concerns. Really, it is quite simple as anyone parking illegally should be reported to the Police (that is if you can ever contact one)

However, when this development goes ahead, where are the contractors vehicles going to park/deliver to site, I feel that an extra condition should be added and should read that the developer should negotiate with South Wales Police for a temporary access to be made at the rear of the Andrews House via the Police Station yard for deliveries etc during the period of construction.

If lorries are allowed to park near the roundabout there will be chaos, as I am sure you will appreciate School Buses & other traffic approach Station Road from High Street.

Regards
Gwyn

14/11/2007

2006/01747/FUL P.191
Llantwit Major Town Council
 Cyngor Tref y Llanilltud Fawr



Telephone: 01446 793707
 Fax: 01446 796086
 Email: info@llantwitmajortowncouncil.gov.uk

Town Hall
 Llantwit Major
 CF61 1SD

Your reference ;

Our reference ;
 RT/LS/planning

14th November 2007

Mr R Thomas
 Head of Planning
 Vale of Glamorgan Council
 Dock Offices
 Barry
 Vale of Glamorgan

Dear Mr Thomas

I give below observations given by Llantwit Major Town Council Planning Committee, on the following application which was discussed at a meeting 14th November 2007.

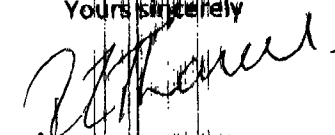
2006/01747/FUL – Amended Proposal

Location: Andrews House, Llantwit Major

Proposal: Converting main house into 2 apartments and construction of 3 new build houses without garages.

NO OBJECTION but concerns raised over the disruption to traffic and pedestrians whilst building, and safety issues to pedestrians and the builders whilst building. Also, no adequate parking facilities provided which would add to the already stretch parking facilities within the town of Llantwit Major.

Yours sincerely


 L Stokes (Mrs)
 Town Clerk

Vat Reg No. 134 4305 02

FOR
 ALL
 VOUCHERS
 RECEIVED
 2007

David and Hilary Burnett
Lindens Lodge
Bradford Place
PENARTH
CF64 1LA

13 November 2007

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

Dear Mr Thomas

Re Planning Application, 9 Kymin Terrace, PENARTH

Whilst we acknowledge that the granting of planning permission is not contingent on precedents, it would seem prudent to take note of previous planning decisions especially those made by the Planning Inspectorate. With this in mind we enclose a copy of the Appeal Decision Appeal A APP/Z6950/A/03/1117481 and Appeal B APP/Z6950/E/03/1117486, dated 13th October 2003 relating to a planning application for 11 and 12 Church Road, Penarth – the site of which is in close proximity to the current application for 9 Kymin Terrace.

The main issues, relating to the proposed detached dwelling in this case, are as given in (b) of the Appeal Decision i.e. *The effect of the proposal on the living conditions of the future occupants and those of nearby houses by reason of overshadowing, loss of privacy, noise and disturbance.*

The following Planning Policy and Other Considerations given in that decision, which we feel are of direct relevance are;

UDP Policy HOUS9 which, amongst other things, seeks to permit development within settlement boundaries subject to criteria designed to protect the amenity, character and historical importance of the area, and

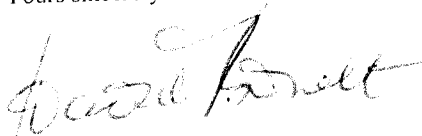
The Council has adopted supplementary planning guidance (SPG) and published further SPG Amenity Standards. It includes policies to provide adequate and appropriate private amenity space in new development and to safeguard the privacy and amenity of surrounding properties.

We assert that a number of reasons given in that decision for dismissing Appeal A hold true in this planning application. In particular:

Conservation Area – points 7, 9 and 13
Living Conditions – points 15 and 16

In conclusion we also attach a copy of our previous letter dated 3rd March 2006 as we understand that this objection which is still valid was not carried forward to the revised submission.

Yours sincerely



David and Hilary Burnett

COPY

David and Hilary Burnett,
Lindens Lodge
Bradford Place
PENARTH, CF64 1LA
United Kingdom
Tel 029 2070 0451

3rd March 2006

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

Dear Mr Thomas,

Re, 9 Kymin Terrace, Penarth, Planning Application 06/00163/FULL

As near neighbours to these proposed developments we are writing to register a formal objection to this application to create parking in the front garden of 9 Kymin Terrace and to build a residential property at the bottom of the garden.

Our objections to **the parking in the front garden** are as follows:

- Kymin Terrace is an unusual road in that it only has houses on one side. No houses have off street parking but have extensive opportunities for parking to the rear of their properties in a side lane.
- Kymin Terrace is not designed to cope with entry and exit of cars from properties in the road. If off street parking in the front garden of this property was allowed it would create a precedent and give the impression that this is acceptable in a conservation area.
- It is presumably the removal of parking facilities caused by the proposal to build a residential property that has occasioned this application.

Our objections to the **building of a residential property** at the bottom of the garden are as follows:

- The design of the proposed residential property is completely out of keeping with other buildings in the immediate neighbourhood. The application documents we examined at West House only included artist impressions of the elevations rather than scaled architectural drawings. Whilst these were helpful, they obscured the fact that the main visible bulk of the building is in fact a large flat roofed box clad with 'Rheinzinc' panels with large one large window on each of three sides. It is difficult to imagine a design more out of keeping with, and unsympathetic to, the immediate neighbourhood.
- Although vehicular access to the property is off the side lane the only opening onto Bradford Place is a side ways front door whose sole purpose appears to be to create an address in Bradford Place and obscure the fact that it is, to all intents and purposes, a dwelling on the lane. The creation of this dwelling 'on the lane' is a dangerous precedent, giving the impression to any property owners in the neighbourhood that they also could seek to build houses at the bottom of their gardens.
- One large upstairs window looks out directly into the garden of 9 Kymin Terrace and another directly down the gardens of Kymin Terrace (which fall away steeply) thus impinging upon the privacy of these properties

We wish to register our serious objections to these proposals as detrimental to the integrity of the conservation area and ask that our concerns will be registered with the Planning Committee and taken into account when a decision is made.

Yours sincerely



David and Hilary Burnett



Penderfyniadau Apêl

Gwrandawriad a gynhaliwyd ar 16/09/03
Ymweliad i safle a wnaed ar 16/09/03

gar/gy Danrie Onn BSc (Hons) Dip Arch RIBA IHBC

Arolygydd penodwyd gan Cynulliad
Cenedlaeth Cymru

Appeal Decisions

Hearing held on 16/09/03

Site visit made on 16/09/03

An Inspector appointed by the National
Assembly for Wales

Deddedd, Date

13-10-2003

Site address: 11 and 12 Church Road, Penarth, CF64 1AE

Appeal A: APP/Z6950/A/03/1117481

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Krole Properties against the decision of Vale of Glamorgan Council.
- The application (Ref. 02/01536/FUL), dated 1 November 2002, was refused by notice dated 7 March 2003.
- The development proposed is residential development.

Summary of Decision: The appeal is dismissed.

Appeal B: APP/Z6950/E/03/1117485

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Krole Properties against the decision of Vale of Glamorgan Council.
- The application (Ref. 02/01535/CAC), dated 1 November 2002, was refused by notice dated 7 March 2003.
- The demolition proposed is of 2½ storey dwellings with brick and stone elevations under slated roofs. Possible retention of stonework for works on site.

Summary of Decision: The appeal is dismissed.

Main Issues

1. The main issues in this case are:
 - (a) The effect of the proposed demolition and redevelopment on the character and appearance of the Penarth Conservation Area.
 - (b) The effect of the proposals on the living conditions of the future occupants and those of nearby houses by reason of overshadowing, loss of privacy, noise and disturbance.

Planning Policy and Other Considerations

2. The Development Plan includes the Glamorgan County Structure Plan of 1989 and the East Vale Local Plan of 1987. Policy H18 of the Structure Plan seeks to protect existing residential areas against over development and insensitive or inappropriate infilling. Policy EV19 seeks a high standard of design, especially in a conservation area. Policy C1 of the Local Plan seeks to protect and enhance conservation areas, whilst Policy C2 expects development within them to reflect the character of their setting.
3. These plans are to be replaced by the emerging Vale of Glamorgan Unitary Development Plan (UDP). The emerging UDP has been modified following an Inquiry and Report on Objections. I heard that there is to be further consideration of some elements of the UDP but

not the Policies relevant to these appeals. The Proposed Modifications draft of 2003 is at an advanced stage towards adoption and I will give substantial weight to its Policies. Policy ENV19 says that demolition within conservation areas will be strictly controlled. It says in particular that the demolition of an unlisted building will be permitted where full planning permission has been granted for the proposed new development and there are proposals for the appropriate re-use of local indigenous materials which reflect the character of the area. Policy HOU59 seeks to permit development within settlement boundaries subject to criteria designed to protect the amenity, character and historical importance of the area, amongst other things. Policy ENV18 seeks to preserve or enhance the character of conservation areas by new development which reflects the established character, use patterns and trees, amongst other things. Policy ENV25 is a general policy which includes that new development will be permitted where it complements or enhances the local character of buildings and open spaces.

4. The Council has adopted supplementary planning guidance (SPG): *Penarth Conservation Area*, which stems from the earlier *Penarth Conservation Area Appraisal*. The appraisal shows the appeal site within the Clive Place and Environs sub-area. It identifies Nos 11 and 12 as one of the context frontages, which are defined as important frontages that collectively contribute to the sense of place and local identity of the conservation area. The Appraisal makes recommendations. These include that redevelopment proposals should achieve a high standard of design and detail within the architectural context of the area. With regard to infill, the recommendation is that the loss of garden land which forms an intrinsic part of the character of the Conservation Area will be carefully evaluated. It also says that the importance of trees and tree groups should be given greater recognition. Both documents include a Sensitive Development Test which places a priority on the re-use of old buildings.
5. The Council has published further SPG: *Amenity Standards*. It includes policies to provide usable, adequate and appropriate private amenity space in new development, to safeguard the privacy and amenity of surrounding properties and avoid an unacceptable loss of daylight or sunlight to neighbouring properties.
6. Section 72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty is restated in Circular 61/96. Paragraph 33 of that Circular includes that 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 adds that proposals to demolish such buildings should be considered against the broad criteria in paragraphs 91 and 92.

Reasons

Conservation Area

7. The Penarth Conservation Area encompasses a largely Victorian town, its public gardens, seafront promenade and pier. The appeal site is within the Clive Place sub-area, which is mainly residential and has a mix of brick and stone housing, generally fronting the streets. There are also many mature trees and gardens within the area. The overall character is of a verdant Victorian suburb.
8. The building proposed for demolition is a pair of semi-detached houses of 2 storeys with attic rooms above. It is built of Blue Lias stone with brick and Bathstone details. The use of stone places the building in the historic sequence of development of the town, before brickwork became the main material for structural walls. The scale, materials and styling are consistent

with the development of the area in the late 19th century. I consider that the building makes a positive contribution to the special architectural and historic interest of the Penarth Conservation Area. The appeal site includes land beyond the original curtilages of the houses. This includes an area of ornamental trees. I consider that these are part of the historic development of the area and that they contribute greatly to its character and appearance.

