

16th February, 2006 Planning Committee Meeting

05/00286/FUL

Received on 22nd February, 2005

Estate of late Edward Austin C/O Hugh James Solicitors, Hodge House, 114-116 St. Marys Street, Cardiff CF10 1DY.

(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR)

LAND AT BROUGHTON, NR. WICK

6 No. two storey 3 bedroom affordable houses with carparking and garages

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

The application is for demolition within the Broughton Conservation Area.

The application was advertised on 14th March, 2005.

SITE DESCRIPTION

The site comprises an existing paddock enclosed by a stone wall and hedging. An existing single storey, stone barn is sited in the north western corner of the field. The site is located at the junction of West Street and Chapel Road.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of an existing stone barn and the erection of six affordable houses. The proposal will provide for 3 No. two bed and 3 No. three bed properties within three pairs of semi-detached two storey pitched roof houses. The proposed dwellings will have an individual footprint of approximately 5.5m x 7.5m with a ground floor, lean-to, bay window and porch projection measuring approximately 5.5m x 2.2m and with a main ridge height of approximately 7.5m. The external finishes will be roughcast render with painted timber windows and doors. No details of roof finish are provided. The proposed houses will face onto Chapel Road with each property having its own individual driveway and vehicular access onto the highway which will be widened to 6m with the provision of a 1.5m footpath. The existing bus stop and post box is shown relocated to the corner of the site with West Street. Two tandem off-street parking spaces will be provided to the side of each dwelling with turning facilities within the front garden.

PLANNING HISTORY

03/01756/FUL – Six affordable houses. Refused 25th March, 2004 for the following reason:

The proposal represents an unacceptable form of rounding off which would result in the loss of a significant area of open space which contributes to the landscaped setting and rural character of the Broughton Conservation Area. The proposal therefore amounts to new development in the countryside, which cannot be justified in the interests of agriculture and forestry, the suburban scale, form and character of which would neither preserve nor enhance the character and appearance of this part of the Broughton Conservation Area.

For these reasons the proposal is contrary to the aims and objectives of Policies S3, S4, H10, H11 and LC13 of the Mid-Glamorgan Structure Plan Proposals for Alteration No. 1. 1989; Policies EV1, EV11, H12, H15, H16, EV20 and EV21 of the Ogwr Borough Local Plan 1995; Policies ENV1, HOUS2, HOUS3, HOUS9, HOUS14, ENV18 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003); Supplementary Planning Guidance on Conservation Areas in the Rural Vale and national guidance contained within Planning Policy Wales March 2002 and TAN12 – Design.

CONSULTATIONS

Wick Community Council – Comment as follows:

“Further to the above planning application, Wick Community Council supports the original Vale of Glamorgan refusal of permission last year. However, we wish to take this opportunity to re-state our views and we have the following comments and observations on the proposed development of 6 houses at Chapel Road/West Street, Broughton.

- (a) An earlier enquiry concerning the eligibility of this land for building, elicited a response from the Vale of Glamorgan (Vale of Glamorgan reference P/DC/YL/PWP/02/Broughton, dated 19th March, 1999) to the effect that this land was outside the Designated Settlement Boundary in 1999 and could not therefore be developed as it would be contrary to Policies EV1 and EV11. In addition, according to the latest Unitary Development Plan that was recently circulated to Wick Community Council, the development status of this land remains unchanged since the 1999 decision.
- (b) The building density (6 houses on 1364M² = 0.1364 hectare = 0.337 acre) is equivalent to more than 17 houses per acre (44 per hectare). As the land in question is within the Broughton Conservation Area, such development is wholly inappropriate for this land.
- (c) Although the planning application proposes to widen Chapel Road, this would not have any significant benefit as there would be 6-12 more cars (1-2 per household) in the locality, exacerbating congestion on the narrow roads in the area.
- (d) The plans supplied with the application proposes moving the ‘bus shelter’ to an inappropriate position.
- (e) Chapel Road is susceptible to flooding (reference Vale of Glamorgan letter from Robert Munkley H/HM/RM/G7/H/019809) and further building development would only serve to worsen the problem.

- (f) Development at this site would also reduce the absorption capacity of the land itself and this would further exacerbate flooding and other drainage problems in Chapel Road.
- (g) The Chapel Road area suffers gas supply problems and an additional six households would aggravate the problem.
- (h) The sewerage capacity of Chapel Road can barely cope with current pressures and the demands of further houses would make matters much worse.
- (i) There is a question regarding the proposed demolition of the boundary wall of the site. This appears to be an old wall and may be of a similar age to that at the western end of Chapel Road, which was subject to a preservation order. If this is the case then the wall could not be demolished to allow widening of the road. Would the stone barn (not a “shed” as claimed in the planning application), require separate planning permission for its demolition?

In addition to the above comments, we would question the use of the term “affordable” in the application, because such a description is meaningless and adds nothing to the application. Also, it would be helpful if those who wished to develop the land were to make themselves known rather than remain anonymous under the term “Estate of the late Edward Austin.”

In summary, to allow any building development at the site in question would be to expose adjoining land, which is within the Conservation Area and outside the Settlement Boundary all the way to Wick and indeed in the opposite direction of Monknash, to development pressure which would then be hard, if not impossible, to resist. The development for community purposes, such as a playing area for children, would be a more appropriate and acceptable use of the land in question.

Environment Agency have submitted their “Standard Advice” Guidance Notes for Developers only.

Dwr Cymru/Welsh Water- Comment as follows:

“We would request that if you are minded to grant Planning consent for the above development that the 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 discharge must be drained separately from the site.

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

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

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

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

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

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.

Water Supply

A water supply can be made available to serve this proposed development. The developer may be required to contribute (under Sections 40-41 of the Water Industry Act 1991) towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to New Connections Design Department, Players Industrial Estate, Clydach, Swansea SA6 5BQ.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

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

Glamorgan Gwent Archaeological Trust – No objection.

The Director of Legal and Regulatory Services (Environmental Health : Pollution Section) – No comment.

Community Services, Housing Section – Were notified on 2nd March, 2005. No response to date.

The Vale of Glamorgan Conservation Area Advisory Group at its meeting on 6th April, 2005 recommended:

“REFUSED – The group recommended that the application should be refused on the following grounds:

That the designs of the proposals would not preserve or enhance the character and the visual amenity of the Conservation Area as it would be out of keeping with the remaining properties and bearing in mind the existing scale and form of the village and its setting within the wider rural landscape.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 2nd March, 2005. Letters of objection have been received from the occupiers of "The Old Carpenters Arms", "Old College House", "Broughton Cottage", "Lynden House", "Vine Cottage", "Sunnybank", "Ash Cottage", "Charlwood", "Suffolk House", "Stable Cottage", "Serenbrook", "Peny Daith", "Ty Croes", "Ivy Cottage", "Broughton Court", "Holmleigh" and "Piltown House" near Glastonbury on behalf of the occupier of "Claremont".

Whilst all the representations are available on file for Committee Members inspection, the letter from the occupiers of "Holmleigh" is reproduced at Appendix A as being generally indicative of the points raised. In summary the main points of concern relate to highway safety, the sites location outside the settlement boundary, adverse impact on the Conservation Area, drainage, wildlife and potential flooding.

The applicants agent has submitted a letter in support of the proposal which is reproduced at Appendix B.

REPORT

The site comprises an area of agricultural land at the junction of Chapel Road and West Street. The land is located within the countryside outside of the residential settlement boundary for Broughton, but within the Broughton Conservation Area. This is a revised re-submission following a refusal in March 2004 for the same nature of development i.e. six affordable houses. As such the following Policy background is relevant to the assessment of the current application.

Since the earlier refusal the Policy position has progressed with the recent adoption of the Vale of Glamorgan Unitary Development Plan 2005.

Policy ENV1 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 HOUS3 of the Unitary Development Plan carries the same presumption against the erection of new dwellings in the countryside, unless they can be justified in the interests of agriculture or forestry. Whilst Policy HOUS2 allows for the small scale "rounding off" of the edge of settlement boundaries, nevertheless this is subject to the criteria outlined in Policy HOUS9 which require that:

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

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

Policy HOUS14 relates to affordable housing. The Policy states:

"If it can be demonstrated that in the Rural Vale there is an identified local need for affordable housing, the development of a limited number of additional sites will be permitted if all of the following criteria are met:

- (1) THE SITE IS WITHIN OR ADJOINING AN EXISTING SETTLEMENT BOUNDARY.
- (2) THE SITE IS COMMENSURATE IN SCALE, DESIGN AND LOCATION WITH THE IDENTIFIED NEED.
- (3) CLEAR AND ADEQUATE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF SUCH HOUSING ARE SECURED FOR INITIAL AND SUBSEQUENT OCCUPANTS.
- (4) THE SCALE AND FORM OF THE PROPOSED DEVELOPMENT IS IN KEEPING WITH SURROUNDING USES.
- (5) 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.
- (6) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2, or 3a), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL, ECOLOGICAL, GEOLOGICAL OR GEMORPHOLOGICAL IMPORTANCE.
- (7) OPEN SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS.
- (8) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- (9) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY OR ECONOMICALLY PROVIDED.

For the purposes of this Policy, the Rural Vale is defined as beyond the settlements of Barry, Penarth, Llandough, (Penarth), Dinas Powys and Sully."

As the site is within the boundaries of the Broughton Conservation Area, Policy ENV18 is relevant. This states:

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

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

In addition, Policy ENV25 relates to the design of new developments and requires that proposals must have full regard to the context of the local natural and built environment and its special features. New development is permitted subject to certain criteria including:

- (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.

In addition to the above Policies the Council also has adopted Supplementary Planning Guidance (SPG) including "Conservation Areas in the Rural Vale", "Amenity Standards" and "Affordable Housing". The Supplementary Planning Guidance on Conservation Areas in the Rural Vale requires that new development should respect the historic context of the village in its scale, form materials and design. In addition, paragraph 3.4 refers to the landscape setting of Conservation Areas and requires that development should give high priority to landscape design in order to protect and enhance the external view of the village. Paragraph 3.9 refers to buildings and spaces in the villages and notes.

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

The Supplementary Planning Guidance on Amenity Standards covers issues relating to level and quality of amenity space, privacy, overshadowing and visual amenity. The provision of amenity space for dwellinghouses requires a minimum of 1m² per 1m² of the gross floor area of the dwelling. Generally 70% of the total amenity space provided should be accommodated in the private rear garden areas.

The Supplementary Planning Guidance on Affordable Housing has been recently adopted since the previous refusal, and sets out in detail how the Council will implement the Unitary Development Plan for policies on affordable housing. The guidance notes that exception sites for affordable housing in the Rural Vale will only be permitted if the site is within or adjoining an existing residential settlement boundary and where it can be demonstrated that there is an identified local need for affordable housing.

“Release of land for rural exception dwellings will not be supported solely on the basis of an individual or households need. In order to warrant such exceptional release of land, it will be based on the affordable housing needs of the local community, (i.e. the community/town council area) in which the site lies. The development of affordable housing outside normal planning policies is only acceptable where this condition is met. Consequently, there should be clear evidence of an unsatisfied local affordable housing need in the area that cannot be met through normal market mechanisms.”

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 – Design, Paragraph 9.3.4 of Planning Policy Wales 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.”

In addition paragraph 6.5.15 states: “...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 will be a strong presumption against the grant of planning permission.”

Advice within TAN 12 – Design, states that detailed planning permission should be granted only when the fundamental design principles of an application are clear. Once again the revised application has been submitted without any design or contextual references to its site within the Broughton Conservation Area.

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

The main changes from the earlier refusal include amendments to the design and layout. On the design there is a slight increase in the floor area of the dwellings and the pitched roof gable detailing to the front elevation of the main roof and projecting porch has been omitted. As regards the layout there has been an increase in the width of Chapel Road to 6 metres with provision of a 1.5 metre footpath; provision of a 2 metre by 2 metre vision splay to each driveway entrance with 2 No. tandem parking spaces and on-site turning facilities; and relocation of the existing bus-stop and post box to the corner of the plot.

It is considered that these amendments have done nothing to overcome the earlier objections to the principle of development in the countryside and adverse impact on the Broughton Conservation Area. Instead they serve to reinforce these earlier grounds for refusal and raise additional concerns relating to amenity space provision and the suitability of relocating the bus-stop and post box.

It is still considered that the revised application will neither preserve nor enhance the character of the Broughton Conservation Area as it will result in the loss of an important area of open space. The village of Broughton is relatively unique in layout, having grown northwards along West Street and south westwards along Chapel Road. Significant damage has been done to the latter arm through inappropriate infilling by modern and over scaled new housing. This impacts heavily on the open countryside and on external views of the village.

It is noted that the prevailing character of the West Street arm of the Conservation Area is one of appropriately scaled cottages spaced along the road at regular intervals and occupying generous plots. The buildings are set within stone boundary walls and the eastern undeveloped side has high banks and hedgerows. In contrast the Chapel Road arm of the Conservation Area is less consistent in character. The application site however provides an important area of open space at the junction between the two roads and therefore a transition between the two clearly defined areas.

It is considered that the development of this prominent open space would entail demonstrable harm to the appearance of the Conservation Area, given its predominant character along West Street and its important landscape setting. The impact of inappropriate infilling along Chapel Road provides evidence of the substantial damage already caused. However, it is considered that this sets no precedent for repeating such unacceptable forms of development. As regards the revised details that have been submitted, it is considered that the layout still fails to respect the important context of the site and its setting in stone walls with hedgerows. The proposed buildings are still suburban in context, repetitious and have much alien detail to this area and its rural context. Indeed it is considered that this damaging suburban form has been enhanced in this revised scheme, with the increase in the width of Chapel Road, provision of a footpath and vision splays to each individual entrance.

In addition it is noted that the revised scheme, with its land take for the highway improvements and increase in the floor area of the dwellings, has resulted in a shortfall of the minimum level of amenity space provision required by the Council's Supplementary Planning Guidance on Amenity Standards.

On the issue of highways it is noted that the Council's Highway Engineer has confirmed that he has no objection in principle but has highlighted a number of further improvements that would be required, including an increase in the number of on-site car parking spaces; a minimum of 1.8m for an adoptable footpath; and visibility splays of 2m x 60m in both directions measured from the centre line of the proposed access. As with the previous application it is recognised that highway improvement works could be undertaken but that such works would only add to the suburban feel of the proposal and detract from the rural setting of the site, and subsequently the character of the Broughton Conservation Area.

Such works would also further reduce the amount of land available as amenity space to serve the proposed dwelling. It is also noted that this revised application proposes the relocation of the existing bus-stop and post box. The application provides no evidence that such a proposal is feasible or would be supported by the Post Office or bus service providers. Indeed it is more likely that the re-positioning of the bus-stop immediately on the junction would detract from highway safety.

The revised application still purports to be for affordable housing. Once again, however, the application fails to provide any evidence to demonstrate that there is a need for such affordable units in the locality. In addition, no information has been provided as to the mechanism of how these units would be "affordable". Notwithstanding this, it is considered that the proposed site fails to meet the criteria outlined in Policy HOUS14 of the Unitary Development Plan and the Supplementary Planning Guidance on Affordable Housing. It is considered that the scale and form of the proposal is not in keeping with the surrounding development, and that the development of this important open space would have a serious detrimental impact on the character of this part of the Broughton Conservation Area.

In conclusion it is considered that the principle of the development of this site, even for "affordable housing", is unacceptable as it will result in the loss of this significant area of open space within the setting of the Broughton Conservation Area. It will therefore fail to represent an appropriate form of 'rounding off' of Broughton's settlement boundary, contrary to the provisions of the above policies and guidance.

In view of the above the following recommendation is made.

03862

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represent an unjustified and unacceptable form of rounding off which would result in the loss of a significant area of open space which contributes to the landscaped setting and rural character of the Broughton Conservation Area. The proposal therefore amounts to new development in the countryside, which cannot be justified in the interests of agriculture and forestry nor affordable housing, the suburban scale, form and character of which would neither preserve nor enhance the character and appearance of this part of the Broughton Conservation Area. For these reasons the proposal is contrary to the aims and objectives of Policies ENV1, ENV18, ENV25, HOUS2, HOUS3, HOUS9 and HOUS14 of the Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on 'Conservation Areas in the Rural Vale', 'Amenity Standards' and 'Affordable Housing'; and national guidance contained in Planning Policy Wales March 2002 and TAN 12 - Design.

K. S. Driscoll, 19, Cardiff Road, Dinas Powys, Vale of Glamorgan. CF64 4DH
(Meridian Building Design, The Rise, 41a, Highwalls Avenue, Dinas Powys, Vale
of Glamorgan. CF64 4AQ)

SUNNYCROFT FARM, SUNNYCROFT LANE, DINAS POWYS

New domestic dwelling to include guest suite and indoor swimming pool and
basement

SITE DESCRIPTION

The application site relates to the curtilage of a former dwelling (now demolished) located on the south eastern edge of Dinas Powys. The application site is bounded along its northern and western boundaries by the residential dwellings on Longmeadow Drive and Laburnham Way and along its southern boundary by scrub and woodland beyond. The application site is served by an un-adopted single width track, which serves 5 dwellings.

The application site is some 0.6 acres in size and measures a depth of 80 metres by an average width of 46 metres.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of a large 6 bedroom detached dwelling to include a guest suite and swimming pool and a basement. The dwelling will be of a gable style with secondary wing to the side comprising of a detached double garage with accommodation over. The rear elevation will be served by a two storey glazed canopy of an indoor swimming pool.

