

02/01239/OUT

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(Scott Wilson, 3-4 Foxcombe Court, Wyndyke Furlong, Abingdon Business Park, Abingdon, Oxon, OX14 1DZ.)

LAND AT RINGWOOD CRESCENT, ST. ATHAN EAST CAMP, ST. ATHAN

Residential Development of five dwellings

SITE DESCRIPTION

The application site comprises a tree covered area of open space located on the western arm of Ringwood Crescent within the East Camp housing estate at St. Athan.

DESCRIPTION OF DEVELOPMENT

This is an outline application with all matters reserved for subsequent detailed approval for the construction of five dwellings. A sketch layout has been submitted indicating the siting of five detached houses positioned towards the eastern side of the land and with individual vehicular entrances, four of which access directly off the western arm of Ringwood Crescent with the fifth being accessed to the south.

PLANNING HISTORY

None.

CONSULTATIONS

St. Athan Community Council's comments on initial application:

"My Council strongly oppose this application on the following grounds:

- (a) Over development in the rural countryside.
- (b) Removal of valuable and vitally required Amenity Space for local residents.
- (c) Additional housing on an already overloaded sewerage system."

Comments on revised scheme:

"My Council strongly oppose this application and reiterates its opposition on the following grounds:

- (a) Over development in the rural countryside.
- (b) Removal of a valuable and vitally required Amenity Space for local residents, i.e. Children's Play Area."

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

Dwr Cymru/Welsh Water – Comments on initial scheme:

"Thank you for the consultation on the above Planning Application. We act for Dwr Cymru – Welsh Water in responding to these consultations.

Sewerage

The proposed development would overload the existing public sewerage system. No improvements are planned within Dwr Cymru – Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore **OBJECT** to the development. It may be possible for the Developer to fund the accelerated provision of replacement sewers or to requisition a new sewer under Sections 98–101 WIA 1991.

Reason – To prevent hydraulic overload of the Public Sewerage System and Pollution of the Environment.

We hope the above is satisfactory, however should you require further assistance please contact us."

Comments on revised applications:

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

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

Sewerage

Conditions

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

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

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.

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 Tel: 01443 331155.

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

Ministry of Defence – No safeguarding objections to either the original or amended scheme.

Glamorgan Gwent Archaeological Trust – No objections.

The Director of Legal and Regulatory Services (Environmental Health) – Initial comments on original scheme:

"I refer to your memorandum dated 16th instant and offer no objections in principle. However regarding the above, I would comment as follows:

1. The proposed development is not within the MOD Noise Insulation Grant Scheme criterion of 70dB(A), but it would be prudent to carry out a noise survey of the area to determine if appropriate noise attenuation measures will be required.
2. The developers should be reminded that the properties will have to have a wholesome water supply."

Comments on revised scheme:

"I refer to the above application received on 24th August, 2005. This department does not object to the application but insist on the following condition:

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

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

In addition we would confirm that a noise assessment in accordance with TAN 11 be undertaken to identify the NEC for the proposed development. The assessment should be undertaken and the finding reported to the Local Planning Authority prior to development of the site. Any noise mitigation measures required must be installed prior to beneficial occupation of the properties.

Reason - To ensure protection of residential amenity from noise arising from active airfield."

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the initial scheme on 19th September, 2002 and re-notified of the amended proposal on 22nd August, 2005. In addition the original scheme was advertised on site and in the press on 30th October, 2002.

Objections to the original scheme included 112 circular letters signed by both local and wider located residents of the Vale; an objection letter from the occupier of No. 22, Drake Close; an objection from Pastor James Dowd of No. 39, Mallory Close plus a letter of objection from Jane Hutt A.M. In summary the objections relate to the principle of additional houses without adequate facilities in the area. Whilst all the representations are available on file for Committee Member inspection, a copy of the circular letter is reproduced at Appendix "A". In addition, copies of the individual representations from 22, Drake Close, Pastor Dowd and Jane Hutt A.M are reproduced at Appendix "B".

Following re-notification in relation to the amended plan, letters of objections have been submitted by the occupier of No. 1, Ringwood Crescent and Chris J. Morgan, Planning Consultant on behalf of the occupiers of Nos. 1–8 inclusive Ringwood Crescent. Copies of these letters are reproduced at Appendix "C" for Committee Members inspection, however, in summary, the concerns relate to there being no need for additional houses, loss of open space, impact on trees, unsustainable development with lack of facilities in the area, and drainage.

The applicants' agents have submitted representations in support of the amended scheme. These are reproduced at Appendix "D".

REPORT

The application site comprises an area of grassed open space with existing tree coverage. A number of the trees are protected by a group Tree Preservation Order 2003 (No.2). Whilst the site lies within an existing housing estate on the R.A.F base, nevertheless it is located within the countryside well outside the residential settlement boundary for St. Athan, as defined in the Vale of Glamorgan Unitary Development Plan 2005. As such, the following policy background is considered relevant to the determination of the application.