9. It is clear from paragraphs 91 and 92 of Circular 61/96, that the merits of the proposed replacement can be held to justify demolition of an unlisted building in the Conservation Area. The proposed development would provide 7 dwellings. That would be a more efficient use of the previously developed land in a location close to the town centre and well served by public transport, in accordance with national Policy. However, the main building would be substantially larger than the existing, and would extend further back at 2 storeys in height. In my opinion, it would reduce the spaciousness of the plot and restrict views through to the trees beyond. The 2 dwellings proposed for the back of the site would bring development into the verdant area beyond. This would be reinforced by the private driveway alongside the building and the parking area within the heart of the site. I consider that this development in depth would be out of scale and character with the largely frontage development which is a significant part of the special interest of the area.
10. The architectural design of the buildings is a subjective matter. Where new buildings are concerned, the Council's Sensitive Development Test states a preference for imaginative contemporary design. I consider that the proposed frontage building could achieve that, subject to detailed planning conditions. In my opinion, however, this would not be sufficient to justify the demolition of the existing building or a development that is harmful in scale.
11. There is a significant group of trees at the back of the site. Some of these are subject of a Tree Preservation Order. I have no doubt that the trees on the site could be protected during construction and that the risk to their health could be minimised by adherence to the advice of BS 5837. However, 3 trees would be removed, there would be some reduction and thinning of others. In particular, I note from my site visit that the proposed parking areas would involve the removal of major branches from an existing Walnut tree. I consider that the proposed houses close by the important group of trees would lead to future pressure to remove or reduce them as well as restrict the opportunities for their long-term replacement. It would also reduce the apparent density of the trees. That would reduce their contribution to the character and appearance of the area, in my opinion.
12. The appellant's structural inspection report shows that the existing building is in poor condition, largely as a result of poor ground conditions and I heard that this frustrated the original intention to refurbish the building. The Council does not dispute the report and it is likely that the condition has got worse since that inspection. Nevertheless the building still stands and I am not convinced that it could not be saved or that substantial rebuilding and repair would not be viable. I heard that foundation defects at other historic buildings have been overcome by reconstruction in the past and I saw evidence of this at my site visit. For this reason, I consider that the building should not be demolished in the absence of a permitted scheme for redevelopment of the site.
13. I consider that the proposed demolition and redevelopment would be contrary to the advice of Circular 61/96, Policy EV19 of the Structure Plan, Policies C1 and C2 of the Local Plan, and Policies ENV15, ENV18, ENV25 and HOUS9 of the emerging UDP, as well as the Penarth Conservation Area SPG.

Living Conditions

14. To the north of the appeal site, No 10A is a 20th century house that has been designed to face the south rather than the road. It looks out across its main private garden area towards the appeal site, which is some 2m lower. The proposed new frontage block would be about 4m closer to No 10a and would extend further to the east. In my opinion, there would be some loss of direct sunlight at certain times of the year. Although this would represent a noticeable change, I do not consider that the living conditions at No 10A would become unacceptable.
15. The new access to the site would pass close to the boundary with No 13 Church Road. That would result in cars to 7 dwellings passing close by the windows to a main room. I consider that the level of noise and disturbance to those living at No 13 would be significantly greater than with the existing single dwelling and harmful to their living conditions. In my view, the introduction of cars to the rear of the site would also be a source of noise and disturbance to the occupants of the proposed frontage property and to those living at neighbouring properties, removing an area of relative peace and quiet.
16. The proposed buildings at the rear of the site would result in 2-storey development close to the boundaries and with windows overlooking the private gardens of neighbouring properties. In my opinion, that would result in an unacceptable loss of privacy. Overall on this issue, I consider that the proposed development would adversely affect the living conditions of occupants of adjoining properties and future occupants of the proposed development. That would be contrary to Policy HOUS9 of the emerging UDP and the Councils *Amenity Standards* SPG.

Conclusions

17. For the reasons given above and having regard to all other matters raised, I consider that the appeals should not succeed.

Formal Decisions

Appeal A

18. In exercise of the powers transferred to me, I dismiss the appeal.

Appeal B

19. In exercise of the powers transferred to me, I dismiss the appeal.

Information

20. A separate note is attached setting out the circumstances in which the validity of any of these decisions may be challenged by making an application to the High Court.


INSPECTOR

2007/00078/CUL

P 214



Chris J Morgan BA, DMS, MBA, MCMi, MRTPI
Chartered Town Planner

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My Ref: 0612/canning/vog/07
Your Ref: P/DC/YP/2007/00078/FUL

14th November 2007

Head of Planning & Transportation
Vale of Glamorgan Council
Dock Offices
Barry
Vale of Glamorgan

BY FAX & POST**F. A. O. Marcus Goldsworthy – Operational Manager**

Dear Sirs

Re: Town & Country Planning Act 1990 (as amended)
Land and buildings at Crofta Farm, Ystradowen, Vale of Glamorgan
Change of use of agricultural buildings to 2 no. dwellings (2007/00078/FUL)

With reference to the above planning application, I have been instructed by my client, Mr. Mark Canning, to withdraw the application with immediate effect. The application is due to be put before the Planning Committee meeting today on the 15th November 2007.

I apologise for the delay of this request but I have only been able to access the Committee Agenda today. I visited your offices on Monday 12th November 2007 to try and obtain a copy of the Officer's report but was told that it was not available.

Should you require any additional information, please do not hesitate to contact me on either of the above telephone numbers.

Yours faithfully

Chris J Morgan BA, DMS, MBA, MCMi, MRTPI
Chartered Town Planner

For the personal attention of Mr D R Thomas

Rosevine Cottage
Vistla Road
Penllyn
Vale of Glamorgan
CF71 7RQ

Tel: 01446 774485

Mr D R Thomas
Department of Planning & Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry CF63 4RT

Reference: CTC.let32

Application reference: 2007/00187/FUL

Date: 02.11.07

Dear Mr Thomas

Planning application for the construction of a detached part single, part two storey dwelling, garage and new access on land adjacent to Chestnut Tree Cottage, Craig Penllyn - reference

Some of the other local residents and I submitted letters of objection to this planning application earlier this year thinking that it was being reported to the September Planning Committee. I also wrote to the Chair of Planning and local elected members urging them to look at the site for themselves. However, the application was deferred and apparently is now going to the next Planning Committee in November.

I am writing directly to you because I understand that your case officer (Mrs Prichard) and your other colleagues who have been involved are now inclined to recommend that this application should be approved. I have already submitted my detailed comments in response to your letter of consultation dated 13.08.07 and I do not intend to rehearse those with you now. However, given the planning history, the sensitive nature of the site and the obvious conflict with UDP policies, Government advice and your SPG's, I am completely mystified by your officers intended recommendation.

The developer and his advisers have used the tactic of first pursuing a scheme which would have been a gross over-development of the site and intrusion into the SLA and pushing that all the way, irrespective of the views of the local community. By gradually commuting the harm that would be caused, they have now managed to convince your officers that a new and separate dwelling would be acceptable. Yet the latest proposal would still have many of the consequences that the Planning Inspector decided would be unacceptable in September last year.

I have discussed the highway issues with two highway officers in neighbouring authorities and neither would accept as "limited re-development" a situation where there would be more than a doubling of traffic generation. Nor would they accept such significant relaxations of visibility standards outside a built-up area and on a steep gradient like this.

Apparently, legal agreements are being formulated to implement a re-sale of private amenity space by the developer back to the resident of Chestnut Tree Cottage. Even then, the size, configuration and open-ness of the site make it impossible to provide sufficient private and usable amenity space for two separate dwellings in accordance with your SPG requirements.

The Planning Inspector made it clear with the first scheme that residential development, which involves the construction of a wide access and new visibility splays, would open-up the lane and unacceptably sub-urbanise this part of the village. The impact of the latest access design would be virtually the same as the one upon which he commented. The existing situation is one of mature hedgerows abutting the lane - not set at the back of a wide visibility play. Please look at my detailed comments on this issue. I am amazed that your highway officer would even contemplate a recommendation to approve where visibility splays extend over a separate private garden on one side and through agricultural land (over which the applicant has no control) on the other. Existing and proposed vegetation is so close to these splays that their continuing maintenance would be nearly impossible for your staff to enforce.

In his landscape and visual assessment, David McQuitty for the developer says that the proposed hedge-bank along the southern boundary, incorporating standard trees in a few locations, would be a positive contribution to the natural landscape heritage of the area. In reality, the developer cut down the mature trees that once formed this boundary, before the appeal was considered. As a result, the Planning Inspector described this as "elevated land of an open character at the sensitive interface of the rural village and open countryside". As I explain in my detailed comments, the re-creation of a soft woodland edge to the village with new housing development in such close proximity would be incompatible.

The miniature trees shown on the landscape drawing would not screen the new buildings from the surrounding SLA. Larger woodland species, together with a significant indigenous hedgerow, would have adverse consequences for sun-light penetration to the new residence. There are plenty of examples around the village of what happens in those circumstances! A recommendation to approve the soft landscaping scheme, with trees so close to the proposed buildings and hard-surfaces would be contrary to the latest advice in sections 13, 14 and 15 of BS5837 (2005).

Your Council has recently refused a planning application nearby for a new out-building at Moorlands Farm (see application reference 2007/00273/FUL) because of its visual impact on the Upper Thaw Valley Special Landscape Area. That building would have been smaller in scale and well-screened by established trees and even though the site was outside the settlement boundary, it would have had much less impact on the SLA than a new dwelling to the south of Chestnut Tree Cottage. As a local resident, I had no objection to that proposal. I know that your Council is striving for consistency in the determination of planning applications and if the Moorlands Farm scheme warranted a refusal because of its visual impact then surely so does this one?

Accordingly, I would be grateful if you could carefully consider whether your officers' recommendation to approve would be appropriate in this case.

Yours sincerely



Neil McLean B.Sc. Dip T.P. M.R.T.P.I.

2007/00187/FUL

P.222

Thomas, Rob

From: Clay, Catherine V L (Cllr)
Sent: 12 November 2007 16:24
To: Thomas, Rob
Subject: planning matters. Please take 2&3 to committee.

1) Application no. 2007/01411/FUL Garden of Ty Canol, Penllyn

If you are minded to recommend approval of this application I would ask that the delegated be removed and that it comes to committee.

2) Application no. 2007/01098/FUL Limes Gate Cottage, Cowbridge.

This application is recommended for approval in spite of the fact that it is in a conservation area where I feel that it will look totally out of place. The new houses that have been built on the old garage site have a well finished wall between them and the river which does not look intrusive nor spoil the view from the old bridge. The proposed decking which will stick out over the river will be very visible from the bridge and will be incompatible with everything around it as well as being a particular eyesore for the neighbours, and intruding on their privacy.

I would like to support my fellow councillor in asking committee to go on a site visit before deciding this application

Yours Catherine Clay

3) Application no.2007/00187/FUL Garden of Chestnut Tree Cottage, Penllyn

In view of the complicated planning history on this site and the dismissal of a previous appeal I would ask committee that they go and see this plot of land before they make a decision.

Yours Catherine Clay

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T: 01443 791827. F 01443 791503 e-mail john.avon@virgin.net

John Avon & Co
Chartered Building Surveyors

Fax

To: Rob Thomas:Planning

From: Geoff Iveson

Fax: 01446 704847

Pages: 7 inc

Phone: 01446 704656

Date: 13.11.07

Re: Planning Application ref:2007/00711/FUL CC: Chris Hope: 01446 738779

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* **Comments:** this fax is for the attention of the person named. It should not be disclosed to any other person. If you have received this fax in error please destroy it and telephone the above number. Please accept our apologies for any error.

Dear Sirs

We attach for your attention a copy of our letter to the Planning Department reference the above application. We understand that the letter has not reached your departmental officer who is in fact away from the office on leave for this week.

We did not have the opportunity to review the previous applications on this site until Friday 2 November as the clerk was unable to retrieve the files, some of which were on microfiche, until that date.

We would stress that the proposals seriously affect the natural light into the only windows to the main habitable room at ground floor of our clients dwelling at 4A Station Road. The officers report just seen on your website clearly does not view this as a matter for which the Planning Officer should have any regard. The development would seriously prejudice the existing residential amenity of the adjoining properties 4 and 4A Station Road.