The main dwelling will measure 21.5 metres in length by a width of 10 metres and will have an eaves level of 6 metres and ridge height of 10.5 metres. The garage wing will measure a total width of 10 metres by a depth of 7 metres with an eaves height of 3.8 metres and ridge height of 8.1 metres. The conservatory at the rear will be sited on an excavated part of the site and will measure 16 metres in length by a width of 9 metres with a hipped roof 5.2 metres to eaves and 8.4 metres to ridge.

The dwelling will be set back from the road frontage by some 14 metres and at its nearest point the dwelling will be some 40 metres from the rear boundary of the site.

The dwelling will be finished in red facing brickwork with bath stone quoins and concrete interlocking tiles - Redland Mini stonewold (Farmhouse Red).

PLANNING HISTORY

The site has been subject to following planning history.

04/00437/OUT – Renewal of outline approval 01/00232/OUT – for five bedroom detached house. Approved 7th May, 2004 subject to conditions.

01/00232/OUT – Five bedroom detached house, double garage and stable block. Approved 13th April, 2001 subject to conditions.

CONSULTATIONS

Dinas Powys Community Council - Were consulted and raised no objection to the proposal.

The Head of Visible Services (Highways Development) - Was consulted on the application and has objected to the application based on the following.

1. The maximum number of dwellings that the Highway Authority will allow to be served from a private drive is five. The above application will increase the existing number of dwellings that are currently served off Sunnycroft Lane, from five to six.
2. Sunnycroft Lane is considered unsuitable for residential use, past the point of access to Oaks Rise due to the absence of street lighting and pedestrian facilities. Additionally, Sunnycroft Lane is considered unsuitable for two-way traffic due to the narrow lane width.

Environment Agency - Were consulted and have responded with a 'Standard Advice' Note for developers.

Glamorgan Gwent Archaeological Trust - Were consulted and they have stated that whilst there are no recorded features or finds within the area of the proposed development itself, records note that there are remains of medieval ridge and furrow ploughing to the south and later lime kilns associated with the land management of the area. As the site of the proposed house has been disturbed, it is therefore unlikely that the proposed work will disturb any archaeological material.

Dwr Cymru/Welsh Water has requested that conditions and an advisory note shall be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site and that any drain down from the proposed swimming pool has a maximum discharge rate of 3 litres per second.

REPRESENTATIONS

Neighbours were notified on 11th August, 2005 and a site notice was also posted. To date two letters of representation have been received, which raise concerns in respect of the proposed drainage facilities and concerns relating to the removal of the trees.

REPORT

The application site currently has the benefit of outline planning permission 04/00437/OUT for a five bedroom detached house, where all matters were reserved for subsequent approval. Therefore the principle of residential development of the site has previously been approved. The site comprises the former curtilage of a farmhouse which was demolished in 2000, located with the settlement of Dinas Powys at the edge of the settlement.

Policy HOUS2 of the adopted Vale of Glamorgan Unitary Development Plan 2005 supports housing infill, small-scale development and redevelopment within the settlement boundary of Dinas Powys, where the criteria listed in Policy HOUS9 are met. Policy HOUS9 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:

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 HOUS12 (Residential Privacy and Space) states that existing residential area characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Policy ENV25 – Design of New Developments states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

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

Also considered relevant is national planning policy guidance as contained in Planning Policy Wales (March 2002). In particular paragraph 9.3.2 states that “sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area....”

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

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

With regards to highway considerations, it is noted that the Head of Visible Services (Highways Development) has objected to the application, principally on the grounds that the proposal will increase the number of dwellings served off a private drive from five to six. However, it should be noted that in the previous approved outline consents for the site, the highway objection was not sustained given that the proposal was only to reinstate the former use of the site. Furthermore, whilst the application site is relatively large for a single dwelling (0.6 acres), given that the access road is an un-adopted private lane and given the number of dwellings the lane has historically served, any further development of the site or subdivision of the plot, over and above a single dwelling, would be contrary to highway standards and would be resisted.

In relation to siting, the dwelling is sited on the same broad building line and footprint of the former dwelling on the site and whilst located at the top of Sunnycroft Lane (which is not a public road) will nevertheless reflect the siting, building line and spaciousness of the adjacent dwelling. In terms of scale and design, the dwelling is very large although the front elevation is more modest in scale due to the set back garage wing and lower ridge which breaks up the massing of the dwelling and therefore would not appear out of proportion with the width of plot. In terms of design and materials, the surrounding dwellings are of a mix of ages, design and materials and therefore the proposed gable style dwelling constructed in red facing brick with concrete interlocking roof tiles would be in keeping with the area.

In terms of overlooking, the nearest dwelling is No. 6 Sunnycroft Lane, to the side of the proposed dwelling and would be 9 metres from the garage annex of the proposed dwelling and 19 metres from the main dwelling. The side elevation facing the neighbouring dwelling does not contain any windows except for an en-suite window at first floor level, which is not a habitable room. Therefore the proposed dwelling will not be overbearing or cause a loss of privacy to the occupiers of this dwelling. In terms of impact on properties to the rear, the dwelling of No. 15 Longmeadow Drive would be some 45 metres from the main part of the proposed dwelling and therefore is of a sufficient distance away from the habitable windows at the rear elevation so as not to cause any loss of privacy, in line with the Amenity Standards.

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metre of amenity space per 1 square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. The proposed rear garden area for the dwelling is some 2,400 square metres. The proposed floorspace of the dwelling is some 850 square metres over 3 floors of accommodation and therefore the proposed area of amenity space would meet the required standard. Furthermore the amenity space in the rear garden is of a regular usable shape and is also private.

Whilst the dwelling falls within the settlement of Dina Powys, given that it is at the edge of the settlement consideration should be given to the impact on the countryside of the dwelling. The site is bounded to the south and east by woodland and therefore the dwelling would not be visible from the wider countryside.

To conclude, it is considered that the proposed dwelling whilst providing substantial accommodation, is nevertheless considered an acceptable form of residential development in terms of siting, scale/form, materials and in relation to the size of the plot and its relationship to adjacent residential dwellings and the wider street scene. The following recommendation is therefore made.

04223

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Details of the materials and colour of the external finishes of the proposed shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
3. Details of proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and agreed in writing, with the Local Planning Authority before development commences.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Details of access, driveway and parking areas to a scale of 1:00 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the agreed scheme shall be fully completed on site prior to the first beneficial occupation of the dwelling hereby approved and thereafter maintained at all times.
7. Details of a means of enclosure along the southern boundary of the site shall be submitted to the Local Planning Authority for their approval in writing and the approved means of enclosure shall be constructed prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained at all times.

8. The swimming pool drain down water will be permitted to discharge to the public combined sewerage system and must be attenuated on-site with a maximum possible discharge rate of 3 litres per second using a suitable control device.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no additional windows, doors or any other openings shall be inserted into any elevation of the dwelling hereby permitted, without the prior written consent of the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard local visual amenities.
3. To ensure a satisfactory form of development.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.
6. To ensure satisfactory provision of the access and on-site parking to serve the development hereby approved.
7. In order to define the residential curtilage of the dwelling.
8. 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.
9. To safeguard the privacy of adjoining occupiers.

NOTE:

1. **If a connection is required to the 450mm brickwork combined sewer located in Sunnycroft Lane, please note that it is of strategic importance and carries substantial volume flows. Any direct connection must be undertaken by the Sewage Operating Contractor for the area 'Kelda Water Services'. The developer is advised to contact Network Development Consultants (DCWW sewage agents) on Tel: 01443 331155.**

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

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

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

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

Methodist Church Barry Circuit C/o Agent.
(Liddell & Associates, Stuart House, The Back, Chepstow, Mon. NP16 5HH)

**LAND AT COWBRIDGE ROAD/FLEMINGSTON ROAD, EAST CAMP, ST.
ATHAN**

New community church building with associated works

SITE DESCRIPTION

The application site is located at the junction of Cowbridge Road and Flemingston Road within the East Camp at St. Athan. Part of the site was formerly occupied by a garage block which is now demolished, the remainder is incidental open space with tree coverage.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of a new community church building with associated works. The proposed single storey building will be sited in a central position within the plot and will measure approximately 37.5m in length by 17.5m at its widest, narrowing to 10.2m. The modern, contemporary design will include both dual and mono pitched roofs and include features such as a glazed link and overhanging canopy. The proposed external finishes will be a mix of smooth masonry, timber cladding and a roof covering of grey aluminium/zinc composite.

Two vehicular entrance points will be provided onto the existing single lane access road which links with Flemingston Road. The first entrance will be sited approximately 26m from the junction with Flemingston Road and measure 6m in width giving access to 11 car parking spaces. The proposed new second entrance will be sited more than 87m from the Flemingston Road junction and again will measure 6m in width and give access to 11 car parking spaces. Improvements to the vision splays at the junction with Flemingston Road are proposed with the single lane access road being widened to 5.5m for the length up to the first car park entrance.

PLANNING HISTORY

83/00557/OBS – Eleven pre-cast concrete garages. Approved on 5th August, 1983.

92/00792/OBS – Provision of married quarters. Approved on 29th September, 1992 subject to privacy and window distances plus drainage details.

CONSULTATIONS

St. Athan Community Council - Comments on initial scheme: "My Council strongly support this application."

The Community Council were re-notified of amended plans on 19th January, 2006. Comments on the revised plans are awaited.

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

Dwr Cymru/Welsh Water - Were notified on 26th October, 2005.

Ministry of Defence – Has no safeguarding objections to this proposal.

Head of Community Care and Health – "Thank you very much for advising me of the current application. The Council works closely with the community church group who are making the application. We have a very positive partnership at East Camp developing day care services for older people. We would very much support the proposed development as it is likely to bring additional social opportunities to the St. Athan Community. It will also potentially assist the Council in delivering services to vulnerable individuals within the locality."

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the application on 26th October, 2005. In addition a site notice was posted on 4th November, 2005. No representations have been received to date.

REPORT

The site is located within the countryside but also forms part of R.A.F. St. Athan. As such the following policy background is relevant.

The site is located in the countryside outside of any defined residential settlement boundary. Policy ENV1 of the adopted Vale of Glamorgan Unitary Development Plan 2005 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 ENV10 relates to the protection of landscape features and states:

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

Policy ENV25 refers to the design of new development and states:

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

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

As the site lies within the delineated area of R.A.F. St. Athan, Policy EMP11 applies. This states that:

FURTHER APPROPRIATE DEVELOPMENTS IN RESPECT OF R.A.F. ACTIVITY WITHIN R.A.F. ST. ATHAN BASE WILL BE FAVOURED PROVIDED THERE IS NO UNACCEPTABLE IMPACT ON LOCAL AMENITY.

Policy COMMXXX – Retention of Community Facilities states:

THE RETENTION OF COMMUNITY FACILITIES IN RURAL SETTLEMENTS AND VILLAGES WILL BE FAVOURED.

Strategic Policy 14 of the Unitary Development Plan supports this policy and states:

DEVELOPMENTS ASSOCIATED WITH COMMUNITY AND UTILITY SERVICES WILL BE PERMITTED IF THERE IS NO UNACCEPTABLE IMPACT ON THE INTERESTS OF AGRICULTURE, CONSERVATION, LISTED BUILDINGS, ARCHAEOLOGICAL FEATURES, AREAS OF ECOLOGICAL, WILDLIFE AND LANDSCAPE IMPORTANCE AND RESIDENTIAL AMENITY.

In addition to the above the Council has Supplementary Planning Guidance on Trees and Development which includes advice on matters such as surveys and protection measures and reinforces Policy ENV10 of the Unitary Development Plan and national guidance. National guidance is contained within Planning Policy Wales, March 2002.

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

Chapter 11 of the Unitary Development Plan states:

“In rural areas the availability of local facilities is an important factor in maintaining the quality of life for residents. In practice, whilst locational considerations are important it is equally important to ensure that the building is capable of fulfilling a range of functions useful to local people.”

Committee Members will be aware that the local community lost the original Community Centre and Nursery School that stood to the north-west of the current application site when it was demolished some years ago. The current proposal should be the beneficiary of an Article 33 grant and the submitted floor plan demonstrates that in addition to the church facility it will be able to offer accommodation to a wide range of community needs. Indeed the amended plans, which omit the originally planned first floor accommodation, have been submitted in order to meet those identified needs.

Thus it is considered that there is no objection to the principle of the proposal. As regards the specific details, some concerns have been highlighted. These relate to highway matters and the affect on the existing tree coverage.

The Council's Highway Engineer initially requested several highway requirements, including:

- (a) Improvement of the junction with Flemingston Road with the provision of a 6m radii and visibility splay of 4.5m x 50m to the right of the access towards Cowbridge Road.
- (b) A 2m wide pedestrian footway along Flemingston Road between the access and Cowbridge Road to be offered for adoption.
- (c) The land within the visibility splay to the front of the site with Cowbridge Road to be offered for adoption.
- (d) The access road to be widened to 5.5m from Flemingston Road to the existing turning area adjacent to the development.
- (e) A pedestrian footway to be provided from the westernmost car park to the main entrance of the proposed building.
- (f) The existing footpath through the site to Cowbridge Road to be removed.
- (g) A parking space and manoeuvring area for a 10m rigid service vehicle.

It is considered that a number of these requirements are not reasonable in planning terms, particularly bearing in mind the former uses both on the site itself and the originally located community centre and nursery to the north-west and served via the same access road. It is considered reasonable, however, to seek some upgrade to the junction with Flemingston Road. The amended plans show improvement to the vision splay, a 6m radius and widening of the access road to 5.5m up to the first car park entrance. However, these works will impact on the existing tree coverage and will result in the loss of a large sycamore tree protected as T1 by Tree Preservation Order No. 18, 2005.

The Council's Tree Officer has indicated that he is very concerned at the loss of this tree which is an important one in terms of the amenity of the area. It is noted that the loss of this tree is inevitable if any improvements are carried out to the junction in the interests of highway safety. It is considered that refusal of the application on the grounds of the loss of this particular tree, albeit the best specimen on the site, would not be justified particularly bearing in mind the benefit to the local community from the proposed facility. Thus whilst the loss of the tree is regrettable this can be compensated for by a requirement to provide replacement planting along with suitable protection measures for the trees to be retained.

On the issue of design it is noted that the site is a prominent one in relation to the main Cowbridge Road and is relatively close to the existing houses on Celyn Close. It is considered that the size, scale and external appearance of the building is acceptable and that its modern, contemporary design is entirely appropriate to its location. The proposal should have no adverse impact on the residential amenities of neighbouring occupiers, particularly bearing in mind the original siting of the former community centre and nursery school.

In conclusion, it is considered that the proposal will provide for a much needed facility for the local community without having any significant harmful impact, and the following recommendation is made.

04215

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference 05/01587/FUL'B', received by the Local Planning Authority on 16th January, 2006.
3. The highway improvements to the junction with Flemingston Road, along with the provision of the two entrances and on-site car parking areas, as indicated on amended drawing 1713/2A, received on 16th January 2006, shall be implemented before the first beneficial use of the development hereby permitted. The car parking areas shall be retained and maintained thereafter within the curtilage of the site for the exclusive use of the parking of motor vehicles in connection with the church/community building hereby permitted.
4. Before the commencement of development full details of the external finishes, including samples, 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.

5. Before the commencement of development a scheme for the provision of replacement tree planting on the site shall be submitted to and agreed in writing with the Local Planning Authority. The proposed scheme shall include full details not only of the siting and species of replacement trees but also the timing of the planting and any further replacements following possible failures.
6. A scheme providing for the fencing of the trees to be retained and showing details of all excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste 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.
7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
8. Details of proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and agreed in writing, with the Local Planning Authority before development commences.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interests of highway safety.
4. In the interests of visual amenities.
5. In the interests of visual amenity.
6. In order to avoid damage to trees on or adjoining the site which are of amenity value to the area.
7. To safeguard local visual amenities.
8. To ensure a satisfactory form of development.

NOTE:

- 1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 2. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1988 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**

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.

National Grid Wireless, 2, Monarch Court, The Brooms, Emerald Bus. Park,
Emersons Green, Bristol. BS16 7FH
(National Grid Wireless, 2, Monarch Court, The Brooms, Emerald Bus. Park,
Emersons Green, Bristol. BS16 7FH)

WENVOE BROADCAST TOWER, ST. LYTHANS DOWN

24m extension and upgrading of existing 241m broadcast mast

SITE DESCRIPTION

A 241.2m high television broadcasting mast and drum antenna at Wenvoe Transmitting Station, St. Lythan's Down. The existing installation provides broadcast television services for the BBC and ITV over a significant part of South East Wales and currently uses both analogue and digital technology. The site lies within the open countryside and the Green Wedge to the north and east of Wenvoe and lies close to the Duffryn Basin Special Landscape Area.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to upgrade the existing installation to ensure continuity of service in an all-digital television era. The works will include the removal of the cylindrical drum antenna at the top of the existing mast to allow for the extension of the guyed mast from 225m to 250.5m above ground level and the installation of a new main antenna for digital terrestrial television that will extend the overall height of the structure from 241.2 to 265m above ground level (an overall increase of 23.8m). As part of the works to the main mast, it is proposed to install a new digital terrestrial television reserve antenna below the main antennae at the top of the new extension.

No new buildings or equipment cabinets are proposed as all associated ground based apparatus can be installed within the existing accommodation at ground level. Three new stay blocks are proposed at ground level for three extra upper stay wires to support the extended part of the mast. To carry out the proposed works and undertake the necessary testing when complete, the existing analogue television antenna and part of the digital television antenna must be switched off and removed. The process of upgrading the mast to digital technology only could take around two years and during this time it is necessary to provide a temporary installation to continue broadcasting.