Strategic policies of the Vale of Glamorgan Unitary Development Plan 2005 which are considered relevant to the current application include the following:

POLICY 2

PROPOSALS WHICH ENCOURAGE SUSTAINABLE PRACTICES WILL BE FAVOURED INCLUDING:

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

- (iv) PROPOSALS WHICH IMPROVE THE QUALITY OF THE ENVIRONMENT THROUGH THE UTILISATION OF HIGH STANDARDS OF DESIGN.

POLICY 8

DEVELOPMENTS WILL BE FAVOURED IN LOCATIONS WHICH:

- (i) ARE HIGHLY ACCESSIBLE BY MEANS OF TRAVEL OTHER THAN THE PRIVATE CAR; AND
- (ii) MINIMISE TRAFFIC LEVELS AND ASSOCIATED UNACCEPTABLE ENVIRONMENTAL EFFECTS.

POLICY 11

TO REMEDY EXISTING DEFICIENCIES IN SPORT AND RECREATIONAL FACILITIES THE COUNCIL WILL:

- (i) FAVOUR THE PROVISION OF A RANGE OF SUCH FACILITIES TO MEET EXISTING AND ANTICIPATED NEED THROUGHOUT THE VALE OF GLAMORGAN BY SECURING IN ACCESSIBLE AND APPROPRIATE LOCATIONS NEW AND IMPROVED SPORT AND RECREATIONAL OPPORTUNITIES.
- (ii) PROTECT EXISTING AREAS OF OPEN SPACE AND PLAYING FIELDS FROM INAPPROPRIATE DEVELOPMENT; AND
- (iii) FAVOUR THE IMPROVEMENT OF OPPORTUNITIES FOR ACCESS TO AND ENJOYMENT OF THE COUNTRYSIDE WHERE THEY DO NOT UNACCEPTABLY AFFECT IMPORTANT AREAS OF NATURE, CONSERVATION AND LANDSCAPE AND THE INTERESTS OF RESIDENTS AND / OR THOSE WHO DERIVE THEIR LIVELIHOOD FROM THE LAND.

Policy ENV1 of the Unitary Development Plan refers 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 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 HOUS2 refers 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.

It should be noted that Policy HOUS2 provides that favourable consideration can be given to small scale development which constitutes the “rounding–off” of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS9 and particularly criterion (i) which states that the scale, form and character of the proposed development is sympathetic to the environs of the site. It is considered that these are not relevant to the current application as the site is well removed from the defined settlement boundary for St. Athan.

Policy HOUS12 relates to residential privacy and space and is considered relevant when considering the impact of the proposal on the character of the area. This states: “Existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.”

Policy EMP11 states:

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.

Reference is also made to Policy REC1 which relates to the protection of existing recreational facilities. Whilst it is appreciated that the application has now been amended to omit the play area and kick–about ground, nevertheless the remaining area is an existing area of incidental open space.

Policy ENV22 relates to open space and states:

“THE CONSERVATION AND ENHANCEMENT OF OPEN SPACES WHICH ARE IMPORTANT FOR AMENITY, RECREATION AND/OR NATURE CONSERVATION WITHIN THE BUILT ENVIRONMENT WILL BE FAVOURED, TOGETHER WITH THE CREATION OF A NETWORK OF GREEN SPACES AND APPROPRIATE TREE PLANTING AND LANDSCAPING SCHEMES.”

Finally, Policy ENV25 relates to the design of new development and is also considered relevant as it states:

PROPOSALS FOR THE 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 SPACE.
- (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.

National guidance is contained in Planning Policy Wales March, 2002. Chapter 2 relates to planning for sustainability and identifies key policy objectives including the location of developments so as to minimise the demand for travel especially by private car. Paragraph 2.57 states:

“Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, but new building in the open countryside away from existing settlements or areas allocated for development in U.D.P’s must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.”

Chapter 9 of P.P.W relates to housing and paragraph 9.3.2 states:

“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. Significant incremental expansion of housing in villages and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.”

In addition, paragraph 9.3.4 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. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.”

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

Whilst it is accepted that Dwr Cymru/Welsh Water are no longer maintaining their earlier objections to the original scheme on the grounds of overloading of the public sewerage system, nevertheless it is still considered that the site is not a sustainable location. It is noted that the objection letters refer to the lack of facilities in the locality and that the proposal will do nothing to discourage car use with a poor bus service and a shortage of community facilities. It is recognised that Policy EMP11 does allow for new development but this is only in respect of R.A.F activity and subject to no unacceptable impact on local amenity.