We would expect you to provide details of the rationale behind the Officers recommendations for Approval against what in the past has appeared to be significant grounds for refusal. However, we are given to understand that Councillor Val Hartrey will be requesting a site visit to review the location and position of the development prior to the Application being determined.

We would ask you to note that the Appendices noted on your Planning Portal Officers Report do not show. We understand that Highways have made several points about the development proposals in respect of visibility, access and parking none of which appear in the Officers Report shown.

We have advised our client to seek an immediate Judicial Review of the decision should this Application be Approved at Committee.

Yours faithfully

John Avon & Co

2007/00711/FUL

P.234

Our Ref: B.HJON.NGI

Your Ref:

Date: 7 November 2007

The Vale of Glamorgan Council
Development and Economic Regeneration
Planning Department
The Dock Office
Barry Docks
Barry CF63 4RT

**JOHN
AVON**
— & Co. —

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Dear Sirs

Planning Application Ref: 2007/00711/FUL
Residential development at
Old Farm Mews, Dinas Powys.

We have been instructed by Miss H Jones of Ty Cefn, 4A Station Road Dinas Powys to make objection on her behalf to the proposed development of an area of vacant land adjacent to 4 & 4A Station Road Dinas Powys.

The first point we are instructed to comment upon is the lack of written notification to Miss Jones about the development proposals. She did not, so we are informed, receive any written notification about the Application. We are given to understand that others in the vicinity did receive letters from you containing notices about the application. As an immediately adjoining neighbour to the site, and perhaps one most affected by any development of the land, it is of some considerable concern that no written notification was provided.

In summary the points we raise as objection to the proposed development are:

- The proposed development would greatly overshadow the immediately neighbouring dwelling removing most of the daylight from habitable rooms and indeed all of the sunlight from habitable rooms.
- The proposed development does not take into consideration overlooking of habitable rooms in the neighbouring dwelling.
- The design of the proposed development is incongruous as the site is located in the centre of a Conservation Area.
- The proposal shows an over development of a small site leaving very little, if any, amenity space for the dwellings.
- The proposed development takes no account of DDA requirements for access; the proposed footpath/pavement is barely 900mm wide.

We provide more substantial detail to those objections noted above as follows:



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N G Iveson MRICS
P J Iveson Dip ID

VAT Reg No 484 2173 41

We have now had the opportunity of making an inspection of the planning Application submitted by Hoole & Walmsley Architects as agents on behalf of Poil Developments Ltd Reference 2007/00711/FUL.

We note there are several inconsistencies in their submissions that we consider you should be aware of prior to your determination of the Application, together with several other matters that we consider you should have regard to prior to determination of the Application.

Firstly in the Design Statement included in the Application pack reference is made, Page 2 paragraph 2, to the existing surrounding properties.

“the site is an infill site set between a former estate agents and a former newsagents”

Even at a cursory inspection of the site by the Applicants or their agents they could not have failed to notice that to the north there are two dwellings. At a glance neither are used, or purport to be used as anything other than dwellings whatever their previous use. Whether or not the premises was once a newsagents is somewhat immaterial since they have been dwellings, with or without retail use at the front, for some years. To the south side of Old Farm Mews what was described as a former estate agents office is in fact quite clearly a single dwelling and has been such for some time.

It is of extreme concern that no other reference is made in the Design Statement to the properties at the north or south of the application site as being anything other than former retail or office premises. It is somewhat disingenuous of the Applicants Agents to describe the properties that immediately about the Application site as being “former” premises and not what they actually are. Quite clearly this description has been included to provide the impression that a residential development adjacent to retail premises would be more acceptable. It is of course possible that the Applicants or agents would not expect a Planning Officer to carry out a site inspection.

Page 2 Paragraph 3 notes that there are six dwelling served from the private access road known as Old Farm Mews, indeed the access road is shown as being in the ownership of the Applicant.

The Application shows it is proposed to build four additional dwellings with access along Old Farm Mews. There are already six dwellings sharing this same access.

We should be pleased to learn what the Authority’s Policy and Guidelines are on Private Estate Roads and the number of dwellings that may be served from such a road. If the road is to be adopted we would appreciate the Authority’s Guidelines on the minimum width of such access roads and provision of pavements for pedestrians.

We also did not note any Access Statement prepared by the Applicant or his Agent. From an inspection of the plans, access to parts of the proposed development appear difficult given the difference in levels along the access road. The width of the pavement is shown at about 0.9M. We should be pleased to learn of your guidance on this issue and accessibility.

However, we are particularly concerned here with the proposal to construct a pair of semi-detached dwellings at the eastern edge of the site fronting Station Road. It is these proposals that would most affect our client, Miss Jones, at 4A Station Road.

The proposals show, on Plan Ref No 1001-AL10, a ground floor layout plan of the development. This appears to be built directly against the north boundary. This boundary is the boundary wall to the property's 4 and 4A Station Road that are situated at the north side of the site.

Plan Ref No 1001-AL11, shows a first floor layout plan of the proposed development. This indicates a window to a habitable room positioned in the north elevation, that is, the wall against the boundary. What the proposals do not show however is that the dwelling at 4A has windows to habitable rooms on its south elevation such that the two are directly opposite. This plan also shows a balcony to the west elevation that is also directly overlooking the windows to the dwelling at 4A.

Plan Ref No 1001-AL12, shows a second floor layout plan. This indicates a balcony to be constructed to the north and west of the proposed dwelling both of which directly overlook the property at 4A. This plan also shows a balcony at the front of the proposal, the east elevation, directly overlooking the property to the front No 4 Station Road.

Plan Ref No 1001-AL33, shows a proposed north elevation of the development. The lower portion of the development, towards the eastern end of the site, fronting Station Road, cannot be seen except from within 4 and 4A. Both these dwellings are along the north boundary. It is not therefore a possible view of the proposed development unless both 4 and 4A Station Road are demolished.

We have checked the height of the proposals and the height of the existing dwellings and found the following:

The height of the eaves to Ty Cefn, 4A Station Road, is 5M from pavement level;

The proposals show a development on the immediately adjoining site of three storey's having a height to the flat roof of 9.5M above pavement level

This is nearly twice the height of the existing dwelling at 4A.

The proposal is sited as shown and indicated on the drawing as not more than 2.5m away from the front elevation of the dwelling at 4A.

4A Station Road faces south and has windows to habitable rooms **only** to the south, front, elevation at ground floor and to a habitable room, a bedroom, at first floor. It is highly realistic to assume that were the development to proceed there would be little or no natural light admitted to these rooms. Indeed there are no windows to the north or east elevations of the dwelling. There is only a single window to the west serving a bedroom at first floor. This window would also be directly overlooked by any adjoining development of more than single storey height.

The width of the small yard to the front of 4A, between the front elevation and the boundary wall was measured. We note this measurement to be not more than 2.3M. Therefore we can safely assume that were the development to proceed then there would be little or no daylight afforded the ground floor main habitable room of 4A.

While the Right to Light is not, in itself, a Planning issue, we consider that to grant permission for a development that would certainly so flagrantly flout modern socially acceptable living standards and basic amenities, such as daylight, would be a retrograde step for the Authority.

Furthermore we are given to understand that Miss Jones is not minded to allow access over her land for the purposes of erecting scaffold to enable access during construction. This is her right in law.

We have also made study of the previous Planning Applications made on this site. We have also been afforded the opportunity of studying the Application made to convert the original retail shop and living accommodation at 4 Station Road to two separate dwellings, now 4 & 4A. For ease of your reference this is Planning Application No 01/00800/FUL.

It was clear that during the course of the work being undertaken to carry out the conversion and alteration of the original retail/living premises to two separate dwellings several matters were brought to the attention of the developer and his agent about the appearance of the converted dwellings. It is clear that the premises are located in a Conservation Area, as does the adjacent site, now the subject of an Application.

Mr Nick Renwick of Noel Architects, the agents, requested permission on behalf of the developers to remove a chimney stack atop the property now known as Ty Cefn 4A Station Road.

From a letter dated 03/05/02 signed by Miss H M L Buckingham of the Vale of Glamorgan Planning Department to the developers agent, we quote-

“Removal of the chimney stack is considered detrimental and would impact upon the character of the building and upon the historic character of the Conservation Area. The Vale of Glamorgan Council would therefore not support the proposed loss of the chimney stack.”

The letter goes on to quote the various policy notes ENV15, ENV18, ENV25 and guidelines and advice contained within the Planning Guidance Wales together with Circular 61/96 (Historic Environment), and, perhaps quite significantly,-

“Chimney stack details make an important contribution to the character and appearance of a building and are sometimes useful in estimating periods of construction styles Architects and contractors.

Although the loss of individual stacks may not appear significant, cumulatively the loss of chimneys, or their unsympathetic modification can have a significant impact on the quality of the historic character of a conservation area”.

We also quote from the notes of the Conservation Officer

“This building is very important in the setting of the Conservation Area both to the front elevation over looking the square itself and to the exposed side elevation”.

In the file you have there is some considerable correspondence with the Architect, Mr Nick Renwick, about the style of the proposed alterations and conversion of a single dwelling with shop to two separate dwellings. This correspondence concerns the external appearance and details to be incorporated in the completed project. Some of these refer to the details of sliding sash windows and double-glazing, use of renders and colours as well as the retention of the chimney stack.

In determining the Application before you we consider you should have special regard to the not inconsiderable effort and work that has gone into the alteration and conversion of the property at 4 & 4A Station Road to ensure that the finished building met with strict Guidelines for the Conservation Area in which it obviously prominently features. The application before you seeks to obliterate *the exposed side elevation* (facing south and therefore to the immediate north of the application site) that just six years ago was deemed particularly worthy of consideration by yourselves as important in the setting of the Conservation Area.

Turning now to the history of the site of the proposed application we have seen the past files showing the applications and the determination.

In 1983 the vacant site was granted Outline Planning Permission Ref No 83/0247 for the erection of offices, shops and residential.

A number of Conditions were attached to the permission in particular:

Condition 4. " Detailed Plans shall show a scheme which pays due regard to the privacy and amenity of adjacent properties";

Condition 5 "no windows of habitable rooms of the proposed property shall directly overlook the windows of the habitable rooms of any other property at a distance of less than 70 feet";

and

Condition 6. " shall be low profile single storey..... "

The Grant of permission has now lapsed since no development took place regarding the proposed use of the site at the front as shops offices and residential.

We refer again to an application made by the same developer Ref No 84/0117 which was approved with Condition imposed:

"Approved but with a low profile single storey with no overlooking"

Some considerable correspondence ensued from the Council to the Applicants Agent about the overlooking to 4 Station Road and loss of light to the habitable rooms of 4 Station Road

Yet a further Application for the same site was made, again by the same developer, in 1997 Ref No 97/0769. This was Refused for the reason:

"1) The proposal represents development out of keeping with the character of this part of the Dinas Powys Conservation Area and would therefore be contrary to Policy EV19 of the Approved County of South Glamorgan Structure Plan and Policies C1 & C2 of the Approved East Vale Local Plan".

You have before you for consideration a scheme for development of the vacant land that is not so much different, in terms of use and density of development, from those that the Applicant has previously applied for. However, in this instance the proposals show a modern structure that is not at all in keeping with the surrounding area and is certainly not even worthy of consideration in a Conservation Area despite the Agents referral to several previously constructed schemes that, as far as can be ascertained, are outside the Dinas Powys Conservation Area and were constructed, at the latest, ten years ago.

It should be noted that the Planning Authority saw fit to grant the application, ref 01/00800/FUL, to alter 4 Station Road to two separate dwellings after refusal of the application reference 97/0769

We are aware that the Right to Light is not a consideration when granting Planning Permission. However, the Right to Light does, in law, over-ride Planning Permission. It has been demonstrated above, that there is an established use of habitable rooms in the properties now known as 4 & 4A Station Road for a minimum of twenty years. This leads us to the conclusion that should the development be granted permission there would be a strong case for an Injunction against the developer from carrying out any development of the land. We would suggest to our client that this is a course of action open to her.