It is proposed to erect a 200m high guyed mast to support temporary analogue and digital television antennae at the top (overall height of 215m). This temporary mast is sited outside the existing compound to the west of the existing mast, but still within the overall curtilage of the whole site as owned by the applicant. This temporary structure will be in place for approximately two years and will be in this location and at this height in order to ensure that all current viewers can continue to receive the broadcast services without having to reconfigure their television aerials.

The temporary mast is slightly more slender than the new mast and will be supported by nine 5m x 3m x 5m stay blocks and wires. The planning application only relates to the permanent works and for the duration of the upgrading works, the temporary mast can be erected as permitted development under Class A of Part 4 of the Town and Country (General Permitted Development) Order 1995. The temporary mast will be dismantled and removed from the site as soon as the tests on the new mast have been completed and the mast is ready to go "live".

The permanent switchover from analogue to digital broadcasting is likely to come in by the end of 2012. The conversion of the entire television transmission network across the UK is anticipated to commence early in 2006, with completion towards the end of 2007. Switchover is planned in 2010. The applicant has carried out an extensive consultation exercise prior to submitting the application.

PLANNING HISTORY

83/00981/FUL – The erection of a new stayed mast overall height 237m, to replace the 2 existing masts. Approved January, 1984.

Various applications relating to ground level equipment storage and additional antennae and dishes on the mast.

CONSULTATIONS

Wenvoe Community Council - Was consulted on 26th October, 2005. "The Council at its meeting on Thursday 17th November, 2005, considered the above planning application and resolved to support it."

The Director of Legal and Regulatory Services (Environmental Health) - Was consulted on 26th October, 2005. No representations have been received to date.

The Head of Visible Services (Highway Development) - Was consulted on 26th October, 2005 and re-consulted on the submission of additional details.

"A method statement is required to be provided to the Highway Authority detailing how the proposed works will be undertaken, the duration of works, the size, type and nature of vehicles that will visit the site, alongside proposed traffic management measures (if any) that will be required."

"Further to receiving the method statement for the above, it is requested that the applicant provides a swept path analysis of low loaders and cranes that will be used to access the site. The analysis will be required to take account of the largest vehicles that will be used and take account of any overhang from the vehicles.

The analysis will be required to show vehicles driving to and from the development site negotiating the narrow roads and bends from and including the roundabout at the junction of Culverhouse Cross into the site."

"Further to the receiving the Swept Path Analysis in relation to the above application, I would comment that the Highway Authority has no objection to the proposals provided that the details listed below are made conditional to the planning consent.

No cranes, low loaders, HGV's etc will be allowed to access or exit the development site during the morning or evening peak hours – 7.30 am to 9.30 am and 3.30 pm to 6.30 pm.

No cranes, low loaders, HGV's etc will be allowed access or exit the development site or travel along St. Lythans Road between the development site and Culverhouse Cross at the same time.

Escort vehicles will be provided at all times for large vehicles (Cranes, Low Loaders, HGV's etc) entering and exiting the development site along St. Lythans Road between the development site and Culverhouse Cross.

The developer and contractor will be required to contact the Abnormal Loads Section of the South Wales Police Force (01656 655 555) on each and every occasion that Cranes or Low Loaders are required to visit the development site.

The developer will be responsible for any damage to the highway infrastructure, including footways, carriageways, verges, hedgerows, banks, street signing and street lighting. Any damage caused through vehicles (construction or otherwise) accessing/exiting the development site along St. Lythans Road will be required to be reinstated by the developer at their full expense.

Before commencement of any works on the development site (including site set-up) the developer is required to contact Mr. Ken Evans of the Councils Highway Maintenance Group on 029 2067 3084 to arrange for a survey to be undertaken (at the developers expense) of the public highway in order to establish the existing condition of the highway.

The developer is required to liaise with all residents and businesses within the area of the development site and along St. Lythans Road to inform of when proposed disruptions to traffic movements along St. Lythans Road are expected.

Although not requested as a condition to the planning consent, it is considered in the interests of the developer, that where the submitted Swept Path Analysis has identified possible locations where vehicles may overrun on to third party land, the developer will liaise with the landowners and negotiate temporary access arrangements at the earliest opportunity."

The Civil Aviation Authority/Cardiff International Airport – Were consulted on 26th October, 2005. "The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria subject to the following conditions. National Air Traffic Services have worked closely with the Directive for Airspace Policy, and agreement has been reached to change the instrument and Visual Approach procedures to allow this development to take place. However, these procedures cannot be implemented until the 20th January, 2006, therefore the project must not proceed before this date. Cardiff International Airport must be informed whether the extension works will require crane usage above the height of 265m. If this is the case, we would need the maximum height of the jib and details relating to the programme of usage to ensure the new approach procedures could be temporarily suspended. As soon as you have information from the developer regarding the crane and confirmation that the works will begin after the 20th January, please could you let me know."

REPRESENTATIONS

Neighbouring residential occupiers were consulted on 26th October, 2005. No objections were received.

REPORT

The proposal can be assessed against strategic Policies 1 (The Environment) and 14 (Community and Utility Services) and Policies ENV1 (Development in the Countryside), ENV3 (Green Wedges), ENVXXX (Special Landscape Areas), ENV25 (Design of New Developments) and COMM4 (Telecommunications) of the adopted Vale of Glamorgan Unitary Development Plan, Section 12.13 Development Control and Telecommunications of Planning Policy Wales 2002 and Technical Advice Note 19: Telecommunications.

The justification for the new mast extension and temporary mast is self-evident and accepted. The main considerations are the impact of the development on the visual amenities of the surrounding countryside and Special Landscape Area, the effect of the extension and temporary mast on the efficiency of Cardiff International Airport, the health and safety aspect of the new main antenna and the perceived risk to the health of neighbouring occupiers and the logistics of transporting the necessary parts to the site.

Policy ENV3 states that within green wedges, development will only be permitted which does not prejudice the open nature of the land. In addition, the site lies close to the Duffryn Basin Special Landscape Area and Policy ENVXXX states that "any development proposed within or on land closely related to a defined Special landscape Area will need to have regard to the characteristics and features of the surrounding landscape". The existing mast and cylinder is already at a height of 241.2m above ground level and it is considered that, when completed, the added 23.8m will not be very noticeable. The removal of the white cylinder at the top of the mast and its replacement with a more slender digital antenna will result in a less visually obtrusive appearance. The temporary mast is only 215m in height and is 1.5m in diameter compared to 2.5m with the main mast. The works will also involve the removal of other paraphernalia such as dishes and antennae from the structure.

Cardiff International Airport and the National Air Traffic Services have worked closely with the Directive for Airspace Policy and an agreement has been reached to change the instrument and Visual Approach procedures to allow this development to take place. These procedures cannot be implemented until the 20th January, 2006 and the works will not commence before this date. The extension works will not require crane usage above the height of 265m and it is considered that the development will not impact upon the efficiency of Cardiff International Airport.

The site is approximately 240m away from the nearest residential property and the equipment is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICINRP). A certificate of compliance is included with the application. In the absence of an objection from Environmental Health and in line with the advice contained in TAN19, the potential risk to health cannot be cited as a reason for refusing the application.

In terms of transporting the mast extension and temporary mast to the site, the Highway Officer has raised concerns that the use of large vehicles such as cranes and low loaders could have a detrimental effect on highway safety in and around the site. To this extent, a consultant has been commissioned to undertake an assessment of the vehicle movements needed for the works. Following a site meeting it was agreed that there were three potential areas of concern on the route from the A4050 to the site where movement of large vehicles may represent a problem due to the narrow country road. The report concludes that the Auto Track swept path analysis shows that the low loader can access and egress the site with little difficulty but the 140 tonne crane may have to undertake reversing manoeuvres to negotiate the bends. For safety reasons it is proposed to close the road whilst the vehicles make the journey to allow these large vehicles access to the site. The Highway Officer is satisfied with the conclusions of the report and has suggested a number of conditions and informatives to ensure highway safety in and around the site.

In conclusion, the scheme accords with Policy COMM4 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the advice contained in TAN19 and Planning Policy Wales relating to telecommunications.

04216

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No cranes, low loaders, HGV's, or similar large vehicles will be allowed to access or exit the development site or travel along St. Lythans Road between the development site and Culverhouse Cross during the weekday morning or evening peak hours of 0730 to 0930 and 1530 to 1830.
3. The temporary mast, stay blocks and wires required as part of the works shall be removed from the site and the land restored to its former condition within 2 months of the switchover to the main mast and antennae.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the safety and free flow of traffic on the adjoining highway.
3. In the interests of visual amenity.

NOTE:

- 1. Escort vehicles will be provided at all times for large vehicles (cranes, low loaders, HGV's, etc.) entering and exiting the development site along St. Lythans Road between the development site and Culverhouse Cross. The developer and contractor will be required to contact the Abnormal Loads Section of the South Wales Police Force (016 5665 5555) on each and every occasion that cranes and low loaders are required to visit the development site.**
- 2. The developer will be responsible for any damage to the highway infrastructure, including footways, carriageways, verges, hedgerows, banks, street signage and street lighting. Any damage caused through vehicles (construction or otherwise) accessing/exiting the development site along St. Lythans Road will be required to be reinstated by the developer at their full expense.**
- 3. Before commencement of any works on the development site (including site set-up) the developer is required to contact Mr. Ken Evans of the Council's Highway Maintenance Group on 029 2067 3084 to arrange for a survey to be undertaken (at the developers expense) of the public highway in order to establish the existing condition of the highway.**

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.

J. Pidgeon & Son Limited, C/o Agent.
(Stephen Hobday Architects, 19, Pitman Street, Pontcanna, Cardiff. CF11 9DJ)

181, COURT ROAD, BARRY

Detached single storey cold store room to rear

SITE DESCRIPTION

The application relates to a Funeral Directors located within a residential terrace in Court Road in Barry. The Funeral Directors relates to the ground floor of the property, with the upper floor being in residential use.

DESCRIPTION OF DEVELOPMENT

This is a full planning application to demolish an existing two-storey coach house building located at the rear of the property and construct a detached single storey cold store room (or morgue) in its place. The new building would comprise a lean-to structure with a maximum height of 4.7 metres. It is also proposed to demolish an existing outbuilding that adjoins the coach house building.

PLANNING HISTORY

None.

CONSULTATIONS

Barry Town Council has been consulted – “Provided that the Local Planning Authority is fully satisfied that the proposed development can be considered ancillary to the existing long-term use of the application property as a Funeral Directors, no objections are raised subject to:

1. Any consent being conditioned to protect the amenities of neighbouring residential occupiers including an appropriate restriction on noise levels from the refrigeration mechanism.
2. The Highway Authority being satisfied that the rear lane can adequately provide for vehicle access despite restrictions imposed by Alleygating.”

Environment Agency – Has no objection.

Dwr Cymru/Welsh Water has been consulted – No comments have been received to date.

The Head of Visible Services (Highways) – Has no objection to what would be an ancillary use to the main building.

The Director of Legal and Regulatory Services (Environmental Health) – Has no objection subject to there being no externally mounted refrigeration plant or air conditioning units, to ensure that there is no noise nuisance to neighbouring residents.

REPRESENTATIONS

Neighbouring occupiers have been consulted. The occupiers of Nos. 169, 170, 179, 183, 185 Court Road and 9, 11, 13, and 20 Illminster Close, have objected to the application on the following main grounds:

- Concern about the appropriateness of such a use in a residential area and resulting impact upon the amenities of neighbours.
- Increase in traffic and possible conflict due to the Alleygates Scheme restricting access to the rear lane.
- The need for the building is questioned.
- Devaluation of neighbouring properties.
- Noise from the refrigeration plant and possible odours.
- Disruption during building work.
- Health and safety issues, including the commercial use of domestic drains.

Copies of letters received from the adjoining residents at Nos. 179 and 183 Court Road are attached as Appendix 'A'.

A petition containing 50 signatures of local residents' objection to the application has also been received and is available on file for the inspection of Members.

John Smith M.P. has objected to the application, stating that it would not be a neighbourly development in the area.

Jane Hutt A.M. has written with the following observations on the proposal.

"I am writing on behalf of my constituent Mrs. Hicks, of No. 13 Illminster Close, Barry who has recently contacted me concerning a Change of Use application for a funeral home near her house in Illminster Close, to change existing outbuildings, currently garages, into a refrigerated body storage.

Mrs. Hicks is concerned about the implications of such a Change of Use, particularly as the outbuildings form party walls, and the only access to which is via Brick Lane, which is used by all the neighbouring homes and has recently been fitted with Alley Gates. The locality of the proposed refrigerated facility is also highly likely to cause distress to local children who often play in the lane. Mrs. Hicks has also told me that there is significant local opposition. I would be grateful if these issues could be considered by the Vale of Glamorgan Council when considering the application."

Since the report to the previous Committee meeting was considered, a further four letters of objection have been received, from the occupiers of Nos. 168 and 179 Court Road and 13 Illminster Close raising similar points to those summarised above. Two of these letters are appended, but all letters can be inspected on the application file.

REPORT

The development plan comprises the Vale of Glamorgan Unitary Development Plan 2005. The application has been assessed with regard to Policy ENV25 of the Unitary Development Plan, which relates to the design of new developments.

There have been no previous planning applications relating to the property, but the site has been used as a Funeral Directors for many years.

The existing coach house currently provides a garage/store to the ground floor, with shelving to store coffins. The upper floor was historically used as a workshop to produce coffins. However, in recent years, as coffins are now generally factory produced, the workshop has been used simply to line coffins and fit handles and so forth.

At present, the main property provides a reception area and office, with three separate 'rest rooms' for customers and a room to store the coffin and cadaver. The coffin is prepared at the main office in Cardiff and brought to the application property a few days prior to the funeral service. The coffin is brought through the garage from the rear lane, through the rear yard to the main building of the property.

The proposed cold store would extend and upgrade the storage facility at the property. In this respect, the proposed building would directly relate to the existing business as a Funeral Directors, and so it is not considered that the proposed building would constitute a change of use of the property. The comments from neighbours regarding the distressing nature of the use of the proposed building are acknowledged. However, as the proposal would comprise a storage facility ancillary to an existing and established use, these concerns do not warrant a refusal of the application.

The proposed building would occupy a similar footprint as the existing coach house and would comprise a single storey structure as opposed to the two storey building currently on site. The building would not therefore have an adverse impact upon the amenities of neighbours. The building at this rear lane location would be acceptable in terms of its design and visual appearance.

The Council's Environmental Health Officers have no objection subject to details of the chilling mechanism, to ensure that this does not adversely affect the amenities of neighbours by virtue of noise. These details are requested by condition (see below).

The proposal would result in the loss of a parking space (i.e. the garage). There would be no on-site parking facilities retained at the property to cater for the occupiers of the property or customers. The proposal does also allow for additional space to store coffins and cadavers. However, there is on road parking space available outside the property and it is not considered that the proposal would increase traffic levels to the site to an extent that would warrant refusing the application. The Council's Highway Engineers have raised no objection to the application.

As part of the scheme, it is proposed to demolish an existing outbuilding that adjoins the coach house. As this building forms part of the boundary with a neighbour, details are requested by condition regarding replacement boundary treatment.

Consideration of this application was deferred at the previous Committee meeting on 11th January, to enable Committee Members to inspect the site. It is currently anticipated that this inspection will take place on 9th February, 2006.

04182

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to its installation, details of the proposed chilling mechanism including its acoustic properties shall be submitted to and agreed in writing with the Local Planning Authority. The chilling mechanism shall be installed in full accordance with the approved details.
3. Prior to the beneficial use of the building hereby approved, a means of enclosure shall be constructed along the boundary with No. 179 Court Road and thereafter maintained in accordance with details which shall have first been submitted to and agreed in writing with the Local Planning Authority.
4. The cold store room hereby approved shall be used for purposes ancillary to the use of the premises at Court Road as a Funeral Directors and shall not be used for any other purpose whatsoever including any purpose in connection with business undertaken at premises other than those carried out at No. 181 Court Road.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To protect the amenities of neighbouring residents from noise.
3. To protect the amenities of neighbouring residents.

4. To protect the amenities of neighbouring residents and to ensure that the use of the premises remains ancillary to activities undertaken at No. 181 Court Road.

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.

Lidl UK Gmbh, Waterton Industrial Estate, Off Cowbridge Road, Bridgend. CF37 3PH
(Lidl UK Gmbh, Waterton Industrial Estate, Off Cowbridge Road, Bridgend. CF37 3PH)

LIDL FOODSTORE AND ADJOINING PREMISES KNOWN AS OAKWOOD, CENNIN PEDR, BARRY

Demolition of existing residential dwelling (Oakwood), change of use of residential site to Class A1 retail. Single storey extension along the stores southern boundary, increased associated car parking to 114 spaces and creation of a new external entrance/exit lobby

SITE DESCRIPTION

A vacant dormer bungalow adjacent to the Lidl store and the A4231. The overall application site (including the Lidl store and car park) is approximately 8,390m². The site lies within the residential settlement boundary of Barry and forms part of the allocated housing site at Pencoedtre and lies to the south of the Lidl store, to the west of detached residential properties along Cennin Pedr and to the east of the Lidl access and car park.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish the dormer bungalow at Oakwood and extend the Lidl store to increase the sales area, provide a new unloading bay and create a new external entrance/exit lobby. The extension provides additional internal space and the sales area is increased from 871m² to 1407m². The extension is the same height and depth as the existing single storey building and it extends the length of the building by 20m. The number of parking spaces is increased from 104 spaces to 114 spaces (including seven disabled parking spaces and 107 standard parking spaces). The new entrance/exit lobby is 4m x 3m and is sited under the existing entrance canopy.