The application site is considered to be an important area of incidental open space, which with its existing tree coverage, contributes significantly to the character and appearance of the area. It is noted that in contrast to the remainder of the East Camp housing to the south and west of the application site, this north eastern corner has a distinctive and separate character. The properties in this area are generally larger with spacious gardens and high standards of privacy. The amount of incidental open space is also greater and with its landscaped setting it has a closer relationship to the countryside beyond, than the much denser urban form of the housing to the south and west. Indeed, the houses immediately adjacent to the application site are “executive” in style. The application site and other areas of open space serve to give these properties a “semi-rural” quality. The proposal will result in the loss of the open space which would significantly detract from the setting and character of the area.

Whilst the submitted sketch layout suggests that the protected trees can be retained, the Council's Tree Officer has indicated that the illustrative layout will adversely affect a number of the trees with unacceptable protection zones. Even though the Tree Officer has suggested a reduced number of houses may have less impact, it is considered that the longer term impact of losing the open space to residential development will also ultimately affect the viability and future health of the trees. Indeed, the sketch layout demonstrates the inherent problems with the development of the site and protection of the trees. It will be noted that in order to avoid the protected trees, the proposed houses are sited towards the rear of the plots. This will result in a greater adverse impact on the neighbouring residential occupiers in terms of privacy and general amenity. It is also noted that the trees in question will mature and continue to grow. Despite the protection of the Tree Preservation Order, it is considered that the proximity of the trees means that pressure for lopping or removal of trees from future occupiers seeking to improve their living conditions or minimise potential damage, will prove difficult to resist. Thus the landscape setting would be further eroded along with the character and appearance of the area.

On the issue of highways, it is noted that the comments of the Council's Highway Engineer in respect of the amended scheme are still awaited. However, there were no ‘in principle’ objections raised to the original proposal.

Other issues include the requirement by Environmental Health that a noise assessment be carried out and any noise mitigation measures considered necessary, are installed before occupation in order to safeguard residential amenities from the noise arising from an active airfield.

In conclusion, it is considered that the proposal represent the unacceptable introduction of new housing in an unsustainable countryside location which would adversely affect the character and appearance of the area contrary to Council policy and national guidance.

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

04126

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority, the proposal represents the unacceptable and inappropriate introduction of new housing within the countryside, in an unsustainable location, which would result in the loss of an area of landscaped incidental open space, thereby significantly detracting from the character and appearance of the area contrary to Strategic Policies 2, 8 and 11; and Policies ENV1, ENV10, ENV22, ENV25, HOUS3 AND HOUS12 of the adopted Vale of Glamorgan Unitary Development Plan 2005; and national guidance contained in Planning Policy Wales March, 2002.

Mr. E. Prosser, C/o Agent.

(D. W. Jenkins, 3, Green Acre Drive, Tonypany, Rhondda. CF40 1DA)

BARN BUILDINGS, HOME FARM, HENSOL

Proposed conversion of barn into a dwelling

SITE DESCRIPTION

The site comprises a number of redundant, agricultural buildings and associated land located in the countryside. The single storey buildings are sandwiched between two existing residential barn conversions that are sited to the north of Home Farm, the original dwelling-house.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of the buildings to a single dwelling-house. The proposal will accommodate a 5 No. bed dwelling and include two extensions. One extension will comprise a link between the two buildings and measure approximately 3.7m x 8.35m and 4.2m to ridge height. The second extension will measure approximately 3.9m x 6.7m to a ridge height of 4.2m and will close the gap between the buildings and the adjacent residential conversion at Barn 3. The existing corrugated roof will be replaced with a new slate roof and the existing stonework will be re-pointed and painted.

Vehicular access will be via the existing track with parking available to the north and east of the building. Private amenity space will be available within the internal courtyard and also to the north of the building within an enclosed area in line with the existing curtilage to Barn 3.

The application is accompanied by a structural report plus a wildlife survey.

PLANNING HISTORY

00/00193/FUL – Conversion of barns to three dwellings. Approved 6th July, 2000 subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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 before the commencement of development. The submitted details shall precisely define the extent of the residential curtilage for each of the units. The agreed means of enclosure shall be implemented in accordance with the approved plans for each of the individual units prior to the first beneficial occupation of that particular dwelling.

3. Details of the surfacing of the access track, internal driveways and associated hardstand areas shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The access track and driveways shall be fully laid out in accordance with the approved details before the first beneficial occupation of the dwelling to which the driveway/track is associated.
4. The car ports to the dwellings hereby approved shall not be converted to any other domestic purpose without the prior written consent of the Local Planning Authority. The car ports shall be available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling(s) hereby approved without the prior written consent of the Local Planning Authority.
7. 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.
8. A method statement which should highlight on an elevational plan the areas requiring repair/restoration, which shall pay particular regard to:-
 - (a) Structural movement of the masonry wall to the north west elevation of Barn 10.
 - (b) Method of support for the roof system to Barn 9 and 10, if the existing steel trusses are inadequate; and
 - (c) Re-roofing of Barn 7 and 10;

shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall thereafter be carried out strictly in accordance with the approved details.