In the light of the above, and in particular the fact that Miss Jones did not receive a letter of notification about the Application, you will take note of the objections to the proposals and application by Poil Developments Ltd.

Yours faithfully



N G Iveson MRICS
John Avon & Co

Our Ref: B.WALK.NGI

Your Ref:

Date: 8 November 2007

The Vale of Glamorgan Council
Development and Economic Regeneration
Planning Department
The Dock Office
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Dear Sirs

Planning Application Ref: 2007/00711/FUL
Residential development at
Old Farm Mews, Dinas Powys.

We have now been instructed by Mr & Mrs G Walker of 4 Station Road Dinas Powys to make objection on their behalf to the proposed development of an area of vacant land adjacent to 4 & 4A Station Road Dinas Powys.

We have previously been instructed in this matter by Miss H Jones of 4A Station Road. In general the objections put forward on behalf of Miss Jones are broadly similar to those now made on behalf of Mr & Mrs Walker, that is, in summary:

- The proposed development would greatly overshadow the immediately neighbouring dwelling removing most of the daylight from habitable rooms and indeed all of the sunlight from habitable rooms.
- The proposed development does not take into consideration overlooking of habitable rooms in the neighbouring dwelling.
- The design of the proposed development is incongruous as the site is located in the centre of a Conservation Area.
- The proposal shows an over development of a small site leaving very little, if any, amenity space for the dwellings.
- The proposed development takes no account of DDA requirements for access; the proposed footpath/pavement is barely 900mm wide.

Mr & Mrs Walker did in fact receive a notification from yourselves about the Application. Unfortunately this coincided with the birth of their first child so, perhaps understandably, little notice was taken and they did not see the drawings at that time.

However, as noted above their objection to the proposal is in similar vein to the objection made by Miss Jones.



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4 Station Road may well have been a newsagents shop with living accommodation previously but it is now patently obvious that it is a dwelling to which access is gained along a narrow path at the south side of the building. To refer to the property as a former newsagents with the implication that it is now no longer in use is, as noted in our previous letter, somewhat disingenuous of the Applicants Agents, Hoole and Walmsley.

The proposals show, on Plan Ref No 1001-AL10, a ground floor layout plan of the development. This appears to be built directly against the north boundary. This boundary is the boundary wall to the property's 4 and 4A Station Road that are situated at the north side of the site.

Plan Ref No 1001-AL11, shows a first floor layout plan of the proposed development. This indicates a window to a habitable room positioned in the north elevation, that is, the wall against the boundary. What the proposals do not show however is that the dwelling at 4 has windows to habitable rooms on its south elevation such that the two are opposite. This plan also shows a balcony to the east elevation that is also directly overlooking the windows to the dwelling at 4.

Plan Ref No 1001-AL12, shows a second floor layout plan. This plan shows a balcony at the front of the proposal, the east elevation, directly overlooking the property to the front No 4 Station Road.

Plan Ref No 1001-AL33, shows a proposed north elevation of the development. The lower portion of the development, towards the eastern end of the site, fronting Station Road, cannot be seen except from within 4 and 4A. Both these dwellings are along the north boundary. It is not therefore a possible view of the proposed development unless both 4 and 4A Station Road are demolished.

There are roof lights on the south side of the pitched roof to 4 giving natural light to a habitable room, a bedroom. The height of the proposed development would allow overlooking directly from above into that room.

We have checked the height of the proposals and the height of the existing dwellings and found the following:

The height of the eaves to 4 Station Road, is 6M from pavement level;

The proposals show a development on the immediately adjoining site of three storey's having a height to the flat roof of 9.5M above pavement level

This is somewhat higher than the height of the existing dwelling at 4.

The proposal is sited as shown and indicated on the drawing as not more than 2 m away from the front elevation of the dwelling at 4.

4 Station Road faces south and has windows to habitable rooms at first floor, a bedroom, and at second floor there are roof lights giving daylight to a bedroom. It is highly realistic to assume that were the development to proceed there would be little or no natural light admitted to the first floor bedroom and the current proposal would allow over looking from a higher level into the bedroom at second floor.

The width of the small yard to the front of 4, between the front elevation and the boundary wall was measured. We note this measurement to be not more than 1.8M.

While the Right to Light is not, in itself, a Planning issue, we consider that to grant permission for a development that would certainly be against modern expectations of ordinary householders to benefit from natural light and have some degree of privacy. It is also certainly contrary to Planning Guidelines.

It is certain that Mr & Mrs Walker would not permit the yard area that serves as the pathway to their front entrance to be used for the erection of scaffold to aid the construction of the development and they are perfectly within their legal rights to do so.

Regarding the matters of the Application 01/0080/FUL made for the conversion of the premises at 4 Station Road we would refer you to the letter sent by this practice dated 7 November on behalf of Miss Jones which details the correspondence and notes regarding the renovation of the property and the appearance relating to the Conservation Area. The same comments apply.

As far as previous Application on the vacant site adjacent we would again refer you to our letter dated 7 November sent on behalf of Miss Jones as again exactly similar comment applies.

We would ask that you take this letter as a strong objection to the proposals contained within the Application ref. 2007/00711/FUL

We look forward to hearing from you in due course

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N G Iveson', written over a horizontal line.

N G Iveson MRICS
John Avon & Co

WESTERN PERMANENT PROPERTY MANAGEMENT COMPANY

46 WHITCHURCH ROAD
CARDIFF CF14 3LX
TEL: 029 2023 5151
FAX: 029 2066 8806
info@wppmc.com

Head of Planning & Transportation
Vale of Glamorgan Council
Barry Docks
Barry
CF63 4RT

9th November 2007

Dear Sirs,

Re: Planning Application for Development
Application 2007/00711/Ful
Old Farm Mews, Station Road, Dinas Powys

As nominated Managing Agents to Britway Court, we have been instructed to contact you in regard to the proposed planning listed above.

Understandably, the residents vehemently oppose such a proposal citing several valid factors;

1. Any such development would infringe the privacy of our clients.
2. The proposal is certainly not conducive to maintaining the aesthetics of a conservation area.
3. Vehicle negotiation, especially of the emergency kind, will be severely hampered by additional properties being developed within such a limited proximity.
4. The values of our clients' properties will almost certainly be affected detrimentally.

We trust the comments will be considered and ultimately lead to the refusal of the proposal when all factors are taken into account.

We await your response.

Yours faithfully,



N Gregory
Managing Agent
Britway Court Limited

CYNGOR CYMUNED DINAS POWYS COMMUNITY COUNCIL

PAGE NO. THREE

PLANNING COMMITTEE - MONDAY, 8TH OCTOBER 2007

DATE OF APPLICATION	REF. NO. OF APPLICATION	NAME AND ADDRESS OF APPLICANT OR AGENT	PLANNING TYPE OF APPL.	LOCATION AND DESCRIPTION OF DEVELOPMENT	DECISION OF COMMITTEE
27.09.07	2007/01313	Narrowband Wayleave Office Harlescott Lane Shrewsbury (On behalf of British Telecommunications Plc)	PNT	Footway – Junction Elm Grove Road/ Elm Grove Lane DINAS POWYS (Pole to be removed from garden of 12 Elm Grove Lane) 1 x Wood Pole – 9 Meters with 7.2 to 7.5 meters above ground with 1.8 to 1.5 meters below ground.	NOTED.
02.10.07	2007/00711 SHC.	Poill Developments (West) Ltd 26 John Batchelor Way Penarth Marina PENARTH	FUL	Site at Old Farm Mews/Station Road DINAS POWYS <u>Amended/Further Details</u> New housing scheme providing one semi-detached and two detached dwellings.	We reiterate our previous views that whilst we would welcome a development on this derelict piece of land we do not consider the design of the properties to be suitable for an area within the Dinas Powys Conservation area.

A. B. HODGSON
Clerk to the Council

2007/00711/FUL

P234

Goldsworthy, Marcus J

From: Jacqui Walmsley [jacqui@hoolewalmsley.com]
Sent: 14 November 2007 09:32
To: mjgoldsworthy@valeofglamorgan.gov.uk
Cc: 'hoole & walmsley ARCHITECTS'
Subject: Old Farm Mews

Dear Marcus,

I have had a look through the planning committee agenda. I am slightly concerned that the comments from highways in the appendix have been included without revision as it could raise concerns with committee.

I understand Jane Croft intends to include conditions in an approval, however it may be helpful if I make you aware of our response to the comments should it come up for discussion at committee.

Response to Highways comments:

1. 2 parking spaces have been created for each property. Current problem parking on the lane that causes obstruction for other vehicles requiring access to Old Farm Mews, is naturally alleviated as garages would be obstructed by parked vehicles.
- 2 & 3. The proposals follow the latest Manual for Streets Guidance. We propose that the established shared use of the existing lane is allowed to continue, with a private verge allowing intermittent pedestrian refuge along its length, with ground cover planting where required to allow for a 2m vision splay for emerging vehicles, taken from the edge of the shared use lane. Service runs exist within the lane and street lighting already exists on the south side of the lane, to the rear of the Huntsman restaurant, and at the top end of the proposed site negating the need for maintenance strips. We propose the road as constructed be adopted on completion of the development as originally intended under a section 38. We also note that the section 38 referred to, accommodated two storey building across the full width of the road creating a tunnel (attached to the now listed adjacent property) through which access to the rear development would be gained.
4. Includes an inaccurate statement; the plans indicate sliding & sliding inward folding gates with no outward opening.

I hope this is helpful. Please don't hesitate to contact me if you require anything else. My mobile is 07971833046.

Kind Regards,

Jacqui Walmsley

Hoole & Walmsley Architects
RIBA Chartered Practice

Thomas, Rob

From: Clay, Catherine V L (Cllr)
Sent: 12 November 2007 16:24
To: Thomas, Rob
Subject: planning matters. Please take 2&3 to committee.

1) Application no. 2007/01411/FUL Garden of Ty Canol, Penllyn

If you are minded to recommend approval of this application I would ask that the delegated be removed and that it comes to committee.

2) Application no. 2007/01098/FUL Limes Gate Cottage, Cowbridge.

This application is recommended for approval in spite of the fact that it is in a conservation area where I feel that it will look totally out of place. The new houses that have been built on the old garage site have a well finished wall between them and the river which does not look intrusive nor spoil the view from the old bridge. The proposed decking which will stick out over the river will be very visible from the bridge and will be incompatible with everything around it as well as being a particular eyesore for the neighbours, and intruding on their privacy.

I would like to support my fellow councillor in asking committee to go on a site visit before deciding this application

Yours Catherine Clay

3) Application no.2007/00187/FUL Garden of Chestnut Tree Cottage, Penllyn

In view of the complicated planning history on this site and the dismissal of a previous appeal I would ask committee that they go and see this plot of land before they make a decision.

Yours Catherine Clay

Date/Dyddiad:
Ask for/Gofynwch am:
Telephone/Rhif ffôn:
Fax/Ffacs:
Your Ref/Eich Cyt:
My Ref/Cyt:
e-mail/e-bost:

11 November 2007

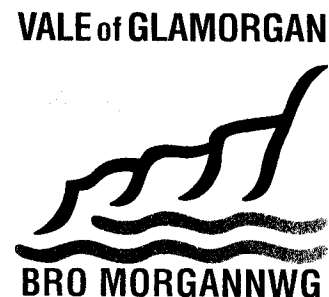
01446 773637

Mr D R Thomas
Head of Planning & Transportation
Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

The Vale of Glamorgan Council
Members of the Council's Office.
Civic Offices, Holton Road, Barry CF63 4RU
Tel: (01446) 700111

Textphone/Ffôn Testun: (01446) 709363
www.valeofglamorgan.gov.uk

Cyngor Bro Morgannwg
Swyddfa Aelodau'r Cyngor,
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU
Ffôn: (01446) 700111



Dear Rob

**Planning Application Ref 2007/01098/FUL
Limes Gate Cottage, The Limes, Cowbridge**

The planning application detailed above is on the agenda for the Planning Committee to be held on Thursday 15 November 2007.