As part of the works to allow for the extension it is proposed to fell three trees within the curtilage of the bungalow and erect a close boarded timber fence along the southern and eastern boundaries of the site. The extension is to be constructed of the same materials as the existing building.

PLANNING HISTORY

00/00435/FUL - Amendment to existing planning Condition No. 6 to enable the store to open from 0800hrs from Monday to Saturday. Approved 12th May, 2000 subject to the following condition:

The retail store shall not be open to the public between the hours of 2100hrs and 0800hrs Monday to Saturday and between the hours of 1800hrs and 0900hrs on Sundays.

00/00071/FUL - Adjustment of siting of building within the site, adjustment of car parking and access road in vicinity of site entrance. Approved 10th March, 2000.

98/00825/FUL - Single storey food retail store with associated car parking.
Approved 10th December, 1998.

95/01148/OUT - An application for the redevelopment of the Pencoedtre area.
Approved 11th June, 1997. The consent included a condition that related specifically to the retail element of the scheme as follows:

The retail floor area of the development shall not exceed 2,300 square metres gross and no individual unit shall exceed 930 square metres gross. The unit shall be so designed to achieve a small retail centre of traditional character.

CONSULTATIONS

Barry Town Council – Were consulted on 3rd November, 2005 and re-consulted on additional information and amended plans (site layout plan) on 14th December, 2005 and comment as follows:

“It is considered that the proposed extension of the existing foodstore would improve the shopping facilities available to the residents of north Barry by increasing the range of goods offered for sale. Any problems associated with the continued use of Oakwood as a dwelling, which arise because of its proximity to the foodstore, would be eliminated. Therefore, no objections are raised subject to the Local Planning Authority being satisfied with:

1. The adequacy of the on-site car parking to serve the extended foodstore.
2. Proposals for landscaping, planting and site enclosure.”

The Head of Visible Services (Highway Development) - Was consulted on 3rd November, 2005 and re-consulted on additional information and amended plans (site layout plan) on 14th December, 2005. “Further to receiving the Transport Assessment for the above proposals, I would comment as follows.

The existing parking provision is considered to be over the maximum standard that is now adopted by the Highway Authority. However, under the development proposals the overprovision of parking is reduced, which is in line with the Council’s addendum to the South Wales Parking Guidelines.

The number of disabled parking spaces required within the development site has been assessed as seven. While the Transport Assessment refers to the provision of seven disabled parking spaces, Drawing No. 3302 SK03 only shows the provision of five spaces. Therefore, an amended plan is required to be submitted showing seven disabled parking spaces. Furthermore, the disabled parking spaces are required to be relocated next to the store entrance where bays 1 to 7 are currently shown.

Cycle parking is required to be provided at the entrance to the store for customers and staff. It is considered that 4 Sheffield type cycle stands are required to be shown on the proposed site layout plan, Drawing No. 3302 SK03.”

“Further to receiving amended plans in relation to the above proposals, I would confirm that the Highway Authority are now satisfied with Transport Assessment submitted with the planning application and have no objection to the development proposals.”

Dwr Cymru/Welsh Water - Were consulted on 3rd November, 2005 and have suggested conditions be imposed on any consent, as follows:

Sewerage

Conditions

The proposed development would overload the existing public sewerage system. Improvements are planned for completion by 1st April, 2007.

We consider any development prior to this date to be premature and therefore **OBJECT** to the proposals unless appropriate conditions can be attached to prevent occupation prior to the completion of these essential works. We offer the following condition:

“None of the buildings hereby approved shall be occupied until essential improvements to the public sewerage system have been completed by Dwr Cymru/Welsh Water, and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 1st April, 2007.

Reason: To mitigate the existing hydraulic overloading of the public sewerage system and ensure the local community and environment are not unduly compromised.

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

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

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

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

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

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

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

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

No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru/Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru/Welsh Water. Please note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted."

Environment Agency - Were consulted on 3rd November, 2005. They responded by forwarding a copy of their standard guidance note for developers.

The Director of Legal and Regulatory Services (Environmental Health - Pollution Control and Contaminated Land) - Was consulted on 3rd November, 2005 and re-consulted on additional information and amended plans (site layout plan) on 14th December, 2005.

"This department has the following observations to make regarding the application.

1. Existing planning conditions with regard to hours of operation, delivery hours, number of deliveries per day and on what days, delivery noise control, hours of operation of the compactor.
2. Initial observations are with regard to potential for noise arising from the 'encroaching' delivery bay. The supporting documentation states some of the above but are they already controlled by existing conditions?

Existing planning conditions with regard to operational and delivery times i.e. open from 0800–2100hrs Mon-Sat and 0900–1800hrs Sunday. Deliveries should only be received within the same time frame. The compactor should only be operated between 0900hrs and 1900hrs. The close board acoustic fence should be erected as described in the application.

Reason to protect the public amenity from the adverse effects of noise."

REPRESENTATIONS

Neighbouring occupiers were notified on 3rd November, 2005 and re-notified on amended plans and further information on 14th December, 2005. The occupiers of Nos. 2 and 7, Lili Mai (Chairman of Pencoedtre Village Residents Association) have objected to the proposal on the following grounds:

- The proximity of the extension to residential properties.

- The potential increase in traffic and the risks to highway safety, particularly when the proposed development of a primary school in the area.
- The increase in number of delivery vehicles and the noise and litter nuisance caused by delivering at anti-social times.
- The proposed extension does not represent a modest increase in commercial space.
- The land previously allocated for commercial development did not include encompassing the adjoining premises (Oakwood) and any development of this land would appear to be a breach of the existing planning approval.
- Lidl operate on a skeleton staff levels and any benefit to the local community in terms of job opportunities cannot be reasonably justified.
- The proposal is a gross overdevelopment of an extremely sensitive site.
- There are 10 other major outlets within a 7 mile radius of this store and there is no justification for the expansion.
- The lack of a management/access control mechanism to limit site trespass at night.
- The lack of any security measures.
- The effect on property values in the area.

The two individual letters are attached as Appendix A of this report.

The occupiers have also contacted Jane Hutt AM and John Smith MP and copies of the Local Planning Authority's response to these letters are retained on file.

The applicant has included a petition of over 800 names to support the proposal.

All representations are retained on file and can be inspected by Members.

REPORT

The site lies within the residential settlement boundary of Barry and forms part of the allocated housing site at Pencoedtre (Policy HOUS1 [3] refers). The application can be considered against Strategic Policy 9 (Retail) and Policies ENV25 (Design of New Developments), ENV26 (Access for Disabled People), HOUS1 (3) (Residential Allocations), TRAN9 (Parking) and SHOP12 (New retail development outside shopping centres) of the adopted Vale of Glamorgan Unitary Development Plan 2005; the approved South Wales Parking Guidelines (as amended 2001); Planning Policy Wales 2002 and TAN(W)4 – Retailing and Town Centres (1996).

The main issues relate to the acceptability of extending the retail floorspace in the store, the potential impact on the amenities of neighbouring residential occupiers, the provision of adequate parking and access arrangements and the design of the extension.

The application seeks planning permission to demolish a dilapidated and vacant residential property to the south of the existing store and extend the size of the Lidl Foodstore at Pencoedtre Village. The current store is significantly smaller than typical Lidl stores which generally have a sales area of circa 1200-1407²m. The existing store is classified as an “out of centre development” as it is in a location which is clearly separate from a town centre but within an urban area. The store is the only retail facility in close proximity to the 56.7Ha residential development at Pencoedtre.

The application included both a retail and transport assessment of the scheme. The proposal should primarily be assessed against Policies 9 and SHOP12 which reflect national planning guidance contained within TAN(W)4 Retailing and Town Centres 1996 and Planning Policy Wales 2002. Both local and national planning guidance states that proposals should not undermine the vitality, attractiveness and viability of existing town, district and village shopping facilities. The retail assessment states that Lidl mainly sell basic convenience goods and only a small amount of non-food items. As the proposal is for an extension to an existing facility and not a new out of town retail unit, it is considered that there are no planning policy objections to the proposal. However, previous conditions limiting opening hours and delivery times should be retained and the range of goods sold from the premises should be controlled by condition.

The extension will be within 21m of the nearest residential property (No. 2, Cennin Pedr to the east). It will also incorporate a new unloading bay and refuse compactor. In order to reduce the impact of these elements on the amenities of neighbouring occupiers, it is considered that the opening hours, number and times of deliveries and the use of the compactor should be controlled by condition (as suggested by the Environmental Health Officer). The applicant has confirmed that they operate a “just in time” delivery schedule in order to minimise the amount of stock that requires storage in their warehouse and they receive two deliveries per day, everyday. Typically the deliveries are at approximately 1230hrs and 2030hrs and they operate a fleet of un-refrigerated delivery wagons which should theoretically produce less noise and pollution. The compactor will operate 3-4 times a day during store operating hours with each cycle taking less than 2 minutes to process. The erection of a close boarded timber fence along the southern and eastern boundaries and additional semi-mature planting/landscaping within the site should also help to screen the development and the noise emanating from the site. The implementation of access gates and security measures such as CCTV cameras should also reduce the use of the car park at night.

An amended site layout plan now shows seven disabled parking bays in front of the building and includes 4 No. Sheffield type cycle stands close to the entrance. The Highway Officer is satisfied with the parking provision on this site, in accordance with Policy TRAN9 of the Unitary Development Plan and the Council’s approved Parking Guidelines.

In terms of the design of the extension, the finishes will match those of the existing building to achieve a consistent appearance across the site, in accordance with Policy ENV25 of the Unitary Development Plan. The use of landscaping along the eastern boundary of the site fronting Gilbert Lane will reduce the impact and visibility of the extension from the A4231. The removal of the dilapidated dormer bungalow will also improve the general appearance of the area.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference 3302 SK 03 received by the Local Planning Authority on 12th December, 2005.
3. The external finishes of the development hereby approved shall match those of the existing building.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
7. Details of the proposed means of enclosure of the southern and eastern boundaries of the site and the access into the site shall be submitted to and approved 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.
8. The development hereby permitted shall be used for a foodstore only and for no other purpose, including any other purpose in Class A1 of the Town and Country Planning Use Classes Order 1987 (or any Order revoking and re-enacting that Order).
9. Details of the CCTV security cameras to be installed on site shall be agreed with the Local Planning Authority and implemented prior to the development hereby approved being brought into beneficial use.

10. The retail store hereby approved shall not be open to the public between the hours of 21:00hrs and 08:00hrs Monday to Saturday and 18:00hrs and 09:00hrs on Sunday.
11. The permission hereby granted shall relate to the details contained in the letter received by the Local Planning Authority on 9th December, 2005 relating to the delivery times, use of the compactor, timber boundary fence, CCTV and security gates, disabled parking bays, cycle stands and the landscaping of the site.
12. Deliveries to the store shall not take place between the hours of 21:00hrs and 07:00hrs Monday to Saturday and 18:00hrs and 09:00hrs on Sunday.
13. The compactor should only be operated between 09:00hrs and 19:00hrs Monday to Sunday.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To safeguard local visual amenities.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.
6. To ensure satisfactory drainage of the site.
7. To safeguard local visual amenities.
8. To control the nature of activities carried out on the site.
9. In the interests of local amenities.
10. In the interests of the amenities of the area and to protect the amenities of the adjacent residential properties.
11. For the avoidance of doubt.
12. In the interests of the amenities of the area and to protect the amenities of the adjacent residential properties.
13. In the interests of the amenities of the area and to protect the amenities of the adjacent residential properties.

NOTE:

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

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

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

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

Mr and Mrs A. Evans, Marcross Farm, Marcross, Vale of Glamorgan. CF61 12G
(Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen,
Cardiff. CF14 5GG)

LAND OPPOSITE LLANDOW CARAVAN SITE, LLANDOW

Proposed caravans storage compound, new CCTV Pole and access alterations

SITE DESCRIPTION

The site relates to land situated to the north-west of an existing caravan park and storage of caravans.

The site is generally flat and partially screened from the highway by a hedgerow.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to change the use of an area of land measuring approximately 179m x 30m in depth into a caravan storage area. An access gate is proposed from the site to the highway.

PLANNING HISTORY

05/00799/FUL – Caravan storage which was withdrawn.

CONSULTATIONS

Llandow Community Council – Comments are awaited.

The Head of Visible Services (Highway Development) – “Further to the recent site inspection in relation to the above, I would comment as follows:

Speed surveys are to be undertaken to establish the required visibility splays to be provided from the proposed points of access/egress to the storage area and the existing caravan centre. From the speed surveys, visibility splays are required to be provided in accordance with Policy TAN18 (Wales) and submitted on an amended drawing to a suitable scale for consideration by the Highway Authority.

An area is required to be set aside for servicing vehicles delivering caravans to the storage area to enable vehicles to exit the site in forward gear.

The twenty car parking spaces proposed are required to be shown on a site layout plan to a suitable scale.”

REPRESENTATIONS

A site and press notice have been posted on 6th December, 2005. No representations have been received to date.

The applicants' agents have submitted a planning support statement which is attached as Appendix A to this report.

REPORT

The site is located within the countryside. There is no designation or allocation ascribed to the site in the Vale of Glamorgan Unitary Development Plan 2005 and the site also lies well outside any relevant settlement boundary.

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

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 proposal clearly does not conform to the requirements of the above policy. Whilst the existing caravan park opposite this site can be described as a clear recreational use, this proposal only involves the storage of caravans which is not directly recreational in nature.

The proposed site lies close to, but outside, the designated employment site allocation at Llandow Trading Estate. The proposal therefore constitutes a commercial storage use on a relatively large site (approximately 0.45 hectare) in the countryside. As such, the following policy of the adopted Unitary Development Plan is also considered to be relevant:

POLICY EMP3 – 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 POLICY ENV7 (RURAL BUILDINGS) OR POLICY 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 AN AREA 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.

As the site of this proposal clearly lies within the countryside as designated by the Unitary Development Plan, the proposed development is clearly contrary to criterion (ii) of the above policy. It can also be argued that because the site is significant in content (approximately 99 caravan storage spaces are indicated on the submitted layout), the proposal would fail to take account of the context of the local natural environment. Similarly, it is considered that Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 is also significant in this analysis. This policy states:

POLICY ENV25 – DESIGN OF NEW DEVELOPMENT

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.

As the total length of the site is nearly 180 metres in extent, it is considered that the impact of a development of this size would not conform to the requirements of either criterion (ii) or criterion (iv) of the above policy. Whilst the application details do indicate that the wide boundary of the site will be landscaped and fenced (with 2m and 2.4m high chain link fencing) it is nevertheless considered that the visual impact of such a large area of caravan storage will detract from the open rural aspect of this area.

Whilst it is conceded that the surface of the intended site is existing tarmac (being the site of a former runway), it is nevertheless considered that a development of this size and extent will have an unwarranted visual impact on the rural character of this area and will also run contrary to the policies outlined above. Accordingly, a recommendation of refusal is made.

Consideration of this application was deferred at the previous Committee meeting on 11th January, 2006 to enable Committee Members to inspect the site. It is currently anticipated that the inspection will take place on 9th February, 2006.

04196

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed caravan storage compound, by reason of its size and extent in this open countryside location, would have an adverse and detrimental impact upon the rural character and amenities of the surrounding area and as such could also be contrary to Policies ENV1, ENV25 and EMP3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Amarretto Design Ltd., The Old Sub Station, Earl Road Lane, Penarth, Vale of Glamorgan. CF64 3UN
(Amarretto Design Ltd., The Old Sub Station, Earl Road Lane, Penarth, Vale of Glamorgan. CF64 3UN)

LAND OFF ARCOT LANE NORTH, PENARTH

Mixed housing development

SITE DESCRIPTION

The application site relates to a brown field site with a commercial garage and dilapidated storage buildings at Arcot Lane North, Penarth. Arcot Lane North is accessed via Salop Street and High Street and provides access to the rear gardens and garages of properties along Arcot Street, Salop Street and High Street. The site is approximately 856 sq. m. in size.

It lies within the residential settlement boundary of Penarth.

DESCRIPTION OF DEVELOPMENT

The application seeks Outline Planning Permission for a three-storey block of flats with 2 x 2 bedroom (75m²) flats, approximately 16 No. undercroft parking spaces, a bin store, cycle store and staircase at ground floor and 3 x 2 bedroom (75m²) and 2 x 1 bedroom (50m²) flats on each of the 1st floor and 2nd floors.

The indicative plans show a garden area with trees at ground floor level (to the east of the site), a roof garden at 1st floor level (to the west of the site) and balconies at 1st and 2nd floor levels. The siting and access of the scheme are included for approval now with its design, external appearance and landscaping reserved for future approval.

The building is an irregular shape and measures 22m wide and 23m deep at its maximum points. The proposal would not involve the felling of trees but would necessitate the demolition of the dilapidated parts of the site. The access lanes are only between 4m and 5m wide and will not be altered as part of the scheme.

PLANNING HISTORY

87/01220/Sect53 - MOT bay within building. Withdrawn.

86/00594/FUL - Alterations and extensions for MOT reception and offices.
Approved 2nd September, 1986.