9. 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.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

01/01292/FUL – Conversion of Barn 3 to dwelling. Approved 15th March, 2002 subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the following plans: Existing plans and elevations – Drawing No. AL(0)02, received 17th October, 2001; Amended Access and Site Boundary Plan, received 8th February, 2002; Amended Landscape Plan No. A/03, received 19th February, 2002; Amended Boundary and Driveway Details, received 19th February, 2002; Amended Elevation Plans, received 13th March, 2002; Amended Floor Plans, received 13th March, 2002.
3. All means of enclosure associated with the development hereby approved shall be in accordance with the approved details and shall be implemented prior to the first beneficial occupation of the dwelling hereby permitted. Notwithstanding the submitted plans the stone walling shall extend around the perimeter of the authorised residential curtilage only.
4. The driveway and hardstanding parking area, hereby permitted, shall be fully laid out in accordance with the approved details before the first beneficial occupation of the dwelling hereby permitted, and the parking area shall be maintained at all times for use exclusively in connection with the said dwelling.
5. Full details (including samples) of all the external finishes of the works hereby permitted, including windows, rainwater goods and all other external materials shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.
8. 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 the development.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

01/01395/FUL – Conversion of Barn 1 to dwelling. Approved 8th February, 2002 subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.
3. Details of the surfacing of the access track, internal driveways and associated hardstand areas shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The access, driveway and hardstand shall be fully laid out in accordance with the approved details before the first beneficial occupation of the dwelling.
4. The existing carport/shed on the site, which is not indicated for demolition, shall not be converted to any other domestic purpose without the prior written consent of the Local Planning Authority. The carport shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby permitted.
5. Notwithstanding the submitted plans the external finish to the two storey extension hereby permitted shall match the existing buildings and utilise the reclaimed material from the demolition of the pig pens, as indicated on "Existing Plans and Elevations – Sheet 1".

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.
8. 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.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

CONSULTATIONS

Pendoylan Community Council - Were initially notified on 12th October, 2004 and re-notified of amended plans on 8th April and 7th October, 2005. No representations have been received to date.

Environment Agency - Have submitted their "Standard Advice" Guidance Note 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** 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

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

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

Glamorgan Gwent Archaeological Trust – No objection to the positive determination of this application.

CADW – Comment as follows:

“Thank you for your letter dated 28th October, 2004, enclosing a copy of the plans and application form for the proposed development described above. We assume this to be a formal consultation under the provisions of Article 10(l)(n) of the 1995 GDPO.

I can confirm that there are no scheduled ancient monuments or historic landscapes affected by this proposal. However, the proposal does lie within the historic park and garden known as “Hensol Castle”, which is included in the Register of Historic Parks and Gardens of Interest in Wales. Please find enclosed a copy of the relevant details about this important site from the register.

There may be other non-scheduled monuments in the vicinity of this development and we would advise you to consult the Local Sites and Monuments Record held by Glamorgan-Gwent Archaeological Trust at Heathfield House, Heathfield Road, Swansea, SA1 6EL, if you have not already done so.

These views are without prejudice to the National Assembly for Wales’ consideration of the matter, should it come before it formally for determination.”

The Countryside Council for Wales - Were notified on 10th October, 2005. Their comments are awaited.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 28th October, 2004 and re-notified of amended plans on 8th April and 7th October, 2005. In addition, the application was advertised on site and in the press on 12th November, 2004.

The occupier of Home Farm has submitted representations which relate, as he states himself, to building regulation matters, including drainage. A copy of the facsimile is reproduced at Appendix A.

REPORT

The application site is located within the countryside and entails the residential conversion of former agricultural buildings. As such, the following policy background is relevant to the determination of the application.

Policy ENV7 of the adopted Vale of Glamorgan Unitary Development Plan 2005 relates to small scale rural conversions and states:

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

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

Policy ENV XXX – Protected species states:

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT WHICH WOULD DESTROY PROTECTED SPECIES OR THEIR HABITATS IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THE EFFECTS WILL BE MINIMISED BY CAREFUL DESIGN AND WORK SCHEDULING;
- OR
- (ii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

IF DEVELOPMENT IS PERMITTED, APPROPRIATE CONDITIONS OR AGREED PLANNING OBLIGATIONS MAY BE USED TO ENSURE THAT THE IMPACT ON SPECIES OR HABITATS IS MINIMISED.

The Council also has recently adopted Supplementary Planning Guidance on the Conversion of Rural Buildings which enlarges upon the principles within Policy ENV7 of the Unitary Development Plan.