I should be pleased if table for members at the meeting the attached photograph. This shows the river Thaw and the rear of Limes Gate Cottage where building work is taking place, and where the application is for the provision of timber decking extending over the river.

I believe that the photograph will help members who do not know the area in their deliberations.

Yours sincerely

GEOFFREY COX

27 St John's Close, Cowbridge

Please reply to home address:
Anfonwch eich ateb i'r cyfeiriad cartref:

John Maitland Evans, Chief Executive/Prif Weithredwr
Directors/Cyfarwyddwyr: James Cawley, Community Services/Gwasanaethau Cymunedol; Sian Davies, Finance, ICT & Property Services/Cyllid, TGC ac Eiddo;
Peter Evans, Legal & Regulatory Services/Y Gyfraith a Gwasanaethau Rheoli; Bryan Jeffreys, Learning & Development/Dysgu a Datblygu;
Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac Economaidd.
Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg



ANDERSON AND ASSOCIATES
Architectural Consultants Surveyors and Planners

39 High Street, Cowbridge
Vale of Glamorgan, U.K.
CF71 7AE
Tel/Fax: 0044 1446 772180

E-mail: isaac@ander-assoc.freemove.co.uk

Your Ref:
Our Ref: IB/GB

8th November 2007

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

Dear Mr. Thomas,

Re: Limes Gate Cottage, The Limes, Cowbridge – Proposed timber decking
Application No: 2007/01098/FUL

Further to the above we will appreciate it, if you could copy this letter and enclosure to each Council Member of the Planning Committee, determining this application.

We will briefly point out some relevant items as follows:

No neighbours living adjacent or near the above property, will be affected by the proposed decking. The only location where the decking will be viewed, is from the High Street, over the bridge. Please see enclosed sketch view.

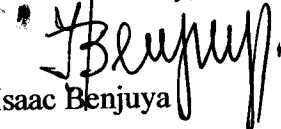
The proposal has been approved by the Environment Agency.

An example of existing decking/bridge over the river Thaw, is by the Café at the Penny Lane end, where it is also used for setting customers around tables over the river.

This proposal will not constitute a precedent by itself, because:

- a) There are no other similar locations in Cowbridge, where fronting the decking is an existing non residential building.
- b) The projecting deck will be at least 3m away from the adjacent property to the West, and 1m to the car park at the East.
- c) The proposed planting along the front of the deck, will provide screening and privacy, as shown on the enclosed view drawing.
- d) Decking materials will be black steel cantilevered joists, and railings, in keeping with the character of the conservation area, and as recommended by the Planning and Conservation Officers.
- e) Although this proposal will provide a much needed additional amenity area to the dwelling (main reason for its design), the total resulting amenity area will still be below the minimum standard required for new built.
- f) Views from High Street will show the property being in harmony with its original character, and in addition, the proposal will provide an interesting and quaint feature which will enhance the local environment.

Yours sincerely;


Isaac Benjuya

P.S. Attached is a letter from the Applicant.

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

7th November 2007

Dear Mr. Thomas,

Limes Gate Cottage, The Limes, Cowbridge, proposed decking.

With regards to the above, I will be obliged if you, and the Council Members determining this application, could take into account the following points supporting this application.

1. The timber decking design is to give Limes Gate a much needed amenity space, more in proportion to the size of the new traditional house (planning permission granted for 1st floor extension, 1st May 2007). In order to maintain two car parking spaces, avoiding further High Street parking, very little amenity space remains (approximately: 10' by 12'), for a detached property.
2. The timber decked garden will be seen from the High Street, and every attention has been given to ensure a pleasing and attractive feature, which can be enjoyed by Cowbridge residents and visitors to our Market Town.
3. The design has been created to conform to both the requirements of the Planning and Conservation Departments, aesthetically, and the Environment Agency's regulations and their regard for wild-life and the waterway. Therefore the work will abide by the requirements of two official bodies.
4. With regard to objections raised by my next door neighbour, and neighbouring friends objections:
Firstly, this property was sold to me by Reed & Evans, my next door neighbours and main objectors.
Secondly, the rear timber-decked garden cannot be seen by residents at The Limes. Neither neighbours' amenities, nor their views are impacted by this proposal. Therefore I suggest that any neighbours' objections have no factual reason or validity in this case, as in the same way as all Cowbridge residents, they will see this timber decked-garden from the High Street only, and not from their own properties. It is therefore important to creating an attractive vista for all.
5. No precedent would be set by acceptance of the proposal. Further upstream, to the other side of High Street, a bridge has been built spanning the river Thaw. This bridge is used for commercial purposes providing a seated serving area for a coffee shop: A feature over the entire river's width.

(Continued)

(Continued)

6. The Planning Department recommend this proposal for approval.
7. I am very much aware that my property looks in shabby state at the moment. However, optimally, the structure of the timber-decked amenity space needs to be built in conjunction with the new rear house extension. As a result, building works have to cease until this matter is resolved, and so the "eyesore" will remain.
8. I therefore hope that the Council will agree with the Planning Department and the Environment Agency and approve this proposal, allowing me to get on with building my home and decked garden, with the latter adding to the charm of the view down stream, over the river Thaw.

Please can you copy this letter to the Councillors for their information. Thank you.

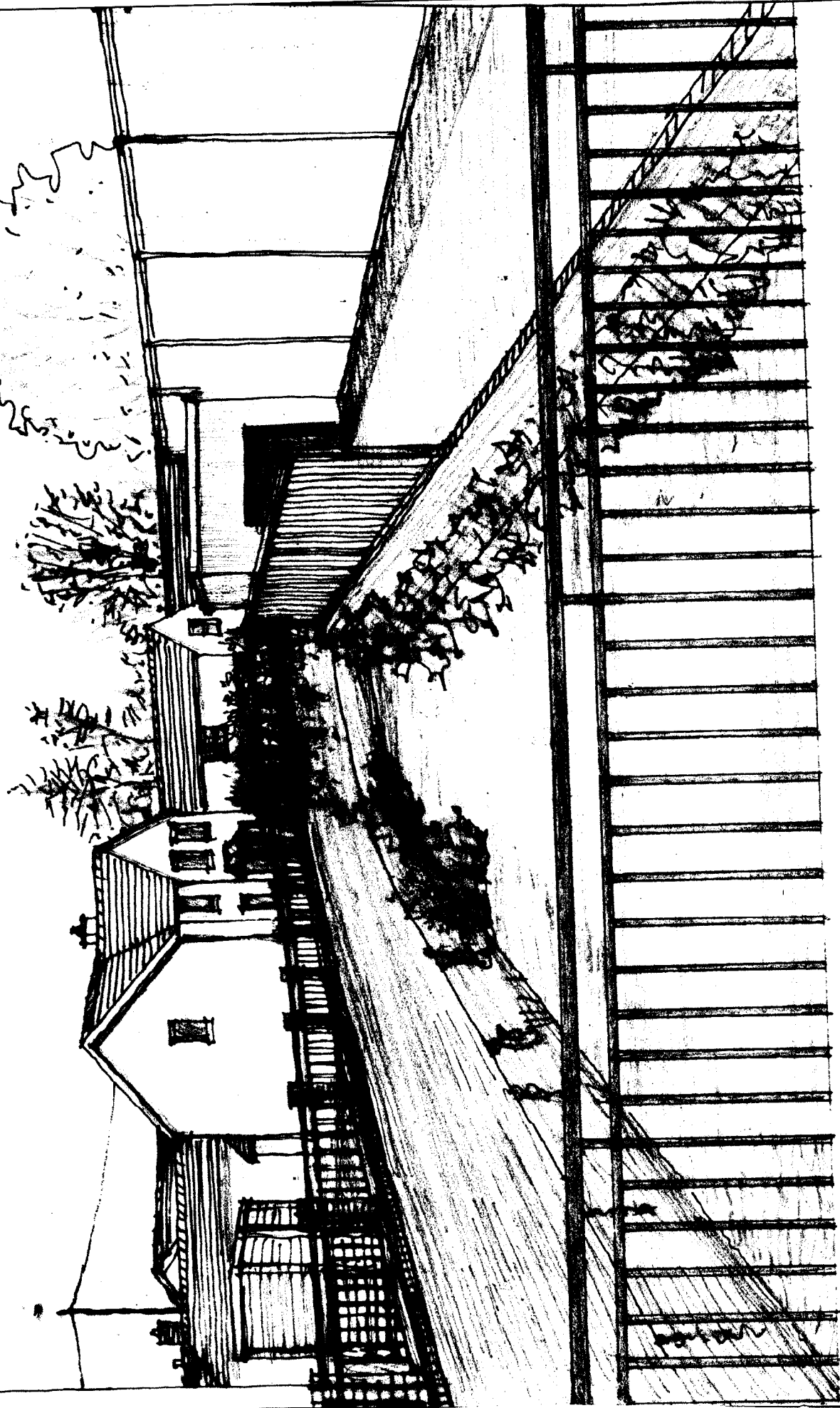
Yours sincerely,



Mrs. Catherine Rosewell

The Old Post Office
Boverton
Llantwit Major
Vale of Glamorgan, CF61 1UF

LIMES GATE COTTAGE - REAR PROJECTING DECK -



VIEW FROM HIGH STREET

Thomas, Rob

From: Thomas, Rob
Sent: 13 November 2007 16:17
To: 'Contar Ltd'
Subject: RE: Planning application at the Villa, Gwern-y-steeple, Ref 2007/ 01277/OUT

Mr Thomas,

I acknowledge receipt, and thank you for your response

Regards

Rob Thomas
Head of Planning and Transportation

From: Contar Ltd [mailto:info@contarflooring.com]
Sent: 13 November 2007 14:51
To: Thomas, Rob
Subject: Re: Planning application at the Villa, Gwern-y-steeple, Ref 2007/ 01277/OUT

Mr Thomas,

Thank you for your quick response. Let me make it clear that I did not intend to suggest that you or Councillor Dobbinson had given me an indication that my proposal would result in planning approval. It was perhaps clumsy of me to refer to it being "odd". The reception I had from you and Councillor Dobbinson was courteous, and as I explained at the time, I did not expect that you could, or would, give such indications. I only felt that I had put together a good enough case to warrant approval and that the Council might look to grant approval where possible, rather than blanket refusal outside red line areas.

I note your comments about an appeal and I have sent for the appeal documents.

Thank you for clearing up the confusion about responses contained in the report to committee, and so there is no objection on which I need to comment, so the application need not be deferred.

----- Original Message -----

From: Thomas, Rob
To: 'Contar Ltd'
Cc: Dobbinson, Andrew D (Cllr)
Sent: Tuesday, November 13, 2007 2:07 PM
Subject: RE: Planning application at the Villa, Gwern-y-steeple, Ref 2007/ 01277/OUT

Mr Thomas,

Thank you for your e-mail, a copy of which and this response will be presented to Planning Committee.

I acknowledge that the letter received and referred to in the report is the letter from the Peterston Super Ely Community Council, and as a consequence the reference in the report to no response having been received from that Community Council is incorrect. Members of Planning Committee will be made aware of this fact. Members of Committee will also be made aware of the fact that there were no other representations, and I apologise for the confusion that this has caused.