CONSULTATIONS

Penarth Town Council - Were consulted on 16th November, 2005 and re-consulted on additional details on 9th December, 2005. The following detailed comments were made:

“That the application should be approved subject to the scale, form and design of the development being in keeping with the surrounding residential area with units of accommodation being no more than two storeys in height. Furthermore, car parking and amenity space should be provided in accordance with the Vale of Glamorgan Council’s approved guidelines.”

“Having considered the additional drawings and further particulars received by the Vale of Glamorgan Council on 6th December, 2005, the Town Council reaffirms its previous views and considers that if outline planning permission is granted, the permission should not relate to the layout and number of residential units indicated on the additional drawings. In terms of access it is the Town Council’s view that the principal vehicular access and egress should be via High Street having regard to the characteristics of the Salop Street lane access.”

The Head of Visible Services (Highway Development) – Was consulted on 16th November, 2005 and re-consulted on additional details on 9th December, 2005.

Initial comments: “Further to the site inspection undertaken in relation to the above proposals, I would inform you that the Highway Authority object to the development based on the following.

Access to and from Arcot Lane North is considered substandard due to limited visibility along High Street and Salop Street.

The width of Arcot Lane North will not allow for two way traffic and pedestrian facilities that will be required to serve the development proposals.

The development would represent an intensification of use at the site, which would be detrimental to highway safety.”

Additional comments: “The proposed parking bays shown on the submitted plans are substandard in length and do not conform to the councils Parking Guidelines. Additionally, the required clear manoeuvring area behind each parking bay is below the minimum requirement of 6.0m.

While making the lane “one-way” will reduce the need for two-way traffic to access and egress the site at the same point, it is considered that an access or egress via the junction located along Salop Street would be detrimental to highway safety due to inadequate visibility and limited manoeuvrability for vehicles entering/exiting the lane. Furthermore, it is considered that larger servicing vehicles would not be able to manoeuvre around the 90⁰ bend at the rear of No. 17 High Street.

Finally, the rear lane is not a suitable means of access for pedestrians and cyclists that will visit the site and the development would represent an intensification of use, which would be detrimental to highway safety.”

The Director of Legal and Regulatory Services (Environmental Health – Contaminated Land Officer) - Was consulted on 16th November, 2005 and re-consulted on additional details on 9th December, 2005. “The land has been used as a Works and currently comprises redundant buildings and wastes. There is the possibility therefore that contaminants may be present in/on/under the ground and asbestos present. I recommend that the following condition be attached:

Condition:

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

- (a) A desktop study of the area of the proposed development.
- (b) An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
- (c) A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement on site.
- (d) A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.

Narrative:

For the discharge of the site investigation, as a minimum, the report should include:

- (a) Details of an overview of the initial walkover survey to including the identification of contaminants from other sources e.g. gases emitted from natural organic deposits such as coal, or structures such as disused drains.
- (b) Detailed on-site sampling to identify any contamination.
- (c) The locations of any contaminated zones within the site including details of more extensive and geographically wider investigation of these zones. This will provide a more reliable picture of the distribution of contamination on the site and reduce the risk of failing to discover a hot spot of contamination.
- (d) An assessment of any off site impacts such as the effect on watercourses etc.
- (e) A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- (f) Plan of action if further contamination is identified during remediation.
- (g) Details of the measures to verify that the contaminant has been removed to an acceptable level.
- (h) The identification as to whether a long term monitoring and maintenance programme is required, if so, details of the plans.
- (i) Details of the long and short term risk to human health including the construction phase and post-development.

- (i) Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.”

Environment Agency – Were consulted on 16th November, 2005. They responded with a copy of their standard guidance notes for developers.

Dwr Cymru/Welsh Water - Was consulted on 16th November, 2005. They responded with their standard advice and conditions relating to foul water, surface water, land drainage run-off and connections to the public sewerage system.

REPRESENTATIONS

Neighbouring occupiers were notified on 16th November, 2005 and re-consulted on additional details on 9th December, 2005 and a site notice was erected on 16th November, 2005. The owner of the property has objected to the application confirming that a complaint is about to be submitted to the Police for an investigation of the applicant and their claims in Certificate A that they own the property. The occupiers of Nos. 25, 27, 28, 29 and 31 Arcot Street, 16, 17, 23 and 24 High Street and 6 Salop Street have objected to the proposal on the following grounds:

- The existing buildings on the land are mostly single storey and used for storage or workshop type businesses which operate between 0830hrs and 1700 hrs and any intensification of the site will prejudice the amenities and privacy of adjoining residential occupiers.
- The potential increase in traffic and noise in and around the site.
- The exacerbation of parking problems and congestion in the surrounding streets.
- The access is inadequate and too narrow to accommodate increased levels of traffic to the site and two way traffic is impossible.
- The scale of the proposed building(s) is excessive and will overlook the rear gardens of the surrounding terraced properties.
- The increased pressure on the public sewerage system,
- The disruption caused by the demolition of the existing buildings and the construction of the flats.
- The proximity of the development to existing properties and the subsequent loss of privacy, overlooking and overshadowing.
- The possible loss of access to the rear garages and gardens of adjacent residential properties.
- The potential damage to rear boundary walls and property caused by excavations and vehicles.
- The scheme represents an over-development of the site.

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

REPORT

The site lies within the Identified Residential Settlement Boundary of Penarth and the proposal can be assessed against Policies HOUS2 – Additional Residential Development, HOUS9 – Residential Development Criteria, HOUS12 – Residential Privacy and Space, ENV25 – Design of new developments and TRAN9 - Parking of the adopted Vale of Glamorgan Unitary Development Plan 2005; Planning Policy Wales (March 2002) and the Council's approved parking guidelines and the adopted Supplementary Planning Guidance Note on 'Amenity Standards' (1999).

The main issues relate to the provision of parking and access arrangements, the siting of the proposed development at the rear of neighbouring residential properties and the subsequent impact on the privacy and amenities of neighbouring and future occupiers and the provision of functional amenity space.

The application originally reserved all matters for approval at a later date but the Local Planning Authority requested that details of access, design and siting be submitted for consideration, in line with Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995. The applicant has submitted a site plan (1:500 scale) and floor plans (ground, 1st and 2nd floor at 1:200 scale) but no details of the scale and massing of the development. The applicant has suggested that two way access can be achieved using the High Street access only but would accept a one-way system with access from High Street and egress onto Salop Street.

The Highways Officer considers that parking bays are substandard in length and do not conform to the Council's Parking Guidelines and there is insufficient clear manoeuvring space behind each parking bay (minimum requirement of 6.0m). Although a one-way system will reduce the need for two-way traffic to access and egress at the same point, it is considered that an egress onto Salop Street would be detrimental to highway safety due to inadequate visibility and limited manoeuvrability for vehicles entering/exiting the lane. In addition to this, larger servicing vehicles such as refuse lorries would not be able to manoeuvre around the 90° bend at the south-west corner of the site. The rear lane is too narrow to provide a segregated means of access for pedestrians and cyclists who visit/use the site. It is also likely that future occupiers of the development and visitors will create overspill parking onto the surrounding streets where parking is already at a premium. The site is currently occupied by a MOT Centre and dilapidated storage buildings and it can be argued that these are non-conforming uses in this residential area. However, the majority of the buildings on this site are vacant and it is considered that the intensification of this area by developing 12 flats on the site will result in a dramatic increase in the number of vehicles entering and leaving the site.

Therefore, the development would represent an intensification of use, which would be detrimental to highway safety, contrary to Policy TRAN9 of the Unitary Development Plan and the approved South Wales Parking Guidelines.

The proposed three-storey block of flats is sited at the rear of terraced residential properties along Arcot Street to the east, Salop Street to the south and High Street to the north and west. The site is at the same level as the surrounding properties but the outline of the proposed building is within 0 and 9m of residential curtilages in all directions. It is considered that this would have an unacceptable effect on the amenities and privacy of the neighbouring and future occupiers of the dwellings, contrary to Policy HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and advice contained within the adopted 'Amenity Standards' Supplementary Planning Guidance Note. Policy 3 of the SPG states that "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."

The proposal is for a three storey flatted development and the proximity to the neighbouring properties will result in an overbearing development that would overlook and overshadow adjacent private gardens. Policy HOUS9 refers to "visual intrusion" and Policy HOUS12 states that "existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling." Paragraph 9.3.4 of Planning Policy Wales 2002 also states that "increases in density help to conserve land resources, and good design can overcome adverse effects, but ... the amenity of the scheme and surrounding property should be carefully considered."

Whilst the proposed building will be served by a separate access, the scheme represents a form of "tandem" and backland development. Paragraph 9.2.12 of Planning Policy Wales (PPW) states that "sensitive design and good landscaping are particularly important if new buildings are to be fitted successfully into small vacant sites in established residential areas. 'Tandem' development consisting of one house immediately behind another ..., may cause ... disturbance and lack of privacy to the house in front and should be avoided." Paragraph 9.3.3 of PPW states that "insensitive infilling ... 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." It is considered that the high levels of traffic entering and leaving the site will be detrimental to the amenities of the residential properties in the area, particularly the properties either side of the access lane, contrary to Policies HOUS9 and HOUS12 of the Unitary Development Plan, PPW and the 'Amenity Standards' Supplementary Planning Guidance (SPG).

The 'Amenity Standards' SPG advises that "in flatted developments, developers should aim to provide a minimum of 20 sq. m. of amenity space per person." The application plans indicate 5 No. two bedrooms units and 2 No. one bedroom units across the three floors. Therefore, there is likely to be between 12 and 19 residents in the block and this equates to between 240 sq. m. and 380 sq. m. The majority of the site will be taken up by the three-storey building and the proposed outdoor garden at ground level to the east and the 1st floor roof garden to the west can provide a total of approximately 200 sq. m. of outdoor amenity space. It is considered that sufficient usable, adequate and appropriate private amenity space cannot be provided for the block of flats and the shared garden areas will overlook and be overlooked by the neighbouring properties.

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

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed block of flats, by reason of its scale and siting, would represent an overbearing and unneighbourly form of development causing unreasonable loss of amenity to the occupiers of the adjoining dwellings, contrary to Policies HOUS9, HOUS12, ENV25 and TRAN9 of the adopted Vale of Glamorgan Unitary Development Plan 2005, Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance on 'Amenity Standards' 1999.
2. The proposed block of flats would represent a form of backland development and an overdevelopment of the site which fails to provide adequate on-site parking provision and turning areas, an adequate access to the proposed flats or adequate and usable outdoor amenity space for future occupiers, contrary to Policies HOUS9, ENV25 and TRAN9 of the adopted Vale of Glamorgan Unitary Development Plan 2005, Planning Policy Wales 2002, the approved South Wales Parking Guidelines and the approved Amenity Standards Supplementary Planning Guidance Note (1999).

Dr. C. and Mrs. B. Morgan, Belgrave House, Factory Road, Llanblethian, Cowbridge. CF71 7JD
(Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan. CF71 7AE)

BELGRAVE HOUSE, FACTORY ROAD, LLANBLETHIAN, COWBRIDGE

Demolish existing double garage, construct new four bedroom dwelling on lower part of site with associated parking and amenity space

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

The application is for demolition within the Cowbridge with Llanblethian Conservation Area.

The application was advertised on 22nd November, 2005.

SITE DESCRIPTION

The application site comprises part of the residential curtilage to an existing dwelling house "Belgrave House", and is occupied by a detached, single storey, pitched roof double garage. The property is located at the junction of Factory Road, Bridge Road and Church Hill.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the demolition of the existing detached double garage and the construction of a new detached two storey, pitched roof dwellinghouse. The proposed house will have a footprint of approximately 10.5 metres x 7.9 metres to a main ridge height of approximately 7.8 metres. It will be sited in a similar position as the existing garage with the frontage of the building facing the existing entrance off Factory Road. The accommodation will comprise at ground floor level a living room, study, kitchen, utility room, toilet and integral garage with at first floor 4 No. bedrooms, a bathroom and en-suite facilities.

The design of the house will be traditional Vale vernacular with features such as external chimney stack, eyebrow dormer windows in the roof and a pitched roof gabled front porch. External finishes will be random rubble stone to the front elevation, smooth render to part sides and rear and natural blue/black slate roof.

Vehicular access will be via the existing entrance and, in addition to the garage, 2 No. car parking spaces will be provided within the front forecourt. The proposed plot will be subdivided from the existing Belgrave House by a retaining wall and a 2 metre high fence.

PLANNING HISTORY

90/01249/FUL – Two storey extension. Approved 5th February, 1991.

91/00240/FUL – Double garage and access. Approved 11th June, 1991.

91/00349/CAC – Reduction of boundary wall from 1.3 metres to 1 metre.
Approved 11th June, 1991.

CONSULTATIONS

Cowbridge with Llanblethian Town Council – “No objections. However, the members of the Committee would be strongly opposed to any amendment, which might increase the size of the house and in the light of its position in the Conservation Area regard it as particularly important that materials of the high standard specified are used in its construction”.

Environment Agency have submitted their “Standard Advice” Guidance Note for Developers only.

Dwr Cymru/Welsh Water - “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 discharge must be drained separately from the site.

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

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

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

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

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

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.

Glamorgan Gwent Archaeological Trust – Have no objections to the determination of the application.

Vale of Glamorgan Conservation Area Advisory Group – Comment as follows:

“Recommended – Refusal – Whilst accepting that the site was appropriate for development, the Group considered that the current application was inappropriate in terms of scale and design and was considered too intrusive for the Conservation Area.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the application on 23rd November, 2005. Letters of objection have been received from the occupiers of “Northcote” and “Leys Cottage”, Factory Road; “Trecregyn”, “Westfield House” and “Highfield House”, Bridge Road; “Kingscombe House” Llanmihangel Road; and Llanblethian House. Whilst all of the representations are available on file for Committee Members inspection, a copy of the letter from the occupiers of “Westfield House” is reproduced at Appendix A as being generally indicative of the points raised. In summary the issues raised include adverse impact on the Conservation Area; over development; privacy, parking problems and highway safety; flood risk; and unacceptable precedent.

REPORT

The site is located within the settlement boundary for Llanblethian and within the Cowbridge with Llanblethian Conservation Area. As such the following policy background is relevant to the consideration of this proposal to erect a new detached dwellinghouse within the curtilage of the existing property “Belgrave House”.

The adopted development plan is the Vale of Glamorgan Unitary Development Plan 2005. Policy ENV18 relates to development in Conservation Areas and states:

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

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

Policy ENV19 refers to demolition in Conservation Areas and states:

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

- (i) LISTED BUILDING CONSENT FOR THE DEMOLITION OF A LISTED BUILDING OR BUILDINGS/STRUCTURE WITHIN ITS CURTILAGE WILL ONLY BE GIVEN IN EXCEPTIONAL CIRCUMSTANCES.

- (ii) THE DEMOLITION OF AN UNLISTED BUILDING OR STRUCTURE WITHIN A CONSERVATION AREA WILL BE PERMITTED WHERE FULL PLANNING PERMISSION HAS BEEN GRANTED FOR THE PROPOSED NEW USE OR DEVELOPMENT; AND
- (iii) PROPOSALS FOR THE DEMOLITION OF A BUILDING IN A CONSERVATION AREA SHOULD BE ACCOMPANIED BY PROPOSALS FOR THE APPROPRIATE RE-USE OF LOCAL INDIGENOUS MATERIALS WHICH REFLECT THE CHARACTER OF THE CONSERVATION AREA.

Policy ENV25 considers the design of new development and states:

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

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

Policy HOUS2 of the Unitary Development Plan allows for housing infill within Llanblethian subject to the residential development criteria outlined in Policy HOUS9. These include:

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

Policy HOUS12 of the Unitary Development Plan relates to residential privacy and space and states:

“Existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.”

In addition to the above, the Council has Supplementary Planning Guidance on Amenity Standards. This contains Policies not only in relation to the level and quality of amenity space but also on matters of privacy, overshadowing and visual amenity. There is also the Cowbridge with Llanblethian Conservation Area Appraisal which has been approved for development control purposes. This part of Llanblethian is identified as one of the key areas of the Cowbridge with Llanblethian Conservation Area with the frontage of the site being identified as an important boundary. The area of the application site is also an important open space/waterway with the meandering natural waterways being an important constituent element of the village's landscape. Paragraph 3.3.6 of the Appraisal states:

“At a number of points around the village the waterways provide important focal features greatly enhancing the visual attractiveness and ambience of the adjacent buildings and spaces.”

These include the glimpse of Factory Brook and the small waterfall flowing through the small road bridge adjacent to the junction of Church Road and Bridge Road.

National guidance is contained in Planning Policy Wales March 2002 which emphasises the need to pay special attention to the character or appearance of the Conservation Area. Paragraph 6.5.15 states:

“.. 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 will be a strong presumption against the grant of planning permission.

In addition with respect to new housing development, paragraph 9.3.3 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”.

There is also TAN12 which relates specifically to design. This reiterates the advice on the historic environment contained in Planning Policy Wales but also contains more detailed guidance on achieving good design and indicates that a Design Statement should be submitted with all planning applications for development which have design implications.

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

It is considered that the construction of a two storey, detached dwelling-house in place of the low lying relatively small scale garage will detract from the visual attractiveness of this important waterway and its landscape setting within a key area of the Conservation Area. The existing sense of space and views of the Factory Brook at this prominent junction will be significantly impinged upon by the introduction of a new detached dwelling along with all associated works required to provide for a garden curtilage and car parking area independent of the existing dwelling Belgrave House. It is considered, therefore, that the proposal fails to respect the context of this site and will neither preserve nor enhance the character of this part of the Conservation Area contrary to Policy ENV18 of the Unitary Development Plan.