In addition to the above policies and guidance it should be noted that the planning history of the site is also a material consideration in the determination of this application. Planning permission was first granted for the conversion of the whole farmyard complex to three separate dwellings in July 2000, reference 00/00193/FUL. Since that date, Barns 1 and 3 have been converted to residential use, albeit with a number of changes from the original approval as granted under applications reference 01/01292/FUL and 01/01395/FUL.

In assessing the revised scheme for the conversion of Barn 2 against the current policies and guidance, and bearing in mind the planning history, the following points are noted.

An up-to-date structural report has been submitted, which is agreed by the Council's Principal Building Control Officer, and confirms that the buildings are still structurally sound and capable of conversion to residential use.

It is noted that there are some extensions to the building proposed, along with a number of new window and door openings. The original permission did allow for extensions including a link extension and pitched roof car port on the east elevation. The current application initially sought a conservatory style extension on the north elevation facing the driveway entrance and nearby golf course, however this has been amended so that the pitched roof, gabled projection has been omitted on the public elevation and retained only on the internal private courtyard elevation. It is considered that the works now proposed should not have an undue adverse impact on the character and appearance of the building, particularly as it has been recognised in the earlier applications, that the buildings that form the original farmyard complex were more modern in nature than the traditional Vale farmyard.

On the issue of amenity space the proposal will provide for a private internal courtyard plus a garden curtilage to the north of the buildings. This area does not project beyond the line of the shared access drive, which is also a public right of way, and is in line with the limits of the curtilage to Barn 3.

Vehicular access is from an unmade road via an existing shared driveway with parking and turning facilities within the curtilage of the site. As such, there are no highway objections from the Council's Highway Engineer.

It is noted that the wildlife survey revealed no evidence of barn owls but that a colony of Brown Long Eared bats was found to be utilising the buildings. The report has proposed mitigation and compensation measures as the proposal will result in the loss of the existing roost. These measures include the creation of a loft area preferably at the eastern end of the "stable" building with access points at the apex as well as via ventilation ridge tiles.

In conclusion, it is considered that the changes now proposed in this revised application are not so significant as to warrant a reversal of the earlier decision to allow conversion of the buildings to residential use.

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

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. This consent shall relate to the amended plans received on 30th September, 2005, 04/01661/FUL 'B', and amended site plan 04/01661/FUL 'A' received on 5th April, 2005.
3. Notwithstanding the submitted plans further details of the means of enclosure of the site, which shall pay particular regard to its rural location, shall be submitted to and agreed in writing with the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details before the first beneficial occupation of the dwelling hereby permitted.
4. Full details (including samples) of all external finishes of the works hereby permitted, including roof slate, rainwater goods and all other external materials, shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the agreed details.
5. The mitigation and compensation measures for bats as outlined in the submitted wildlife survey by the Countryman Wildlife Consultancy, dated 26th July, 2005, shall be undertaken entirely in accordance with that report before the first beneficial occupation of the dwelling hereby permitted, unless otherwise agreed in writing with the Local Planning Authority, and shall thereafter be so retained.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt as to the approved plans.

3. In the interests of visual amenity and the rural character of the surrounding countryside.
4. In the interests of visual amenity and the rural character of the surrounding countryside.
5. In the interests of wildlife protection.
6. To enable the Local Planning Authority to control the scale of development.
7. To enable the Local Planning Authority to control the scale of development.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
3. **You are advised that there are species protected under the Wildlife and Countryside Act 1981 within the site and that it will be necessary for the developer to apply for a development licence from the National Assembly. There is also potential for great crested newts to be present and care should be taken when disturbing materials/dense vegetation at ground level which would be used by sheltering/hibernating great crested newts. In the event that any are found on site, stop works immediately and seek advice from the Countryside Council for Wales (Tel: 02920 772400). Grassland on or surrounding the development site should be kept short to discourage newts from entering the site.**

4. A watercourse crosses the site and the developer will be required to maintain flows during and after the proposed works and should ensure that all necessary consents/licences are obtained prior to the commencement of any works on site.

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.

Holton Road Developments Ltd, c/o Agent
(Custom Design, 124, High Street, Barry, Vale of Glamorgan. CF62 7DT)

CARDIFF ROAD BUSINESS PARK, CARDIFF ROAD, BARRY

New Office Units

SITE DESCRIPTION

The site relates to an area of overgrown land situated between established residential development and the existing Cardiff Road Business Park Industrial area.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to erect an office unit over 2 storeys with accommodation comprising 140 sq.m. of office space with ancillary accommodation of toilets and kitchens. The building will have a silver grey standing seam roof with silver grey flat metal composite panel walls.

Car parking for 6 No. cars is indicated with access through the industrial estate.

PLANNING HISTORY

Planning consent has been granted for the developments currently built on the site including, most recently, the industrial unit currently occupied by Howdens.

CONSULTATIONS

Barry Town Council - See Appendix "A".