With reference to the other matters relating to the assessment of the application, your supporting statement was considered as part of the assessment of the planning application, as were a range of other material planning considerations such as the Council's own Unitary Development Plan (U.D.P.). The report is our assessment of your application and clearly you are at liberty to disagree with that assessment. If you feel that the assessment is incorrect or inaccurate you do have the right of appeal to the Planning Inspectorate who will independently determine your appeal, on the basis of information submitted by yourself and this Council. The application site is as a matter of fact within the countryside in that it does not lie within a settlement as defined in the Council's U.D.P. This point cannot be disputed, and this is a point that you have been made aware of previously during our meetings.

In addition, you state that the recommendation for refusal is 'odd' given our previous meetings. This merits a response and accordingly I have to make it a point of record that at no time were you given any assurance that your proposal was

13/11/2007

acceptable. Indeed to the contrary, you have been advised that the proposal would be contrary to policy and accordingly any application was unlikely to be appropriate, notwithstanding the location of the site in Gwern-y Steeple and the characteristics of the surrounding area, and that you may well have to consider an appeal if you wished to pursue the proposal. The recommendation should not, as you seem to be suggesting therefore have come as a surprise.

Finally, I note your request for a deferment, and I can only confirm that this request will be brought to the attention of Planning Committee.

Given that you mention Councillor Dobbinson, I have ensured that he is copied into the email exchange.

Regards
Rob Thomas
Head of Planning and Transportation

From: Contar Ltd [mailto:info@contarflooring.com]
Sent: 13 November 2007 13:02
To: drthomas@valeofglamorgan.gov.uk
Subject: Planning application at the Villa, Gwern-y-steeple, Ref 2007/01277/OUT

Dear Mr Thomas,

I have been advised by Miss M C Ferreira that the application noted above is to be considered by the Planning Committee on Thursday, November 15th, and that the officer's recommendation is for refusal. This struck me as odd, considering the meetings I had with you and Concillor Andrew Dobbinson, at which the merits of my proposal were discussed. I have now seen a copy of the officer's report and have reservations about the accuracy of the information contained.

Firstly, the report states that response from the Community Council was awaited. This report was dated 8th October and must have been in the possession of the officer before the report to committee was written. The response from the Community Council also states no objection to my proposal subject to condition on siting. The Community Council report also asks that their views were taken fully into account. These views are not mentioned in your committee report.

Secondly, your report states that one letter of objection was received, reference Appendix B. The Community Council report is labelled Appendix B. If an objection has been received, I would appreciate the opportunity to comment on it.

Thirdly, it appears that no weight has been allowed to the supporting information which accompanied my application.

The proposal does not represent a dwelling in open countryside, but within a ribbon group of 32 other properties and is the only possibility for the addition of one house, so precedent should not be put forward as an excuse for refusal. It would be "rounding off" and is certainly "infill". The " side garden" site is not in open countryside as claimed. There is no access other than for residents of The Villa and the layout of the garden and the roadside hedges effectively shield the site.

To state that the proposal would be "an insensitive form of development which would adversely affect the wider visual amenity of the area and relates poorly to the existing group of dwellings " cannot be substantiated. Gwern-y-Steeple has a wide range of house types from older small semi detached houses to larger detached properties.

Because of the inaccuracies and misleading statements in your report to committee, I do not wish the application to be considered until I have had time to discuss the matter with your planning officer, and certainly not considered in Thursday's meeting

I would appreciate your confirmation that you will put in hand measures to remove my application from Thursday's meeting.

If you need to contact me, my telephone number during office hours is 773542.

Best regards, Peter Thomas.

Fe all fod gwybodaeth freiniol a/neu gyfrinachol a/neu ddeunydd dan amodau hawlfraint y neges e-bost yma. Os nad y chi sydd i fod gael y neges, neu'r un sy'n gyfrifol am ei throsglwyddo, rhaid i chi beidio a'i chopio na'i throsglwyddo i neb un arall na'i defnyddio mewn unrhyw fodd o gwbl. Mae gwaharddiad ar i chi wneud hynny ac efallai y byddech chi'n torri'r gyfraith trwy wneud hynny. Dinistriwch y neges yma acanfonwch neges e-bost at y sawl a'i hanfonodd i roi gwybod iddo fe. Dydy Cyngor Bwrdeistref Sirol Bro Morgannwg ddim yn cymeradwyo unrhyw farn, casgliad na gwybodaeth sy heb fod yn ymwneud a'n materion swyddogol ni.

13/11/2007

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Highway Observations



07 / 01293 / Out

RE:- Little West Bungalows, Southerndown.

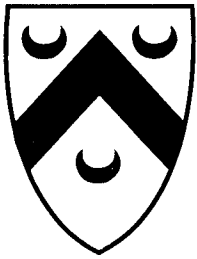
Further to a recent site inspection carried out in relation to the submitted planning application to construct an additional dwelling / holiday let within the grounds adjacent to number 2 Little West to be served via the existing single gated access off the B4524 which currently serves the numbers 1 & 2 Little West bungalows and the recently converted Home and outbuildings to 10 two bedroom luxury apartments.

The Highway Authority would advise that while no objection were raised to the previous applications for this gated development which currently exceeded our policy of a maximum of five dwellings served via a private drive were based on the existing uses of buildings.

However, In this instance the Highway Authority would object to further infill development at this location would result in an intensification of use of the existing private access road to the detriment of highway safety and further contravening of our policy for access roads serving developments greater than 5 dwellings to be constructed to our adoptable standards.

L. M. Howells
12th November 2007

Planning Officer:- Mr Steve J Ball (SJB)



2007/01348/FUL P.300
St. Athan Community Council
CYNGOR CYMUNED SAIN TATHAN

Your Reference:

Our Reference:

Please reply to:

8 Tathan Crescent
St Athan
Vale of Glamorgan
CF62 4PE

7 November 2007

Tele No 01446 – 750050

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

Dear Sir/Madam,

Re : Planning Application No 2007/01348/FUL - "Hillcrest" Gileston Road, St Athan,
- Two Dwelling

My Council oppose this application on the following grounds : -

- a) Over development of the site.
- b) Lack of adequate private amenity space.
- c) Restricted Access to site.

Yours faithfully,

John Haswell
Clerk to the Council.

2007/01348/FUL

P.300

Thomas, Rob

From: Thomas, John W (Cllr)
Sent: 14 November 2007 22:16
To: Thomas, Rob
Subject: RE: Planning application 2007/01348/FUL

Thanks Rob,
I appreciate that the recommendation is for refusal but would appreciate it if, with the chairman's permission, my letter could be tabled at committee.

Regards,

John.

Councillor John Thomas
Councillor for St Athan Ward

-----Original Message-----

From: Thomas, Rob
Sent: 13 November 2007 22:16
To: Thomas, John W (Cllr); Thomas, Rob; Goldsworthy, Marcus J
Subject: Re: Planning application 2007/01348/FUL

Cllr Thomas,

It is for refusal - i'll send the report in the morning Rob

--

Mail sent by OpenHand for PocketPC
<http://www.openhand-mobile.com>

--- Original email ---

From: Thomas, John W (Cllr) <JWThomas@valeofglamorgan.gov.uk>
CC:
Sent: 13 November 2007 21:35
Subject: Planning application 2007/01348/FUL

Thank you for the notification of the applications from my ward which are being reported to the meeting on 15th November.

Regarding application 2007/01348/FUL I do have some concerns. I am unable to attend the meeting on Thursday therefore I may wish to write a letter to be tabled at the meeting; this would however depend on the report and recommendations of the officers.

Would it be possible for you to email this report to me.

Regards,

John.

Councillor John Thomas

2006/01541/RG3

P. 310



BURGES
SALMON

Mr R Thomas
Head of Planning
Vale of Glamorgan Council

DX 38553 BARRY

Narrow Quay House
Narrow Quay
Bristol BS1 4AH
Tel: +44 (0)117 939 2000
Fax: +44 (0)117 902 4400
email: email@burgess-salmon.com
www.burgess-salmon.com
DX 7829 Bristol
Direct Line: +44 (0)117 902 2787
simon.leach@burgess-salmon.com

By Fax 01446 704622 and post

Our ref: SL02/PW02/8311.9999/LEACH

Your ref: 2006/01541/RG3

8 October 2007

When telephoning please ask for: Simon Leach

Dear Sirs

Land adjacent to Cogan Hall Farm, Penarth
Tenant: Trevor John Bailey

We have been instructed to act on behalf of Mr T J Bailey of Old Cogan Hall Farm, Sulley Road, Penarth, Vale of Glamorgan CF64 2TQ.

We have been instructed to write to you in connection with Mr Bailey's tenancy and a number of issues that arise in connection with plans to develop the farm. Our client's tenancy is a tenancy within the meaning of the Agricultural Holdings Act 1986.

We have only just been instructed and understand from our client that there is a meeting of the relevant Committee on Wednesday 10 October. Our client informs us that it was only yesterday that he saw the report that is being placed before the Committee.

Clearly we need time to investigate this matter with our client. We understand that you have already received correspondence from our client outlining a number of concerns about the development and the contents of the report.

We are writing so that you can note our interest and more importantly to request that the Committee defers consideration of the application on Wednesday so that we can have time to consider this with Mr Bailey.

Given the meeting is to take place on Wednesday, we have sent this letter by fax. Please acknowledge safe receipt and confirm that copies of this letter will be provided to the Committee members.

Yours faithfully

BURGES SALMON LLP

WORK\6543382\w.1

Also at: Chancery Exchange 10 Funnival Street London EC4A 1AB
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Burgess Salmon LLP is a limited liability partnership registered in England and Wales (LLP number OC307212) and is regulated by the Solicitors Regulation Authority. A list of the members, all of whom are solicitors, may be inspected at our registered office: Narrow Quay House, Narrow Quay, Bristol, BS1 4AH.



INVESTOR IN PEOPLE

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For the attention of Mrs J M Crofts
The Vale of Glamorgan Council
Planning & Transportation
Dock Office
Barry Docks
Barry
CF63 4RT

Sent by email: Planning&Transport@valeofglamorgan.gov.uk

Our Ref: SSL/1037.1

Your Ref: P/DC/JMC/2006/01541/RG3 13 November 2007
(Dictated 12 November 2007)

Dear Sir

Town and Country Planning Act, 1990 (as amended)
Application No. 2006/01541/RG3
Proposal: Layout and landscaping of public open space
Location: Land adjacent to Cogan Hall Farm, Penarth

Thank you for your letter dated 10 October addressed to Burges Salmon. We should be grateful if you could note that we have now been instructed to act on behalf of Mr Bailey and all further communications in this matter should be sent to us. We understand that there is a meeting of the Planning Committee this Wednesday 14 November at which the above application is again to be considered.

We met our client last Friday 9 November. We have only just had an opportunity to meet with our client and have obtained a substantial number of papers from him. We have yet to review these in detail and apart from those we are waiting for the solicitors previously retained by them in 2003 to send us their file of papers. They have called us today and told us they are retrieving their files from archives. It will be at least a few days before they are sent to us. Once we have had an opportunity to review all of those papers and take further instructions from our client then we shall be in a position to write to you substantively in connection with this particular application.

Therefore, our client requests that the application is deferred so we can write in detail. We think it will be common ground that the Council should make a properly reasoned and informed decision. Without a detailed letter on behalf of our client, the Council risks taking a decision that is not fully informed. That should be avoided.

One matter is raised now and although we have had only limited time in which to consider it, it seems to be of some importance.

The matter arises in this way:

- 1 We are instructed by our client that the above application includes an area of land that was the subject of an earlier application under the reference 02/00061/FUL. That application was received by the Council on 18 January 2002.