The introduction of a new dwellinghouse within this part of the curtilage of Belgrave House will also serve to severely reduce the spaciousness of the setting of the existing property itself. It is considered that the area is one characterised by high standards of privacy and spaciousness and the proposal would appear as a cramped form of development contrary to Policy HOUS12 of the Unitary Development Plan. It is noted that the proposal cannot provide for the required level of amenity space either for the proposed new dwelling or the existing house, which would be left with a significantly reduced curtilage.

As regards the landscaped setting of the site it is noted that the Council's Tree Officer has raised no objections subject to further details, including an arboricultural method statement relating to avoidance of damage to roots, protective fencing and levels changes. However, it is considered that the introduction of an additional detached dwelling-house within the garden at Belgrave House could, with separate and independent occupation, lead to pressure for further lopping or removal of trees as occupiers seek to improve their living conditions or minimise potential damage to their property.

On the issue of highways, it is noted that a number of neighbour objections refer to the problems of parking in the area. The Council's Highway Engineer has not raised an objection in principle but has indicated that four car parking spaces plus a turning facility to allow exit in a forward gear, is required for the proposed and existing dwelling. Whilst the submitted layout does not provide for such arrangement it is accepted that it is likely a revised scheme could be shown which would meet the highway requirements, however, this would be at the expense of amenity space provision, plus the visual appearance of the site.

Another issue raised by neighbours is a concern over flooding. It is noted, however, that the site is not within in a flood risk zone and the Environment Agency have not raised any objections to the application.

In conclusion, it is considered that the spaciousness of the site is important to the setting of the Factory Brook within a key area of the Llanblethian Conservation Area. The introduction of a dwelling would appear as a cramped form of development that would detract from the landscape setting and fail to preserve or enhance the character of the Conservation Area. Notwithstanding this principle objection to the introduction of a new dwellinghouse on the site, it is also considered that the detailed design submitted is unacceptable due to its size and scale within a comparatively restricted curtilage and in an area with high standards of privacy and spaciousness.

In view of the above the following recommendation is made.

04154

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority, the proposal represents a cramped, overdevelopment of the site, that detracts from the setting of Belgrave House along with the wider area, which is characterised by high standards of privacy and spaciousness and is identified as an important open space/waterway within a key area of the Cowbridge with Llanblethian Conservation Area. The proposal would therefore neither preserve nor enhance the character and appearance of the Cowbridge with Llanblethian Conservation Area, and would detract from general residential amenities contrary to Policies ENV18, ENV25, HOUS2, HOUS9 and HOUS12 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on 'Amenity Standards'; the Cowbridge with Llanblethian Conservation Area Appraisal, and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

Mr. S. Collier, C/o Agent.

(A. J. Design Associates, P. O. Box 21, Barry, Vale of Glamorgan. CF62 4YL)

ASHLEA, CROSS COMMON ROAD, DINAS POWYS

Proposed replacement dwelling

SITE DESCRIPTION

The application site relates to an existing dwelling known as Ashlea, located in Cross Common Road, outside the village of Dinas Powys, within the countryside.

The existing dwelling is a single storey dwelling with attached garage constructed in red facing brick and brown concrete roof tiles. The existing dwelling has a footprint of approximately 60 square metres with the use of the roof void served by windows on both gables and served by a rear facing flat roof dormer.

DESCRIPTION OF DEVELOPMENT

The proposed development is for the demolition of the existing dwelling and the construction of a new dwelling. The dwelling is shown to be sited further to the south although the same distance from the road as the existing dwelling.

The proposed replacement dwelling is of a relatively modern and contemporary style being a one and a half storey dormer style dwelling and will measure a width of 13 metres by a maximum depth of 9.2 metres. The front elevation of the dwelling will have a projecting off-set gable with a lean-to veranda and two eaves level dormers. The dwelling will have two gables at roof level and a single eaves level dormer. The roof line will have a bonnet hip and a ridge height of 6.5 metres and eaves level of 4 metres.

The dwelling will have a natural slate roof, walls finished in fine down render painted Gardenia and the front facing gable will be constructed in lias limestone. Windows and doors are in white UPVC.

PLANNING HISTORY

The site has been subject to the following planning applications.

05/01776/FUL – Replace stable block, yard and access drive. Refused 6th January, 2006, for the following reasons:

“The proposed stable building by virtue of its significant size, scale, massing and design as well as the nature of the proposed internal use, is considered to present an unacceptable and unjustified form of development which would be detrimental to the character of the countryside. Furthermore, the number of horses proposed to be stabled would not be served by sufficient level of grazing land within the control of the applicant while the extent of hardstanding and length of access required would exacerbate the harm caused by the development. The proposal is therefore considered contrary to Policies ENV1 (Development in the Countryside), ENV8 (Development involving Horses) and ENV25 (Design of New Developments) contained in the adopted Vale of Glamorgan Unitary Development 2005.”

CONSULTATIONS

Dinas Powys Community Council - Were consulted on 13th December, 2005 and have raised no objection to the application.

Dwr Cymru/Welsh Water - Were consulted and have stated that as the applicant intends to use private drainage facilities they have no comment to make.

Environment Agency – Were consulted and responded with a “Standard Advice” guidance note for developers.

The Head of Visible Services (Highways) Was consulted on the application following a site inspection and has stated that he could not sustain an objection given the existing use of the site.

REPRESENTATIONS

Adjacent occupiers were notified on 13th December, 2005 and a site notice was also posted. To date one letter of representation has been received by the occupier of the dwelling on the other side of the road, Walnut Tree House. The letter raises a number of issues in relation to the assessment of the application and matters relating to other developments within the site. The letter is attached as Appendix A.

REPORT

The proposal relates to the demolition of the existing dwelling and construction of a replacement dwelling in the countryside. Policy HOUS7 contained in the adopted Vale of Glamorgan Unitary Development Plan 2005 states that the replacement or extension of dwellings in the countryside will be strictly controlled. In respect of replacement dwellings, the following criteria are relevant.

- (iii) The replacement dwelling or dwelling as extended does not require an unacceptable extension of the existing residential curtilage.
- (iv) In respect of replacement dwellings, parking and amenity space is provided in accordance with the council's approved guidelines.
- (v) The scale, siting, design, materials, landscaping and external appearance of the replacement dwelling or extension is compatible with any existing related structures and the surrounding landscape.

- (vi) In the case of replacement dwellings for derelict buildings, the residential use of the building has not been abandoned.

Paragraph 4.4.55 in support of the above referenced Policy states:

Where total demolition and replacement of an existing property is proposed applicants will be required to produce a detailed structural survey of the existing building and evidence will need to be shown of the need to replace/rebuild.

Also relevant is Policy ENV25 – Design of New Developments which states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

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

Issues

In relation to the justification for demolition of the existing dwelling, no structural report was submitted with the application. Given that the structural report is necessary as set out in the above referenced supporting text to the Policy, the agent was advised in writing of the relevant Policy and the need for the structural report to demonstrate that the existing dwelling is structurally unsound to justify a replacement dwelling.

In response the agent has submitted a letter stating that the applicant has considered how he could achieve a larger house by alteration and extension to the existing dwelling, although due to its proportions, layout and footprint he concluded that this would be difficult.

The letter adds that given the replacement dwelling is moderate in size in relation to both the existing house and the size of the plot, the agent has concluded that the application for the demolition of the existing dwelling would not be unreasonable, regardless of its structural condition. The agent has therefore requested the determination of the application on the basis of the information submitted to date and has confirmed that it is not his client's intention to commission a structural survey.

In view of the above and the absence of a structural report to demonstrate the need to replace/rebuild, the demolition of the existing building and its replacement is unjustified and contrary to Policy ENV7 and the supporting text to that policy.

Given that the proposal therefore relates to the unjustified construction of a new dwelling in the countryside, the following Policies are also considered relevant.

Policy ENV1 relates to development within the countryside and states:

Within the delineated countryside permission will only be granted for:

Development which is essential for:

- (i) Agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.

- (ii) Appropriate recreational use.
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
- (iv) Development which is approved under other policies of the plan.

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

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

Notwithstanding the above and the unacceptable principle of the replacement dwelling, an assessment should nevertheless also be made with regard to the scale, siting, design, materials and external appearance of the replacement dwelling and whether it is compatible with the surrounding landscape.

For information, it should be noted that the adjacent dwelling at Raycroft, has recently been granted planning permission under application ref: 05/01388/FUL, for its demolition and replacement with a new dwelling. It should be noted that this dwelling was a single storey wooden framed building, where the submitted structural report clearly demonstrated that the building was not structurally sound and due to the construction of the walls, was inadequate for modern insulation.

The replacement dwelling is shown to be sited on the same general building line as the existing dwelling although re-sited slightly to the south. The dwelling although of a dormer style with front gable, nevertheless has the scale and massing, particularly in relation to the ridge height, more of a two storey dwelling and would be marginally higher than the recently approved dwelling ref: 05/01388/FUL.

The design of the dwelling whilst relatively modern, would reflect that of the recently approved dwelling at Raycroft where such dormer style accommodation would also reflect several detached dwellings which can be found on Cross Common Road. Materials and finishes being painted render and slate is typical of rural dwellings in the area and therefore would be considered acceptable. The proposed dwelling being sited within a relatively wide plot well screened by mature trees would not have any impact on the amenity and privacy of adjoining occupiers.

The tree officer was consulted on the application and has stated that the proposed development will incur significantly into the rooting and branch spread zone of a mature oak tree. Excavations for foundations is likely to cause significant root damage and the tree will require unsuitable pruning or removal given its close proximity to the proposed dwelling. The oak has recently been protected by the service of a Tree Preservation Order. Therefore an objection has been raised on the grounds that it would cause damage to a significant tree. The tree officer has however stated that the proposal could be amended to provide increased clearance from the oak tree, sufficient to minimise root damage to an acceptable level. Whilst re-siting of the dwelling may well remove the objection raised by the tree officer, given that the principle of development cannot be justified, amended siting has not been discussed with the agent.

The application site (edged red) includes land to the rear of what appears to have been historically used as residential curtilage, based on aerial photos and Ordnance Survey maps. The land now shown as part of the curtilage appears to have been used as a paddock. Having inspected the site, it is noted that the historic rear boundary of the curtilage of the dwelling has been removed and the historic curtilage has been graded and levelled into the paddock to the rear, where the whole site now appears to serve the dwelling. Accordingly the use of the extended curtilage in connection with the dwelling (whether the existing or the proposed) would result in a material change of use of the land which would result in an unjustified extension into the countryside contrary to Policy HOUS7 of the above referenced plan. This matter is presently being investigated by the Enforcement Unit.

In relation to highway matters, the Head of Visible Services (Highways) has not raised an objection to the application given that the existing use of the site is as a single dwelling.

For the reasons given above, no justification has been submitted to support the demolition of the existing dwelling to demonstrate a need for a rebuilt/replacement dwelling. Therefore the proposal relates to the unjustified construction of a new dwelling in the countryside contrary to the above referenced Policies. The following recommendation is therefore made.

04217

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal for the demolition of the existing dwelling and construction of a replacement dwelling has not been supported by way of a structural report to demonstrate the need and justification for a replacement dwelling. Furthermore, the proposed increase in the residential curtilage would result in an unjustified encroachment into the countryside detrimental to the rural character of the area. The proposal therefore relates to the unjustified construction of a new dwelling in the countryside contrary to Policies ENV1 (Development in the Countryside), HOUS3 (Dwellings in the Countryside) and HOUS7 (Replacement and Extensions of Dwellings in the Countryside) contained in the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. The proposed siting of the new dwelling would have an unacceptable affect on an oak tree protected by a Tree Preservation Order, by reason of the likely cause of significant root damage and that the tree will require unsuitable pruning or removal given its close proximity to the proposed dwelling. The proposal is therefore contrary to Policy ENV10 (Protection of Landscape Features) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Newydd Housing Association, Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff.
CF15 7NE
(Boyer Planning Limited, 33-35, Cathedral Road, Cardiff. CF11 9HB)

14A & 14B, BARRY ROAD, BARRY

Subdivision of two adjoining dwellings to six self-contained flats to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background

SITE DESCRIPTION

The application relates to two adjoining properties at Nos. 14a and 14b Barry Road. The agent has stated that the properties are currently vacant but were previously used as part of a supported housing project for vulnerable families. This former use has relocated elsewhere. No. 14a is the larger property being three storey in height and having 6 bedrooms. No. 14b is two storey in height with 2 bedrooms.

DESCRIPTION OF DEVELOPMENT

The application is seeking to change the use of the property from two dwellings to six self contained flats to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background. Each flat will comprise a combined kitchen and living area, a bedroom, bathroom or en-suite shower room. No extensions or major alterations to the building are proposed, with only minor alterations to door and window openings.

PLANNING HISTORY

87/01133/FUL – Planning permission was granted on 5th January, 1988 for a new build scheme on the site of Nos. 12/14 Barry Road to comprise 6 bedsits with shared facilities and warden accommodation.

86/00786/FUL – Planning permission was granted on 23rd September, 1986 for a dwelling at Nos. 12/14 Barry Road, Barry.

86/00024/FUL – Planning permission was granted on 11th March, 1986 to change the use of a shop and residential unit at No. 14 Barry Road to a shared dwelling.

CONSULTATIONS

Barry Town Council has been consulted. No comments have been received to date.

The Head of Visible Services (Highways) – Has stated that it is considered that vehicle ownership at the site is likely to be low and so three off-road parking spaces would be considered sufficient.

The Director of Legal and Regulatory Services (Environmental Health – Housing) has made a number of comments relating to fire safety regulations.

REPRESENTATIONS

Neighbouring occupiers have been consulted and a site notice has been posted. Neighbouring residents in Main Street, Little Main Street, Barry Road, Church Road, Churchfields and Robins Lane have objected to the application. A copy of the letters received from the owner/occupiers of Nos. 2 Robins Lane, 9 Barry Road and 16/18 Barry Road are attached as Appendix A to provide examples of the concerns expressed. The main objections to the proposal can be summarised as follows:

- Potential impact on the area in terms of crime and anti-social behaviour.
- Insufficient consultation has taken place by the project leaders with the business community and local residents.
- The property is in an inappropriate location for such a scheme, in an area where there is an existing problem of substance misuse. For example, the site is close to Cadoxton School.
- Potential for increased noise pollution from the site.

REPORT

The development plan comprises the Vale of Glamorgan Unitary Development Plan 2005. The site is located just outside the Main Street local shopping centre. The application has been assessed with regard to the following policies of the Unitary Development Plan:

1. Policy HOUS9, which states that residential development will be permitted which is within defined settlement boundaries provided that it meets criteria, including that:
 - 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;
 - The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
2. Policy HOUS10 states that the conversion of large dwellings into small self contained dwelling units will be permitted if:
 - The scale and form of the proposed development is in keeping with surrounding uses.
 - 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 and visual intrusion; and
 - The provision of car parking and amenity space is in accordance with the Council's approved guidelines.

3. Policy ENV25 which relates to the design of new developments.

The application has also been considered in the light of the Council's adopted Supplementary Planning Guidance on Amenity Standards and the approved Car Parking Guidelines.

The application forms part of the Croes Ffin project; a partnership initiative between the Vale of Glamorgan Council and Cardiff County Council, which aims to provide 18 bed spaces (9 in each Authority) for persons who are homeless or recently homeless that are leaving treatment centres and/or prison. This development provides 6 of the 9 required bed spaces with the remaining 3 proposed in a similar planning application at No. 248 Holton Road, Barry.

To clarify, the concern expressed by local residents and businesses regarding the nature of future occupiers of the proposed development is not a valid planning matter that can be taken into account in the determination of the application. The main issues with regard to the application are considered to be the impact of demand that the proposed use of the property would have on the provision of amenity space and car parking.

In terms of car parking, the Car Parking Guidelines require self contained flats to have 1 to 2 spaces per unit. However, the Guidelines acknowledge that for certain developments where there is evidence of low car ownership levels, a relaxation of the parking requirements may be considered. The Head of Visible Services (Highways) has stated that as vehicle ownership at the site is likely to be low, and so the three off-road parking spaces shown on the submitted plans would be considered sufficient.

The Council's Amenity Standards states that private communal areas accessible to all occupants should be provided to serve flatted developments, recommending that developers should aim to provide a minimum of 20 square metres of amenity space per person. In this case this equates to a requirement of 120 square metres.

The site is of sufficient size to provide the required standard of amenity space. Condition No. 3 requires the submission of additional details to indicate the setting out of the amenity area and how access to it would be achieved for all future occupants of the development.

On the basis of the above, it is considered that the proposed development is acceptable and accords with the relevant policies of the Council.

04219

RECOMMENDATION

APPROVE subject to the following condition(s):

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

2. The car parking spaces and turning areas shall be provided in accordance with the revised plans, reference 05/0199/FUL dated 20th January, 2006, hereby approved. The car parking and turning areas shall be so maintained at all times within the curtilage of the site for the parking of motor vehicles associated with the residential use of the flats hereby approved.
3. Notwithstanding the submitted plans, prior to the beneficial occupation of the flats hereby approved, the amenity space shall be laid out and be so maintained at all times thereafter in accordance with full details which shall have first been submitted to and agreed in writing by the Local Planning Authority.
4. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of highway safety.
3. To ensure an orderly form of development.
4. To safeguard local visual amenities.

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.