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

Environment Agency - See Appendix "C".

Dwr Cymru/Welsh Water - See Appendix "D".

The Director of Legal and Regulatory Services (Environmental Health - See Appendix "E".

Health and Safety Executive - Does not advise against the granting of consent on safety grounds.

REPRESENTATIONS

Consultations with adjoining owners were undertaken on 11th November, 2005 but no comments received to date.

REPORT

The site lies outside the settlement boundary for Barry, as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005. However, the site lies within close relationship to relatively recent industrial development. The scheme now seeks consent for office units on the land. Policy EMP3 relating to new business and industrial development, is considered to be of relevance, despite the site's location outside the defined settlement boundary.

Policy EMP3 criteria includes reference to the development not lying within the countryside. Whilst as stated above, this site is not within the settlement boundary, it is visually and physically very closely related to, and in part used for parking by, the established industrial units.

The design and layout of the scheme is acceptable subject to establishing site levels. In coming to this conclusion, regard has been given to the relationship of the site to the nearby residential dwellings at Morlais Street. Policy ENV25 is also of relevance and relates to design of development. In this respect, the scheme is considered acceptable. However, an important material consideration relates to site and slab levels, particularly having regard to the comments made by the Environment Agency. Any elevation above the existing levels of development of the adjacent unit, to overcome on-site flooding potential, would not be acceptable, given the relationship of the site to adjoining residential units.

Due to the site's location in a flood risk area, the Environment Agency have objected in the absence of a Flood Consequences Assessment. Whilst the applicant and their agent were advised of this as far back as December 2004, no such assessment has been forthcoming despite reminders. It is considered therefore that the development could exacerbate or cause flooding and in line with national guidance, including that contained in Technical Advice Note 15 – 'Development and Flood Risk', the scheme is unacceptable without considering the findings of such an assessment.

In relation to other criteria in Policies EMP3 and ENV25, it is noted that Dwr Cymru/Welsh Water have objected to the scheme as it will overload the existing public sewerage system. Again, the applicants' agent was advised of this a significant time ago but to date, no scheme for an alternative means of foul drainage have been forthcoming. It is considered therefore, the development would have an adverse effect on the public sewerage system and consequently should be refused.

04129

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed development may cause or exacerbate flooding in the area and the applicant has failed to demonstrate that the site could be developed without adverse effects on flooding, and the development is therefore contrary to advice contained in Planning Policy Wales 2002 and Technical Advice Note 12 'Development and Flood Risk'.

2. The development is likely to overload the public foul sewerage system to the detriment of the health and safety of existing residents, and would not therefore ensure that there is no detriment to the environment. The development is therefore contrary to Policies ENV25 and EMP3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mr. Philip Loe, Raggedstones, Plough Road, Droitwich. WR9 7NQ
(Mr. Christopher Davies, 29, Fontygary Road, Rhoose, Vale of Glamorgan. CF62 3DS)

58, PORTHKERRY ROAD, RHOOSE

Demolition of a bungalow to form 3 no. building plots

SITE DESCRIPTION

The application site comprises an existing detached bungalow and garage with associated residential curtilage.

DESCRIPTION OF DEVELOPMENT

This is an outline application, with all matters reserved for subsequent detailed approval, for the demolition of the existing property and the construction of three detached dwellinghouses. An illustrative layout shows the widening of the existing vehicular access onto Porthkerry Road with a turning head facility in the position of the existing bungalow. Three separate driveways would radiate off this turning head to give access to three detached houses sited in an east/west row to the rear of the land, approximately 12m from the boundary with existing houses on Murlande Way.

PLANNING HISTORY

None.

CONSULTATIONS

Environment Agency - Have submitted their "Standard Advice" Guidance Note 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 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 and pollution of 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 overloading 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 the Dwr Cymru/Welsh Water's Network Development Consultants on Tel: 0143 331155.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 19th November, 2004. In addition, a site notice was posted on 15th December, 2004.

Letters of concern and objection have been received from the occupiers of Nos. 2, 8, 70, 72 and 76 Murlande Way, and Nos. 35, 41 and 56 Porthkerry Road. The main points of concern relate to loss of trees; siting to the rear and visual amenity; increase in height from existing bungalow; loss of privacy; increased traffic; pressure on drainage and other services in the area; and precedent. Whilst all the representations are available on file for Committee Members' inspection, the letter from the occupier of No. 2 Murlande Way is reproduced at Appendix "A" as being generally indicative of the points raised.

A letter of objection has also been submitted by the Leader Councillor Jeffrey James. This is reproduced at Appendix "B".

The applicant has submitted a letter in support of the proposal which is reproduced at Appendix "C".

REPORT

The site is located within the residential settlement boundary for Rhose as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005. The proposal involves the demolition of the existing bungalow and its replacement with 3 No. detached houses. As such, the following policy background is relevant.