- 2 On 11 August 2003, the Chief Executive of the Council gave an undertaking to our client, inter alia, that the planning permission 02/0061/FUL would not be implemented by the Council. There is also an earlier undertaking in similar form in May 2003.
- 3 Our client instructs us that this application, 2006/01541/RG3, relates substantially to the same land as 02/00061/FUL. If that is correct, then it appears that the Council is trying to avoid the undertaking referred to above. Perhaps we have misunderstood the position – if that is the case, please explain how.
- 4 Leaving to one side issues relating to the merits of the application, as a preliminary point, this must first be addressed. No reference is made to the undertaking in the report on this issue which was put before the Committee on 10 October.
- 5 Meanwhile, the point about the undertaking needs to be addressed. Taking this and the need for a substantive reply into account, the appropriate course of action is for any decision to be deferred. We look forward to receiving confirmation that you agree with that proposal.
- 6 As before, we should be grateful if you could ensure that copies of this letter are provided to the Committee members.

We look forward to hearing from you.

Yours faithfully



LOXLEY LEGAL SERVICES LLP

c.c.: drthomas@valeofglamorgan.gov.uk

MEMORANDUM / COFNOD

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



To / I:	Rob Thomas
Dept / Adran:	Head of Planning & Transportation
Date / Dyddiad:	14 th November 2007
Your Ref / Eich Cyf:	

From / Oddi Wrth:	Chris Fray Head of Economic Development & Leisure
My Ref / Fy Cyf:	HED&L/CF/lje3
Tel / Ffôn:	(01446) 704630
Fax / Ffacs:	(01446) 704622

Subject / Testyn: **Planning Application Ref. 06/01541/REG3**
Proposed Layout and Landscaping of Public Open Space, on
Land Adjacent to Cogan Hall Farm, Penarth

I refer to the above planning application, which is due to be considered by Planning Committee on 15th November 2007.

I have discussed the area shown in the planning application for public open space use, with my Legal and Estates colleagues and am writing to confirm that the area delineated in the plan accompanying the application does not include land which is subject to a tenancy agreement with Mr T J Bailey.



Chris Fray

Head of Economic Development and Leisure

c.c. Marcus Goldsworthy, Development Control
Lorna Cross, Estates
Irene Thornton, Legal Services

Our Ref: B.HJON.NGI

Your Ref:

Date: 14 November 2007

The Vale of Glamorgan Council
Development and Economic Regeneration
Planning Department
The Docks Offices
Barry Docks
Barry CF63 4RT

Dear Sirs

Planning Application Ref: 2007/00711/FUL
Residential development at
Old Farm Mews, Dinas Powys.

Further to our previous correspondence in this matter we are now in receipt of the Planning officers report and recommendations. We have also made study of the various noted Planning Policies referred to in the Officer's report.

We note the Planning Officers report recommends approval of the proposed development. Clearly no regard has been paid to the Planning Guidance 'Amenity Standards' or Planning Policies. For the record we attach a copy of the Vale of Glamorgan UDP Supplementary Planning Guidance Amenity Standards.

For ease of reference the relevant clauses have been underlined. There can be no mistake or misrepresentation as to the clear meaning of those clauses underlined.

It is quite clear that the planning officer, in making a recommendation for approval, has blatantly disregarded your own guidelines and Planning Policy Wales 2002.

The Planning Officers recommendations and report to the Planning Committee are in the public domain. As you are aware the Local Authority is publicly accountable for their actions therefore we should be obliged to receive a full explanation of the reasons for the recommendation made by the Planning Officer.

Previous planning history of the site shows that permission has been refused for development of any structure other than single storey. This was noted by the Planning Department and indeed a Condition of the Approval granted was made to ensure protection of existing amenities of neighbouring properties. This was and is in accord with your Supplementary Planning Guidance Amenity Standards. Those Standards are clearly set out to ensure that developments of the nature of

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— & Co. —

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N G Iveson MRICS
P J Iveson CIPD

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this submission cannot be considered suitable to meet basic amenity standards, and, what is of more concern, this submission is wholly detrimental to the adjoining and neighbouring properties.

We understand that two members of the committee at the Planning meeting today, 15 November, are requesting a site meeting. We understand this will defer the determination of the Application. We would suggest further consideration is given to the Application to overcome what are clear breaches of Planning Policies.

Yours faithfully



N G Iveson MRICS

John Avon & Co

cc. Chris Hope Clerk to the Planning Committee

cc. Members of Planning Committee

cc. Adjoining Property owners listed objectors.



**The Vale of Glamorgan UDP
Supplementary Planning Guidance**

AMENITY STANDARDS

1. BACKGROUND

1.1 This Supplementary Planning Guidance (SPG) has been prepared in the context of Planning Policy Wales (2002) as additional information for the Vale of Glamorgan Unitary Development Plan.

1.2 The purpose of this guidance is to explain the Council's amenity standards for residential development in a clear, concise and easily interpreted manner. In doing so, it is hoped that anyone involved in residential development, whether they be a professional developer or a member of the public, will be able to understand what standards are required of their proposed developments. For the purposes of this document residential development is defined as the construction of new dwellinghouses and blocks of flats, the conversion of existing buildings into residential properties and the extension of existing dwellinghouses within the residential curtilage.

1.3 The provision of residential amenity standards can have a significant impact on the quality of developments constructed and the living environment created. The amenity standards contained within the Guidance Note are intended to ensure that new residential development within the Vale of Glamorgan contributes towards a better environment and quality of life for residents, without adversely affecting the amenity enjoyed by residents. Amenity in this instance may be considered to be the pleasantness and agreeability of living environment.

2. STATUS OF THE GUIDANCE

2.1 This guidance was approved for development control purposes by the Council on 6th January, 1999 (Minute No. 995 refers). This document has subsequently been updated in light of Planning Policy Wales (2002). This Guidance will be used as a material consideration in determining planning applications and appeals.

3. NATIONAL GUIDANCE

3.1 National Planning Guidance is contained within Planning Policy Wales (2002). This states:

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

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

3.2 In accordance with the above guidance, this Guidance Note has been prepared to supplement policies contained within the UDP. Applications for development will, therefore, be determined in the light of the guidance contained in this note and with due regard to all other material considerations.

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4. SCOPE OF THE GUIDANCE

4.1 The UDP, through policies contained within the Environment and Housing Chapter seeks to ensure that all new development within existing residential areas provides an acceptable level of amenity and privacy and does not adversely affect the amenity of existing properties. This Guidance Note seeks to expand upon the guidance contained within the Plan and to provide clarification of the Council's requirements for new residential development in the Vale of Glamorgan.

4.2 The standards contained within this Note are not intended to be prescriptive. The objective is to ensure that all new residential development is of an acceptable design and layout which respects the character and amenity of the area in which it is located.

4.3 All planning applications for residential development will be considered in the light of these standards. Relaxation of these standards will be considered where it can be demonstrated that they are justified by the particular circumstances of the development. In particular consideration will be given to the relaxation of standards for developments such as Penarth Haven which seeks to bring derelict and / or degraded land and buildings back into beneficial use.

5. AMENITY STANDARDS AND POLICIES

General Guidance

POLICY 1: PRIVACY AND VISUAL AMENITY MUST BE SECURED IN ANY PROPOSED DEVELOPMENT BY CAREFUL DESIGN OF BUILDINGS AND THE RELATIONSHIP BETWEEN BUILDINGS AND FEATURES SUCH AS TREES, HEDGES, PUBLIC SPACES, FOOTPATHS AND SCREEN WALLS AND FENCES.

5.1 It is essential that careful consideration is given to the layout and design of all residential developments and that all elements of the overall design are considered comprehensively within the context of site constraints and opportunities. Trees and hedges can provide an attractive form of screening. Screen walls and fences are features which with careful design can provide privacy, particularly along boundaries.

Changes in level, in particular by using the natural contours of the site, can be exploited to provide privacy as well as visual amenity. In formulating proposals for the layout of residential developments, careful consideration should be given to ensure that a balanced approach is taken to the design, which attempts to reconcile the visual qualities of a development with the need for crime prevention.

Amenity Space Within Residential Developments

POLICY 2: THE COUNCIL WILL ENSURE THAT USABLE, ADEQUATE AND APPROPRIATE PRIVATE AMENITY SPACE IS PROVIDED AS PART OF RESIDENTIAL DEVELOPMENT.

5.2 The amenity space provision within the curtilage of residential development is generally considered to constitute front garden areas, private rear garden areas and areas of enclosed communal space available to residents only. This definition excludes footpaths, driveways and parking areas located within the curtilage of developments. The provision of adequate and usable private amenity space within the curtilage of a development is extremely important to meet the requirements of residents for functional and relaxation space. Private rear garden areas are used for a number of purposes e.g. relaxation, entertainment, gardening and cultivation, washing and drying, D.I.Y., storage etc.

5.3 In view of both the Government's and the Council's policy to encourage recycling and re-use of household waste material (including the composting of green and organic waste) adequate provision should be made for temporary storage within new residential developments. An accessible and suitably located area of sufficient size to store dustbins/wheelibins, re-cyclable material containers and a compost bin should be identified within private amenity spaces (recommended size of hard surfaced areas are three square metres per dwelling).

5.4 The Council recognises that different types of residential accommodation may require different forms of private amenity space. Therefore, for the purposes of this guidance the Council will implement different standards for the provision of amenity space within the

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Illustration 1 : Examples of amenity space provision within the curtilage of a dwellinghouse, from L - R, a 3 bedroom terrace, a 2 bedroom terrace, 3 bedroom semi detached, 3 bedroom detached and 4 bedroom detached.



curtilage of dwelling houses and flatted developments.

(i) Provision of Amenity Space for Dwelling houses

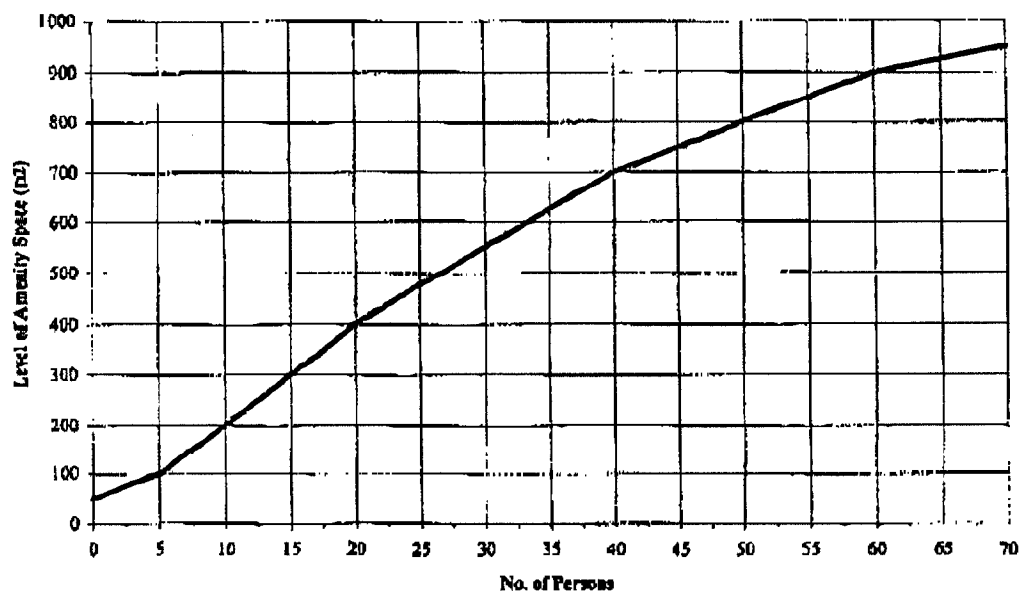
5.5 In self contained housing developers should aim to provide a minimum of 1m² of amenity space per 1 m² of the gross floor area of the dwelling (inclusive of garage space). Generally 70% of the total amenity space provided should be accommodated in the private rear garden areas of the dwelling. Gardens should be of a usable shape, long thin gardens or ones with acute angles should be avoided. An essential requirement of all private gardens is a degree of

privacy. Developers should aim to provide visual privacy for at least part of the garden. Ideally this should be achieved through the orientation of buildings, the distance between them and the positioning of windows. Illustration 1 provides an indication of how these standards may be applied in practice.