Newydd Housing Association, Ty Cadarn, 5, Village Way, Tongwynlais, Cardiff.
CF15 7NE
(Boyer Planning Limited, 33-35, Cathedral Road, Cardiff. CF11 9HB)

248, HOLTON ROAD, BARRY

Change of use of vacant offices to 3 no. 1 bedroom flats and ground floor office to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background

SITE DESCRIPTION

The application site relates to an existing three-storey, mid terraced property, fronting Holton Road, Barry, located within the upper Holton Road District retail centre. The ground floor of the premises was formerly an office used for "Care & Repair in the Vale" which accommodated two separate offices at ground floor and at first floor level a meeting room and computer training room with toilet facilities with an external means of escape to the rear yard and at second floor two separate offices.

DESCRIPTION OF DEVELOPMENT

The planning application seeks the change of use of a vacant office to three one-bedroom flats and a ground floor office to provide temporary accommodation for persons with previous substance misuse problems and/or an offending background.

The ground floor accommodation will comprise a managers office to the front of the building and to the rear a self contained one bedroom flat with access into the rear yard. The first floor and second floors will comprise of two further flats with a separate communal area on the first floor to provide access to residents via the existing external staircase to the rear yard.

The proposal includes a replacement shop front consisting of a timber glazing system with low level louver ventilation and a hardwood steel front door with stainless steel furniture. The existing fascia sign will be removed and replaced by a new stone surround.

PLANNING HISTORY

The site has not been subject to any previous planning applications.

CONSULTATIONS

Barry Town Council - Have been consulted and to date no comments have been received.

The Head of Visible Services (Highways Development) - Was consulted on the application and has made the following comments:

“It is noted that the development site is located within walking distance of all public amenities including public transport facilities that will serve the needs of the development. Additionally, it is considered that based on the proposed use at the site vehicle ownership and subsequent traffic generation would be very low.

In considering the level of required parking, it is considered that 1.5 parking spaces would normally be required to serve the development proposals, based on the parking standard for conversions. However, due to the location of the development site and the nature of the proposed use, it is considered that there would be no detrimental impact on the highway network in the absence of residential parking facilities.

Therefore, the Highway Authority are unable to sustain an objection to the development proposals provided that a “personal condition” is imposed on the applicant to maintain the nature of residential use at the site.”

REPRESENTATIONS

Adjoining occupiers were notified on 23rd December, 2005 and to date one letter of representation has been received, which raised an objection to the application. The objection relates to the nature of the people who would reside at the property. The letter is attached as Appendix A.

REPORT

The development plan comprises the adopted Vale of Glamorgan Unitary Development Plan 2005. The application site lies outside the primary shopping area of Holton Road in what is a secondary retail area, although it does fall within the Upper Holton Road District Centre. Policy Shop 11 – Upper Floors in Town and District Shopping Centres, states that within Town and District shopping centres proposals for the beneficial use of vacant upper floors of commercial premises will be permitted if the proposal:

- (i) Has no unacceptable effect on neighbouring amenities.
- (ii) Provides parking and servicing in accordance with the Council's approved guidelines; and
- (iii) Incorporates a high standard of design.

In respect of the residential use of upper floors in district shopping centres the Council will adopt a flexible approach in assessing the need for amenity space and parking spaces.

In relation to the assessment of the conversion of the property into three flats, the relevant policy is HOUS 2 of the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy supports such conversion within the settlement boundary of Barry, where the following relevant criteria are met.

- (1) 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.

- (4) The provision of car parking and amenity space is in accordance with the Council's approved guidelines.

Also relevant is Policy ENV25 – Design of New Developments which states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Consideration should also be given to the policies and guidance set out in the adopted Amenity Standards Supplementary Planning Guidance and the South Wales Parking Guidelines.

To clarify, the concerns expressed in the letter of objection regarding the nature of the future occupiers is not a valid planning consideration that can be taken into account in the determination of the application. However notwithstanding this, Planning Policy Wales (March 2002) states as one of its key policy objectives that planning policies and proposals should:

“Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account.”

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on 'amenity standards', which includes guidelines for such, within which Policy 2 in particular states that “the Council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development”. The supporting text to this policy states that “the provision of adequate and usable private amenity space is extremely important to meet the requirements of residents for functional and relaxation space”, with standards established for flatted developments stating that developers should aim to provide a minimum of 20 square metres of private amenity space per person.

The proposed flats are based on single person occupancy and as such would only accommodate three people which would require amenity space provision of 60 square metres. The existing rear yard would provide an amenity area of some 50 square metres which, whilst representing a slight shortfall in relation to the Council's standards, is nevertheless considered to be of sufficient size to serve the development having regard to the flexibility referred to in Policy Shop 11 above. Furthermore, the amenity space would be readily accessible to all occupiers, given the existing external stair access from the communal room at first floor level. Therefore the amenity provision as a whole is considered acceptable subject to a condition requiring the submission of a layout.

In considering the level of required parking, the Head of Visible Services (Highway Development) states that 1.5 parking spaces would normally be required to serve the development proposals, based on the parking standard for conversions. However, due to the location of the development site and the nature of the proposed use, it is considered that there would be no detrimental impact on the highway network in the absence of residential parking facilities. It should also be noted that the former office employed ten staff and therefore, as a whole, the demand for on-street parking will actually decrease as a result of the proposed development.

In relation to the replacement shop front the timber glazing system and replacement hardwood door will improve the external appearance of the building from the street elevation, subject to the submission of samples by way of condition.

To conclude, it is considered that there are no overriding reasons to refuse this application and an approval is recommended.

04224

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Details of the materials and colour of the external finishes of the proposed replacement shopfront, door and new stone fascia shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
3. Notwithstanding the submitted plans a scheme for the layout of amenity space shall be submitted to the Local Planning Authority for their approval in writing and shall be laid out in accordance with the agreed scheme and thereafter shall be so maintained at all times to serve the three flats hereby approved.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard local visual amenities.
3. To ensure satisfactory provision of amenity space to serve the development hereby approved.

NOTE:

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

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

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

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

Mr. J.F. Bower, Bean Bower & Co., 3, Nicholas Street Mews, Chester. Ch3 2NS
(Cleartree Properties Ltd., Shipgate House, Shipgate Street, Chester, CH1 1RT)

GREENFIELDS, LLANBLETHIAN, COWBRIDGE

Refurbishment of existing dwelling and construction of new detached dwelling

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

The application is for demolition within the Cowbridge with Llanblethian Conservation Area.

The application was advertised on 4th January, 2006.

SITE DESCRIPTION

The application site comprises an existing detached dwelling-house and associated garden curtilage located at the junction of Broadway, Bridge Road, Castle Hill and Greenfield Way.

DESCRIPTION OF DEVELOPMENT

The proposal entails two elements. The first involves the refurbishment and extension of the existing dwelling, with the construction of a new single storey, pitched roof conservatory on the front elevation, measuring approximately 3.6m x 3.6m, plus demolition of the existing outbuildings and garage to the rear.

The second part of the application proposes the construction of a new detached, two storey, four bed dwelling-house within the garden. The proposed new dwelling will have a footprint of approximately 13.2m x 8.3m, excluding the conservatory and lobby and is to be sited to the west of the existing dwelling, almost at right angles to, and within 1m of, that building at its nearest point.

The proposed new dwelling will be a simple modern design finished in random stone with a natural slate roof.

Vehicular access will be onto the adopted highway via a double gated entrance with a communal courtyard providing two parking bays for each of the dwellings.

PLANNING HISTORY

90/00692/FUL – Granny flat extension. Approved on 20th July, 1990.

94/00095/FUL – Renewal of consent for granny flat. Approved on 18th March, 1994.

94/00410/TPO – Removal/trimming of tree. Refused on 2nd June, 1994 on the grounds that the tree was healthy and contributed to amenity.

98/01222/FUL – Renewal of consent for granny flat. Approved on 18th December, 1998.

03/01931/FUL – Renewal of consent for granny flat. Approved 12th March, 2004 subject to a condition restricting use to part of the existing dwelling and not as a separate dwelling unit.

CONSULTATIONS

Cowbridge with Llanblethian Town Council – “No objections to the refurbishment of the existing dwelling. However, the Committee strongly objects to the construction of the new dwelling on the following grounds:

1. Overdevelopment of the site.
2. The proposal neither improves nor enhances the Conservation Area.
3. The proposal will be detrimental to the ‘street scene’.
4. Additional strain on the existing sewer.
5. There is concern about the removal of major trees.
6. The Committee is concerned of possible flooding problems from Factory Brook.”

Environment Agency – “As your Authority is aware the proposed site lies within Zone C2, as defined by the development advice maps (dam) referred to under TAN15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk of flooding.

In accordance with guidance contained within TAN15, the development category is regarded as “highly vulnerable development”. The TAN guidance is that such developments should not be permitted within Zone C2. The Environment Agency therefore expects your Authority to refuse the application. Such stance would be fully supported by the Environment Agency Wales.

If, contrary to the requirements of TAN15, your Authority is minded to go against this advice Environment Agency Wales should be informed of all matters that influence this decision, prior to granting consent, allowing sufficient time for further representations to be made.

In addition, it should be noted that the Agency is required to report to the Welsh Assembly Government those instances in which recommendations for refusal on grounds of flood risk, have not been accepted by Local Planning Authorities. Therefore, if planning permission is granted the Authority will be required to provide the Agency with a copy of the Committee report, relevant Committee minutes and the decision notice.”

Dwr Cymru/Welsh Water – “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 must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

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

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

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

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

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

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

Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru/Welsh Water's Network Development Consultants on 01443 331155."

The Vale of Glamorgan Conservation Area Advisory Group considered the application at their meeting on 19th January, 2006 and recommended:

"RECOMMENDED – REFUSAL – The Group noted the prominent location of the site in question together with the poor condition of the existing dwelling house. It was the view of the Group that the design of the proposed new dwelling together with its scale and form in close proximity to the River Thaw, would detract from the character and setting of this part of the Conservation Area. Concern was also expressed that the proposal represented an unacceptable overdevelopment of the site and would involve the loss of trees.

The alterations to the existing dwelling were considered to be unacceptably modern and would detract from its character.

The Group also requested that the Council pursue all measures to restore the original dwelling house to its original condition."

Glamorgan Gwent Archaeological Trust – No objection.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 21st December, 2005.

Letters of objection have been submitted by the occupiers of “Hir Pob Aros”, No. 3 Cwrt Llanfleiddan, “Fairways Cottage”, Greenfield Way and “Greenfield Paddock”. These relate to issues of adverse impact on the character of the Conservation Area; the fact that Greenfields has been subdivided for a new dwelling in the past; inadequate parking and substandard access; loss of trees, reduction of light, plus flooding.

A letter has also been submitted by the occupiers of The Old Bakehouse, indicating that they have no objection subject to a reasonably short timetable for the works and existing trees are protected.

All these letters are reproduced in full at Appendix A for Committee Members inspection.

REPORT

The site is located within the settlement boundary for Llanblethian and within the Cowbridge with Llanblethian Conservation Area. As such the following policy background is considered relevant to the determination of this proposal to erect a new detached dwelling-house within the curtilage of the existing property Greenfields plus refurbishment and extension of that property itself.

The adopted development plan is the Vale of Glamorgan Unitary Development Plan 2005 (UDP). Policy ENV18 relates to development in conservation areas and states:

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

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

Policy ENV25 of the Unitary Development Plan refers to the design of new development and states:

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES.

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

Policy ENV10 relates to the protection of landscape features and states:

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

Policy ENV6 of the UDP refers to water resources. This states:

RIVER, OTHER INLAND WATERS AND UNDERGROUND WATER RESOURCES WILL BE SAFEGUARDED. DEVELOPMENTS WHICH IMPROVE THE WATER ENVIRONMENT OR HELP TO PREVENT FLOODING WILL BE FAVOURED. DEVELOPMENT WILL BE PERMITTED WHERE IT WOULD NOT:

- (i) HAVE AN UNACCEPTABLE EFFECT ON THE QUALITY OR QUANTITY OF WATER RESOURCES OR ON FISHERIES, NATURE OR HERITAGE CONSERVATION, RECREATION OR OTHER AMENITY INTERESTS RELATED TO SUCH WATER; AND
- (ii) BE POTENTIALLY AT RISK FROM FLOODING, OR INCREASE THE RISK OF FLOODING LOCALLY OR ELSEWHERE TO AN UNACCEPTABLE LEVEL.

Policy HOUS2 of the UDP allows for housing infill within Llanblethian, subject to the residential development criteria outlined in Policy HOUS9. These include:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE.
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS 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 REC3 ARE MET.
- (v) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.

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

Policy HOUS12 of the UDP relates to residential privacy and space and states:

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

In addition to the above the Council also has adopted Supplementary Planning Guidance, including SPG on Amenity Standards, plus Trees and Development. The SPG on Amenity Standards contains policies not only in relation to the level and quality of amenity space but also on matters of privacy; overshadowing and visual amenity.

Policy 3 states:

THE CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENT MUST RESPECT THE CHARACTER OF EXISTING RESIDENTIAL DEVELOPMENT, WHILST ENSURING THAT THE PRIVACY AND AMENITY OF SURROUNDING PROPERTIES ARE SAFEGUARDED.

The SPG on Trees and Development supports Policy ENV10 of the UDP which seeks the protection of landscape features, and states:

IN DETERMINING PLANNING APPLICATIONS, THE COUNCIL WILL CONSIDER THE EFFECT OF DEVELOPMENT UPON TREES AND THE OVERALL LANDSCAPE AS A MATERIAL CONSIDERATION, WITH DUE REGARD TO THE UNITARY DEVELOPMENT PLAN, GOVERNMENT ADVICE AND THIS SUPPLEMENTARY PLANNING GUIDANCE NOTE.

There is also the Cowbridge with Llanblethian Conservation Area Appraisal which has been approved for development control purposes and is relevant to the consideration of this application. The site is located within one of the key areas of the Cowbridge with Llanblethian Conservation Area and is identified as an important open space/waterway for the long attractive views of the River Thaw from the road bridge traversed by Broadway running into Bridge Road, which forms an important constituent element of the village's landscape. Paragraph 3.3.6 of the Appraisal states:

AT A NUMBER OF POINTS AROUND THE VILLAGE THE WATERWAYS PROVIDE IMPORTANT FOCAL FEATURES, GREATLY ENHANCING THE VISUAL ATTRACTIVENESS AND AMBIENCE OF THE ADJACENT BUILDINGS AND SPACES.

The application site is also identified in the Appraisal for its important boundary wall, which serves to define the village and is an important element in the townscape quality of the village.

National guidance is contained in Planning Policy Wales March 2002 which emphasises the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 6.5.15 states:

"... 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 WILL BE A STRONG PRESUMPTION AGAINST THE GRANT OF PLANNING PERMISSION."

In addition with respect to new housing development, paragraph 9.3.3 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.

There is also TAN12 which relates specifically to issues of design. This reiterates the advice on the historic environment contained in Planning Policy Wales but also includes more detailed guidance on achieving good design and indicates that a Design Statement should be submitted with all planning applications for development which have design implications. It is noted that no such design statement has been submitted with the current application.

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

The proposals entail two elements, the construction of a new detached dwelling-house and the extension and refurbishment of the existing dwelling. In assessing the first element it is considered that the introduction of a new large-scale detached dwelling-house immediately to the side and rear of the existing house will seriously detract from the visual attractiveness of this important waterway and its landscape setting within a key area of the Conservation Area. The proposed siting of the dwelling, at right angles to the existing and set back approximately 16m from the road frontage of the site, fails to respect the established form of development and the context of the site. In addition the detailed design of the building is "suburban" in character and is considered entirely inappropriate in the setting of the Conservation Area.

It is noted that the Council's Tree Officer has objected to the proposal on the grounds that it will have an adverse impact on existing tree coverage, including an Ash tree on the site, the subject of a Tree Preservation Order, and an Ash on the adjoining property, the root system of which would incur significant damage from excavations for foundations.

Thus it is considered that the construction of a new dwelling on the site would significantly impinge upon the sense of space and views along the Thaw River adversely affecting the landscape setting to such a degree that it would neither preserve nor enhance the character of this part of the Conservation Area.

The introduction of a new dwelling-house will also affect the spaciousness and landscaped setting of the existing dwelling-house itself, in an area that is characterised by high standards of privacy and spaciousness. It is considered that the size, scale and position of the proposed dwelling would detract from the existing level of residential amenities that can be currently enjoyed by the occupiers of the existing 'Greenfields' and 'Greenfields Paddock'. The proposed new dwelling would appear as an overbearing, cramped form of development out of character with the area.

It is noted that the proposal also fails to provide for a sufficient level of on-site car parking to serve both the existing and proposed new dwellinghouse. Notwithstanding this, however, it is noted that the Council's Highway Engineer has objected to the principle of a new dwelling-house on the site as it would lead to an intensification of use of an existing substandard access to the detriment of highway safety.

The question of highway safety is a matter raised by neighbouring occupiers. Another issue of concern raised by neighbours relates to flood risk. It is noted that the Environment Agency recommends the refusal of the application on the grounds that the site lies within Zone C2 defined by the development advice maps (dam) and is regarded as “highly vulnerable development” with the guidance contained within TAN15 – Development and Flood Risk confirming that such development should not be permitted.

As regards the second element of the proposal, the refurbishment and extension of the existing dwelling, again as with the detailing of the proposed new dwelling, the alterations are considered to be unacceptably modern and will alter the appearance and character of the original dwelling to the detriment of the character of the conservation area as a whole.

In conclusion, it is considered that both elements of the proposal would fail to preserve or enhance the character of this part of the Conservation Area, and the following recommendation is made.