Policy HOUS2 of the Unitary Development Plan allows for housing infill within the settlement of Rhose, subject to the residential development criteria of Policy HOUS 9. This states:

SUBJECT TO THE PROVISIONS OF POLICY HOUS 2, 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 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 ENV25 relates to the design of new development and is also a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features. 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.

In addition, the Council has approved Supplementary Planning Guidance on Amenity Standards. This contains policies on not only the quantity and quality of amenity space but also on issues of privacy, daylight, visual amenity and the character of the area. For instance Policy 1 states:

“Privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings and features such as trees, hedges, public spaces, footpaths and screen walls and fences.”

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.”

National guidance is contained in Planning Policy Wales March 2002 and TAN 12 Design. Paragraph 9.3.3 of Planning Policy Wales states:

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

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

It is noted that whilst all matters have been reserved for subsequent approval, the Council has formally requested that details of siting and access be provided at this stage. The Council has also requested supporting information to illustrate the design of the proposed dwellings. The applicant has responded by indicating that the preferred proposal would be to erect three four bedroom detached houses sited as on the illustrative plans initially submitted with the application. These plans indicate the siting of three dwellings to the rear of the plot, roughly in line with No. 8 Murlande Way. These would be accessed via the existing entrance onto Porthkerry Road which would be widened with a turning head created in the location of the existing bungalow, which is alongside No. 56 Porthkerry Road.

It is considered that the shape and location of the site and its relationship with existing properties is such that it is a restricted one in terms of its redevelopment for a greater density of housing. Whilst the site has a relatively large rear garden, which widens considerably at its furthest end, nevertheless its street frontage is much narrower and in proportion with the existing properties that front onto Porthkerry Road. The demolition of the existing bungalow and redevelopment of the site with houses to the rear would create a “backland” type of layout with all the inherent problems associated with such development. In particular, the proposal will have an adverse impact on the residential amenities of existing occupiers.

The demolition of the existing bungalow and the positioning of houses to the rear of the plot will result in an increase in general noise and disturbance to neighbouring houses, in particular No. 56 Porthkerry Road. The illustrative layout shows a large turning facility immediately adjacent to that dwelling. The positioning of the proposed houses is also such that it will detract from the existing levels of privacy currently enjoyed by neighbouring occupiers. This will affect not only the occupiers of No. 56 Porthkerry Road, but also those properties to the rear on Murlande Way, with the likelihood of windows directly overlooking at a distance of less than the required 21m.

As regards the visual impact of the proposal, it is considered that the positioning of the proposed dwellings on the site pays no regard to the overall character of the street and the established building line. Whilst it is appreciated that the housing to the east of the site does not follow the established building line, nevertheless it is considered that the scale and form of those properties do not significantly detract from the general street scene, as they are read more as a part of the more recent Murlande Way development which is viewed within a different context and setting to the remainder of Porthkerry Road. The siting of three houses in a row to the rear of the plot, will be viewed as an alien feature entirely out of keeping with the street scene. In addition, whilst the Council's Highway Engineer has no objections in principle, nevertheless he has indicated requirements in respect of vision splays which would also serve to open up the frontage and again, affect the general street picture.

In conclusion, it is considered that the proposal to redevelop the site for three houses in place of one bungalow fails to respect the established character of the area and will adversely affect the residential amenities of neighbouring occupiers.

The applicant has failed to provide sufficient details or supporting information to counter the Council's opinion that redevelopment of the site for three houses would be unacceptable.

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

04114

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal represents an unacceptable and inappropriate form of residential redevelopment that would have an adverse impact on the residential amenities of neighbouring occupiers and would detract from the character and appearance of the area contrary to Policies HOUS2, HOUS9 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Amenity Standards, and national guidance contained in Planning Policy Wales March, 2002 and TAN 12 Design.

Dinas Powys Methodist Church, C/o Much Farm Manse, Station Road, Dinas Powys, Vale of Glamorgan CF64 4DF
(Liddell and Associates, Stuart House, The Back, Chepstow, Mon. NP16 5HH)

WESLEY HALL CENTRE, STATION ROAD, DINAS POWYS

6 no. flats with associated works

SITE DESCRIPTION

The application site is located off Station Road, Dinas Powys, directly opposite the Methodist Church. The front part of the application site is laid out as a car park, and the existing building at the site is set further back into the site at a lower level. This building is used as a Church Hall with associated rooms.

DESCRIPTION OF DEVELOPMENT

The proposal is for the demolition of the existing Church Hall building and its replacement with a block of six flats together with associated works and car parking facilities. The new flat block will be located in a similar position to the existing hall on a 'split level' site. The development is predominantly 2-storey and the total length of the block down the site is approximately 32.5metres. The average height to the ridge is approximately 8 metres, although this varies because of the existing changes in levels down the site. The intended finishes are natural slate to the pitched roof and render walls with a small amount of T&G boarding/cladding.