(ii) Provision of Amenity Space for Flatted Developments

5.6 The provision of individual areas of amenity space per residential unit created in flatted developments may in practice be inappropriate and unworkable. In these circumstances developers should provide private communal

Table 1 : Amenity Space provision for Flatted Developments



garden areas which are clearly defined, controlled and accessible to all occupants. Design of these areas should be carefully considered to ensure that all functional requirements of the residents, such as relaxation, clothes drying, refuse storage, etc. are located and designed in such a way as to avoid conflicts.

5.7 The size of any communal garden should relate to the number of people who have access to the space and are likely to use it. In flatted developments, developers should aim to provide a minimum of 20m² amenity space per person. The amount of space required will be calculated on the basis of maximum amount of people which can be accommodated. In practice, as Table 1 illustrates, this figure may be reduced as the number of residents intended to be accommodated within the development increases.

Residential Privacy and Amenity

POLICY 3: THE CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENT MUST RESPECT THE CHARACTER OF EXISTING RESIDENTIAL DEVELOPMENT, WHILST ENSURING THAT THE PRIVACY AND AMENITY OF SURROUNDING PROPERTIES ARE SAFEGUARDED.

5.8 A sense of privacy within a residential property, coupled with freedom from overlooking in private garden areas are fundamental to the enjoyment of residential properties. Crucial to the issue of privacy and amenity is the manner in which new development is incorporated into existing residential areas. Developers should aim to ensure that new development is designed to minimise its impact upon both the amenities of surrounding properties and the streetscene. New development should be designed to respect the form of existing housing. Consideration should be given to issues such as density, garden size and the orientation and siting of buildings.

Illustration 2 : New Development which fails to consider the urban context

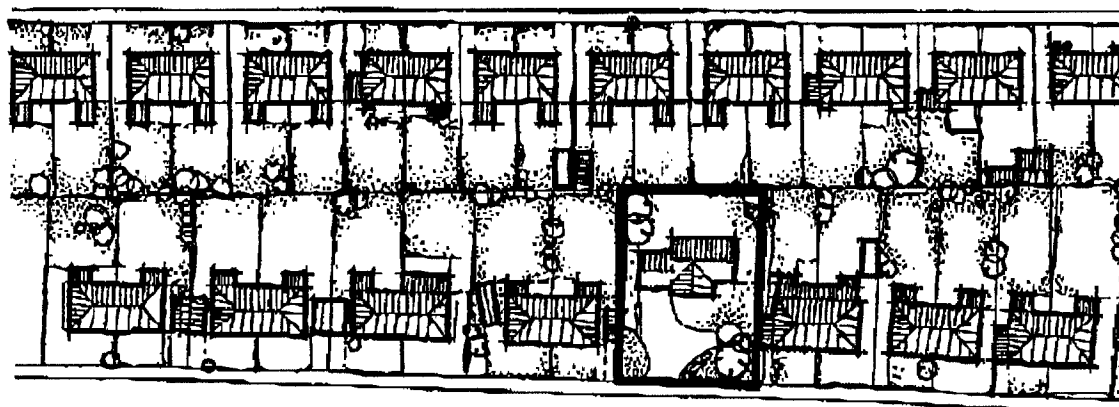
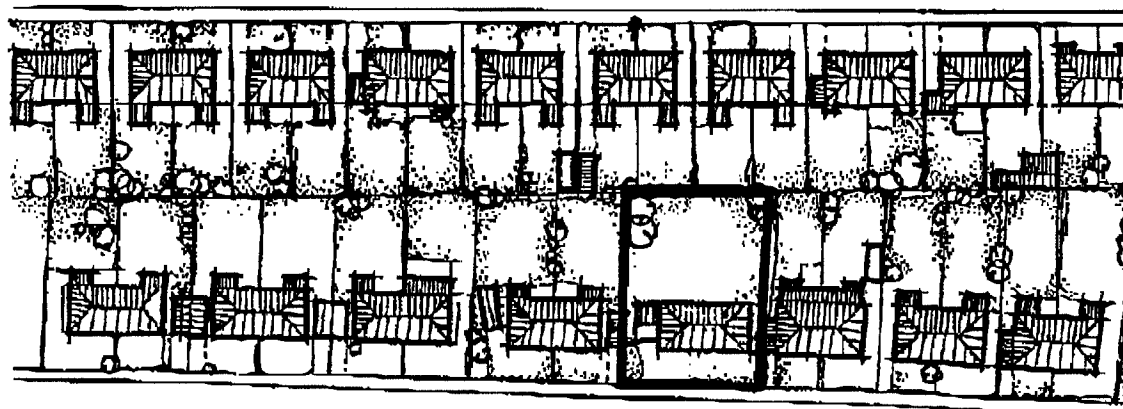


Illustration 3 : New Development which respects its urban context





Developers should aim to avoid siting new dwellings close to existing residential boundaries.

5.9 The positioning of windows, roof terraces and balconies which look directly or have the appearance of looking directly into habitable rooms of surrounding properties or allow clear views of private rear garden areas are not acceptable.

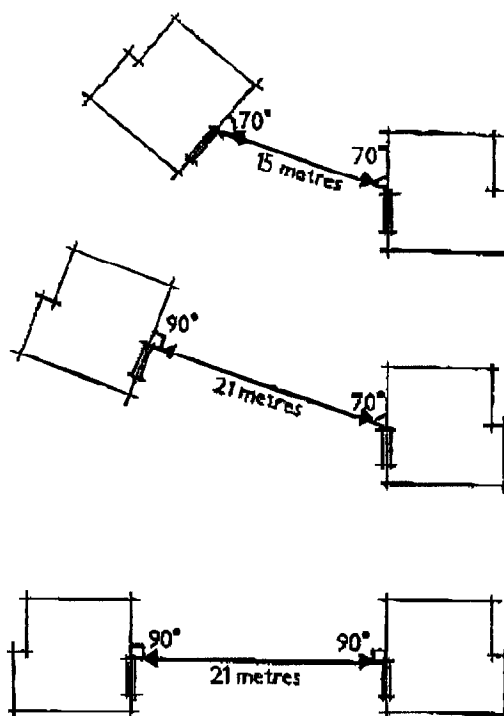


Developers should ensure that the design of new residential developments respects the privacy of surrounding properties. In order to achieve this objective the Council encourages developers to consider the use of alternative types of fenestration such as roof lights, high level windows and obscure glazing.

POLICY 4: A MINIMUM DISTANCE OF 21 METRES (70 FEET) MUST BE PROVIDED BETWEEN OPPOSING PRINCIPAL WINDOWS OF DWELLINGS.

5.10 The distance of 21 metres is in the opinion of the Council the minimum distance necessary between opposing principal windows to ensure residential privacy. A principal window is for the purposes of this Guidance Note defined as the main window, or secondary window of more than one metre in width, in a living room, dining room, bedroom or kitchen. In practice the minimum distance required between principal opposing windows may be reduced depending upon the angle of view. Table 2 provides an indication of the extent to which distances may be reduced. As Diagram 2 demonstrates, the reduction of distance between principles windows is dependant upon the horizontal angle included between the shortest line joining any part of the principle window.

Diagram 2 : Distance between Opposing Principal Windows (metres)



5.11 Many new developments located within existing residential areas are dependent upon the large garden curtilages of existing dwellings to accommodate the necessary distance. This practice is unacceptable and developers should aim to ensure that new dwelling houses have a minimum rear garden length of 10 metres.

Table 2 : Distance between Opposing Principal Windows of Dwellings (metres)

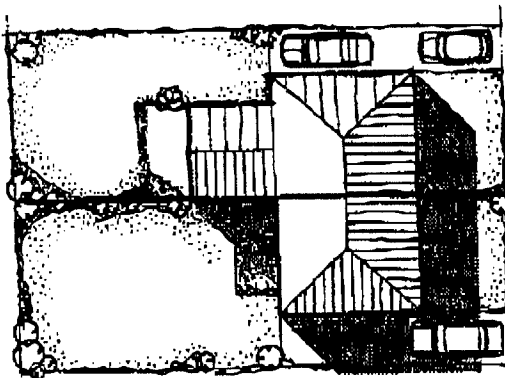
Degrees	90	80	70	60	50	40	30	20	10	0
90	21	21	21	21	15	12	8	6	4	2
80	21	21	21	15	12	8	6	4	2	
70	21	21	15	12	8	6	4	2		
60	21	15	12	8	6	4	2			
50	15	12	8	6	4	2				
40	12	8	6	4	2					
30	8	6	4	2						
20	6	4	2							
10	4	2								
0	2									



POLICY 6: THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT SHOULD NOT RESULT IN AN UNACCEPTABLE LOSS OF DAYLIGHT OR SUNLIGHT TO NEIGHBOURING PROPERTIES

5.12 The siting of two or more storey developments within close proximity of an existing residential boundary can result in an unreasonable loss of daylight and sunlight to neighbouring properties. As a result these properties and their gardens can be made gloomy and unattractive resulting in an unacceptable reduction in the quality of life of the residents. Developers should aim to ensure that development proposals do not by virtue of their scale or location result in an unacceptable loss of daylight and/or sunlight to habitable rooms or private garden areas of neighbouring properties. In order to overcome the problems of overshadowing, consideration should be given to siting the development away from neighbouring boundaries (see paragraph 5.12 above), stepping back the upper storeys of the building and the use of shallow pitched rooflines.

Illustration 4 : shows the impact a poorly designed extension can have on private garden area of the adjacent property

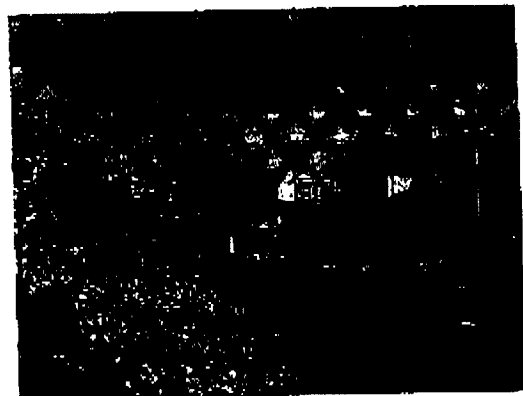


POLICY 6: PROPOSALS FOR NEW RESIDENTIAL DEVELOPMENT SHOULD CONTAIN APPROPRIATE LANDSCAPING AND HAVE REGARD TO EXISTING LANDSCAPE FEATURES.

5.13 In order to mitigate the impact of new development upon the existing urban fabric consideration should be given to the use of appropriate landscaping and means of enclosure.

Successful landscaping schemes rely on the sensitive and imaginative co-ordination of natural features such as vegetation, landform and water, together with paving, walls, lighting and street furniture. Developers should assess existing landscape features and seek to retain those of environmental and ecological value. Consideration should be given to the incorporation of existing mature trees and hedgerows into residential development and their protection during works. Guidance on this matter is contained within the Council's Supplementary Guidance Note relating to Trees and Development.

5.14 The erection of appropriate means of enclosure such as walls and fencing may also assist in mitigating the impact of new development upon existing properties. Careful consideration should be given to the siting and design of all means of enclosure to ensure that they respect the character of the area and do not unacceptably affect the amenity of surrounding properties.



An example of an attractively landscaped development

6. FURTHER INFORMATION

6.1 Further information and general advice on the submission of planning applications for residential development can be obtained from:-

Development Control Group,
Directorate of Economic Development,
Planning, Transportation & Highways,
Vale of Glamorgan Council,
Dock Office, Barry Dock,
Barry, CF63 4RT.
Telephone (01446) 704600