04207

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed new dwelling-house, by reason of its size, scale, form and character, represents an insensitive and inappropriate form of infill development for the following reasons:
 - (i) The proposal would seriously detract from the landscaped setting of the River Thaw and would therefore fail to preserve or enhance the character and appearance of this part of the Cowbridge with Llanblethian Conservation Area.
 - (ii) The proposal represents an insensitive and unneighbourly form of development which would detract from the existing level of residential amenities currently enjoyed by neighbouring occupiers.
 - (iii) The proposal will result in the intensification of the use of an existing sub-standard access to the detriment of highway safety.
 - (iv) The proposal represents highly vulnerable development which would be sited within an identified area of flood risk adjoining the River Thaw.

For these reasons the proposal is contrary to the aims and objectives of Policies ENV6, ENV10, ENV18, ENV25, HOUS2, HOUS9 and HOUS12 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards and Trees and Development; the Cowbridge with Llanblethian Conservation Area Appraisal; and national guidance contained in Planning Policy Wales March 2002; TAN12 - Design and TAN15 - Development and Flood Risk.

2. The proposed alterations and extension of the existing dwelling-house would detract from the original character and appearance of the building to the detriment of the wider setting of this part of the Cowbridge with Llanblethian Conservation Area, contrary to Policies ENV18 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005; the Cowbridge with Llanblethian Conservation Area Appraisal; and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

Dafydd Wiliam, Pant Y Ffynonau, Bonvilston, Vale of Glamorgan. CF5 6TQ
(Dafydd Wiliam, Pant Y Ffynonau, Bonvilston, Vale of Glamorgan. CF5 6TQ)

CAER DELYN, ST. HILARY

Renewal of original temporary consent 00/00105/FUL for timber framed roundhouse for research and limited educational purposes

SITE DESCRIPTION

The site relates to land within the Cae'r Delyn Nursery located to the north of the village of St. Hillary.

DESCRIPTION OF DEVELOPMENT

The applicant seeks to renew temporary planning permission for the construction of a timber framed thatched roundhouse within the grounds of the nursery.

PLANNING HISTORY

74/174 – Planning application for a dwelling in connection with the nursery. Refused May 1974.

74/1321 – Planning application for a dwelling at the rear of the Paddocks. Refused November 1975.

83/1091 – Planning permission granted on 31st January, 1984 for an extension to the rear of Hafod.

84/1152 – Planning application for a new dwelling at the rear of the Paddocks. Refused 8th January, 1985.

98/00573/FUL – Planning permission granted 27th July, 1988 for an Iron Age roundhouse for research and limited educational purposes for a temporary period.

00/00105/FUL – Planning permission granted 17th March, 2000 for the erection of a timber framed thatched roundhouse for research and limited educational purposes for a temporary period up to 31st December, 2002.

03/00297/FUL – Planning permission granted 25th April, 2003 to renew the temporary planning consent for the erection of the building. This consent expired on 31st December, 2005.

CONSULTATIONS

Llanfair Community Council has been consulted. No comments to date.

REPRESENTATIONS

Neighbouring occupiers have been consulted. No comments have been received to date.

REPORT

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

The site is located within the open countryside. The application has therefore been assessed with regard to Policy ENV1 of the UDP, which states that within the delineated countryside, permission will only be granted for:

- 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.
- Appropriate recreational use.
- The re-use or adaption of existing buildings particularly to assist the diversification of the rural economy.
- Development which is approved under other Policies of the Plan.

The temporary consent for the roundhouse has previously been renewed twice to allow for its completion. However, since the granting of the previous consent, the roundhouse has now been completed. A floor has been constructed, the building has been roofed in thatch and windows and doors have been installed to make the building watertight. The roundhouse began as a project relating to post graduate studies but it is intended for the building to be retained for research and educational purposes.

The main issue is considered to be the principle of allowing the construction of a building in the countryside which is unjustified in agricultural terms. Whilst the building is an attempt to replicate an Iron Age dwelling, it is not considered that the building would be readily convertible for modern residential use. It is considered that the retention of this building can be justified in terms of the educational interest that it presents at the present time. A condition can be imposed on the consent to ensure that the building is not used for residential purposes. It is considered that this, in addition to a further temporary condition provides sufficient safeguard against the use of the building for residential purposes.

04220

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The roundhouse hereby approved shall not be used for residential purposes, including any residential use in connection with the use of the building for research and educational purposes.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the roundhouse hereby approved shall not be altered or modified in any way, including the provision of any mains services or drainage other than surface water drainage without the prior written consent of the Local Planning Authority.
3. The roundhouse hereby approved shall be used only for the purpose(s) specified in the application and in the letter dated 29th April, 1998, and shall be ancillary to the use of the site as a nursery, and for no other purpose whatsoever.
4. This consent shall be for a temporary period only and the development hereby approved shall be demolished and all materials resulting from the demolition removed from the site on or before 31st December, 2007.

Reason(s):

1. For the avoidance of doubt as the residential use of the site would constitute inappropriate development.
2. For the avoidance of doubt as to the terms of the permission.
3. For the avoidance of doubt and to ensure that the amenities of the adjoining occupiers are protected.
4. The development is not one which would be appropriate on a permanent basis in this countryside location.

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.

Dir. of Education and Lifelong Learning, Vale of Glamorgan Council, Civic Offices,
Holton Road, Barry. CF63 4RU
(Noel Architects, Walters Buildings, Clarence Road, Cardiff. CF10 5FA)

LLANCARFAN COUNTY PRIMARY SCHOOL, LLANCARFAN

Extension of existing double teaching area/hall

The development is situated within the Llancarfan Conservation Area.

The application was advertised on 2nd November, 2005.

SITE DESCRIPTION

The application site relates to land and buildings at Llancarfan County Primary School. The site lies within the Llancarfan Conservation Area and the Llancarfan residential settlement boundary and is adjacent to an existing detached classroom/hall building with pitched roof. The detached school building has a slate roof and sand/cement rendered walls. The site is located to the south-west of the main school building and is adjacent to the school playing fields. The Primary School and playing fields are bounded by residential properties to the north and west and roads to the south and east.

DESCRIPTION OF DEVELOPMENT

It is proposed to construct a double gable extension to the north west of the existing classroom/hall building (on a grassed playground area) to create approximately 160m² of additional floorspace for a 'one to one' or small group classroom, toilets, kitchen (for heating of food not cooking), an office, reception and annexe at ground floor and a staff room and private/meeting room on a mezzanine floor above.

The main body of the extension is 5.3m wide and 16m long and 3m to eaves and 7.4m to ridge height (approx. 500mm below the height of the existing building). The lean-to annexe is to be constructed of uPVC with a brick plinth and is 2.7m deep and 7.1m long. The new extension is to be constructed of a natural slate roof and sand/cement rendered walls with brickwork quoining (to match existing) and white painted softwood doors and windows and velux rooflights. Other works include a timber handrail and decking, a 1.8m high timber panel fence and access ramps.

PLANNING HISTORY

95/00564/OBS - Location of a (single) demountable classroom within existing school site. Approved July, 1995.

88/00168/OBS - New car park for 8 cars with access to highway. Approved March, 1988.

86/00630/OBS - Remove two chimney stacks. Approved September, 1986.

CONSULTATIONS

Llancarfan Community Council - Were consulted on 2nd November, 2005 and comment as follows:

“This Council was consulted before the plans were submitted, we have been assured that the extension is to improve facilities at the school and not to increase pupil numbers, therefore, we have no objections to the extension as proposed.”

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted on 2nd November, 2005. Her comments are as follows:

“Bats

The building which is the subject of this application has a slate roof with assumed loft space which could potentially offer roost opportunities for bats if there are any access points into the roof structure. The slate roof is in good condition but it is possible that there could be access points at the base of the roof.

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

Although bat potential of the building is not assessed to be high, the possibility that bats may be using the building cannot be eliminated unless a survey is first conducted.

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

Nesting Birds

The building which is the subject of this application site and any woody vegetation on site may potentially be used by nesting birds.

Under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

It is recommended that to comply with the law, a condition be included in any consent which states that work affecting the buildings / woody vegetation should be done outside the nesting season which is generally recognised to be from March to September inclusive, unless a survey is conducted which ascertains absence of nesting birds.

Following the submission of a bat survey report the following comments were received:

“Thank you for consulting me on the results of the bat survey in respect of the above application. I can confirm that I am happy with the survey findings which revealed no actual or suspected bat use and that no mitigation measures for bats are required.”

The Director of Legal and Regulatory Services (Environmental Health) - Consulted on 11th December, 2003 and no observations have been received to date.

The Head of Visible Services (Highway Development) – Consulted on 2nd November, 2005 and re-consulted on additional information. “Further to the recent site inspection undertaken in relation to the above, I would inform you that additional information is required in order to assess the application.

- Will there be an increase in the number of children attending the school?
- How many existing classrooms are provided within the school?”

“Further to receiving additional information in relation to the above proposals, I would comment as follows:

As there will be no increase in the number of children or staff at the school the Highway Authority are unable to sustain an objection to the development proposals provided that the following conditions are imposed on the planning consent.

1. No increase in the number of pupils attending the school above the existing level of 115 children will be allowed without prior permission from the Local Planning Authority.”

Glamorgan Gwent Archaeological Trust – Were consulted on 2nd November, 2005. Their comments are attached as Appendix A to this report.

Environment Agency – Were consulted on 2nd November, 2005. They responded with their standard advice to developers.

The Vale of Glamorgan Conservation Area Advisory Group – Were consulted on 8th December, 2005. “Recommended : Approval.”

Dwr Cymru/Welsh Water – Were consulted on 2nd November, 2005. No comments have been received to date.

REPRESENTATIONS

Neighbouring occupiers were notified on 2nd November, 2005 and the application was advertised in the press and on site on 2nd November, 2005. No objections were received.

REPORT

The proposed extension is required to provide additional and improved teaching facilities and staff accommodation. It is not intended to increase the numbers of pupils attending the school. The extension will provide a dedicated area for one-on-one or small group teaching or for music lessons or practice. The new kitchen facility will be used solely for the heating up of lunches prepared elsewhere and delivered to the school. The proposed new toilet facilities will avoid the disruption caused by escorting children to the main school block and will provide a facility for parents when the school holds events in the Hall.

The scheme has been amended to preserve the privacy and amenities of the adjoining occupier at Stepping Stones, to allow for an Ambulant Disabled Staircase and an air inlet grill required for the kitchen. The extension is sited on the internal side of the existing building and is constructed of matching materials to preserve the character and appearance of the building in the Conservation Area, in accordance with Policies ENV18 - Development in Conservation Areas and ENV25 - Design of New Developments of the adopted Vale of Glamorgan Unitary Development Plan 2005. It is in keeping with the scale and design of the existing school and detached classroom block and does not result in a significant loss of playing field.

04144

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference P2827 (PA) 103J, 104H, 106C and 2827 (99) 1005B received by the Local Planning Authority on 23rd January, 2006.
3. The external finishes of the development hereby approved shall match those of the existing building.
4. Details of the windows, doors and external joinery (1:1, 1:10 and 1:20) shall be agreed with the Local Planning Authority and implemented prior to the development hereby approved being brought into beneficial use.
5. Details of velux rooflights shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. No works affecting the buildings and vegetation within the site shall be carried out during the nesting season between March and September unless a survey is first conducted and submitted to the Local Planning Authority which ascertains the absence of nesting birds.
8. 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 will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name and address of the said archaeologist.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To safeguard local visual amenities.
4. In the interests of local amenities.
5. Such details have not been submitted with the proposal.
6. To ensure satisfactory maintenance of the landscaped area.
7. To comply with the Wildlife and Countryside Act 1981.
8. 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.

NOTE:

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

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.

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

RHWS PRIMARY SCHOOL, FONTYGARY ROAD, RHOOSE

Internal refurbishment of an existing classroom unit and proposed additional soft play facilities

SITE DESCRIPTION

This site relates to the Rhws Primary School located off Fontygary Road. The school is located to the south side of Fontygary Road with a detached library and existing temporary classroom blocks located to the south-western side. The existing temporary classrooms are situated to the very back of the site in front of the grass playing fields.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the internal refurbishment of the separate red brick classrooms south of the Rhws Library building. In addition, the application proposes to develop a small soft playing facility just beyond the existing classrooms on an existing section of the playing fields. The play area will measure 10.4 x 15m and will be surrounded by fencing measuring 1.2m high.

PLANNING HISTORY

05/01208/REG3 – Installation of prefabricated classroom and associated works. Approved 17th October, 2005.

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

03/00438/REG3 – Installation of a demountable unit containing two classrooms and ancillaries. Approved 2nd June, 2003.

00/00638/REG3 – Single storey detached classroom. Approved 24th July, 2000.

CONSULTATIONS

None.

REPRESENTATIONS

The Library, Nos. 37, 39 Fontygary Road and Nos. 18 – 28 South View were notified on 13th December, 2005 and a site notice posted on 10th January, 2006. No representations have been made to date.

REPORT

In recent years there have been a number of demountable classrooms erected within the Rhws Primary School site, which has obviously led to a more intensive use of the school. In addition to the planning history, the Rhws Primary School has recently been classified as a Grade II Listed Building.

This application does not relate to the installation of a new classroom but the internal refurbishment of an old classroom unit. This separate classroom unit is a more permanent brick structure than the most recent prefabricated classroom units and is located south of the Rhws Library building. As such, the proposed development will not affect the recently Listed school building.

Therefore, the relevant policy to be considered is ENV25 – 'Design of New Developments' contained in the adopted Vale of Glamorgan Unitary Development Plan 2005. Policy ENV25 states that developments must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features.

The proposals relating to this application are considered to be appropriate in the context of the above policy. The internal refurbishment will not impact whatsoever on the surrounding prefabricated classrooms or the main Grade II Listed Building.

With reference to the proposed soft play area, the play area is 10.4m x 15m with 1.2m high fencing surrounding the enclosure. It will be located to the back of the classroom units 5.9m from the boundary of the adjoining property No. 39. Fontygary Road. The position of the play area behind three separate units means that it is not located in a prominent position. Furthermore, although it is almost 6m from the adjoining residential property, the existing area is already part of the children's play area and the resultant noise or impact would be no more than is present at the moment.

As such it is considered that the development is acceptable and complies with the objectives set out within Policy ENV25 – 'Design of New Developments', of the adopted Vale of Glamorgan Unitary Development Plan 2005, and an approval is therefore recommended.

04210

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(s):

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

NOTE:

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

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

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

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

Vale of Glamorgan Council, Dock Office, Barry Dock, Barry, Vale of Glamorgan.
CF63 4RT
(Mr. C. Fray, Dock Office, Barry Dock, Barry, Vale of Glamorgan. CF63 4RT)

NORTH LODGE, DYFFRYN GARDENS, ST. NICHOLAS

Temporary change to office use during refurbishment of St. Michaels Cottage, Dyffryn Gardens. Office use from January 2006 to April 2006 (subject to works programme)

SITE DESCRIPTION

The application site relates to North Lodge at the main vehicular entrance to Dyffryn Gardens, Duffryn Lane, St. Nicholas. The traditional building is constructed of stone and has a hip roof covered with roof tiles. The application site is approximately 113 sq. mtrs.

DESCRIPTION OF DEVELOPMENT

Planning Permission is sought to change the use of the North Lodge building from a vacant residential unit (last used in 1998) into temporary office accommodation during the refurbishment of St. Michael's Cottage within the grounds of the Gardens. The works were commenced in January 2006 and will be completed by April 2006. The refurbishment of the existing accommodation forms part of the improvements and new facilities recently approved for the Heritage Lottery funded Dyffryn Gardens project.

PLANNING HISTORY

05/00060/REG3 – Replacement visitor facilities and associated works in accordance with Minute No: C1274 (31/03/2004). Approved 7th July, 2005.

05/00117/LBC – Various works within the site, yet to be determined.

01/00212/LBC – Demolition of main display range propagation unit and long acre glasshouses. Approved 23rd April, 2001.

98/00833/REG3 – Excavation and construction of a lake on the site of a previous lake. Approved 24th September, 1998.

98/00011/LBC – Dyffryn House : new escape stairs. Approved 29th March, 1999.

97/01318/LBC – New lift shaft.

94/00444/OBS – Demolish and rebuild 2 pergolas and repairs to Loggia and Temple. Approved 17th June, 1994.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council - Were consulted on 21st December, 2005. "No objections".

The Head of Visible Services (Highway Development) – Was consulted on 21st December, 2005. “The Highway Authority has no objection to the temporary change of use of the development site.”

REPRESENTATIONS

A site notice was erected on 21st December, 2005 and no objections were received.

REPORT

The Heritage Lottery funded Dyffryn Gardens project includes provision for the upgrading of St. Michael's Cottage for staff accommodation in the form of offices. Whilst this work is being carried out the staff have been decanted to North Lodge and will return to St. Michael's Cottage once the works have been completed.

The application site lies within the open countryside and the Duffryn Basin and Ridge Slopes Special Landscape Area. The Council's policies seek to ensure that new developments do not have a harmful effect on the SLA and the special character and appearance of the countryside. The proposal does not include any external alterations to the appearance of the building and, therefore, it is considered that the scheme is in accordance with Policies ENVXXX (Special Landscape Areas) and ENV15 (Protection of the Built and Historic Environment) of the adopted Vale of Glamorgan Unitary Development Plan 2005.

04214

RECOMMENDATION

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

1. This permission shall be for a temporary period only expiring 6 months from the date of this consent.

Reason(s):

1. To enable the Local Planning Authority to review the proposal at the end of this period.

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.