PLANNING HISTORY

91/00044/FUL – Erection of a satellite dish to the hall. Approved March 1991.

CONSULTATIONS

Dinas Powys Community Council – In response to the original proposal for 8 No. flats, the Community Council commented as follows:

“No objection in principle to development of site but feel that bungalows or houses would be more in keeping with the surrounding area. We note strong, objections from neighbours who feel that the proposed development impinges upon the privacy”.

The Community Council has been re-consulted on the amended plans for 6 No. flats, and has commented as follows:

“No objection in principle to the development but are concerned with the Road Safety implications of allowing delivery vehicles to park on the footway”.

Environment Agency – Response received in the form of a standard advice note and 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.

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.”

The Head of Visible Services (Highway Enquiries) – In response to the amended plans for 6 No. flat units and the amended car parking layout, has commented as follows:

“Further to receiving amended plans for the above I would comment as follows.

The proposed parking within the curtilage of the development site as shown on Drawing No. 1683/2A, is considered acceptable. However, a condition is required stating that “the proposed parking will be provided and laid out in accordance with the Highway Authorities Parking Guidelines before the development is brought into beneficial use and be thereafter maintained and retained at all times for the purpose associated with the development”.

Based on the existing use of the site, it is considered that the proposed service bay shown on Drawing No. 1683/2A is acceptable. However, a condition is required that “the service bay will be provided and marked up before the development is brought into beneficial use and be thereafter maintained and retained at all times for the purpose associated with the development”.

As the adjusted visibility splays have not been shown on the amended plans, a condition is required stating that “visibility splays in both directions along Station Road are required to be shown at 2.4m x 45m, measured from the centre line of the proposed access. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc shall be greater than 900mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelope and shall not be greater than 600mm in height. It is required that details of the required visibility splays are submitted for approval by the Highway Authority before commencement of the development.

A condition is required stating that a bin store will be provided within the curtilage of the development site, located adjacent to the public highway.”

Vale of Glamorgan Conservation Advisory Group – In response to the original plans for 8 No. flat units, the Conservation Group recommended approval.

REPRESENTATIONS

As the application site is located within the Dinas Powys Conservation Area, the original application was advertised in the press and by site notice in early January, 2005.

In response to the originally submitted plans (for 8 No. flat units), representations were received from Fernbank, Station Road, and also from the occupiers of Nos. 11, 12 and 13 Elmgrove Lane, 17 Cardiff Road, 2 Wesley Court, 35 Station Road, Langholm (The Common) and 15 Millbrook Road. The Dinas Powys Road Safety Action Group also raised specific concerns about the original proposals as follows:

“I am sorry to take up your time again but at the last meeting of the Group, members were concerned about the road safety issues likely to emanate from the proposed building of a block of flats to replace Wesley Court (Hall) Centre in Station Road. We never pass judgement on a planning application unless it impinges on road safety. Station Road, as we are sure that you are aware, is a short but dangerous road, especially for pedestrians, it has a single narrow footway on the Wesley Court side and several curves in the highway which hinder visibility of oncoming traffic. Especially at peak times, this is a commuter traffic route to and from Penyturnpike connecting to Cardiff Road. We are very pleased that the proposed 20mph zone will cover all of Station Road. Traffic does not travel this tortuous road safely and it is very difficult for residents to enter and leave their property.

Special concerns are:

1. The boundary of the development. The present open front and car park helps pedestrians when walking on the road. Presumably, the existing boundary wall will be retained, but if raised or planted will affect pedestrians who are forced to adhere to the narrow footway.

2. Building works. The recent rebuilding/conversion of a house into flats in Station Road nearer the village centre caused much obstruction and car parking problems recently. Although there is more room in this case to work off the road, we are wondering how Station Road residents, users and pedestrians will be affected by the demolition in the first instance, deliveries, removal and general use of heavy equipment etc for this development.”

The main points of concern raised by the above residents in relation to the originally submitted plans can be summarised as follows:

- Objections to the height of the development, particularly the ‘tower’ to the rear of the site.
- Because of the height of the development at the rear, there would be problems of overlooking and adverse impacts on privacy.
- The existing road (Station Road) is extremely narrow and the development could pose additional danger to road users and pedestrians, particularly during construction.
- The lack of car parking for the Church should this application be approved.
- Safety concerns regarding demolition works.

Nearby residents and all those who previously commented on the original application were re-notified of the receipt of amended plans on 20th September, 2005. In response one letter of representation has so far (at the time of writing) been received and this is attached at Appendix A. Any further letters received will, of course, be directly reported or tabled at the Committee meeting.

REPORT

The application site is located within the residential settlement boundary of Dinas Powys and is also located within the Dinas Powys Conservation Area. The relevant Policy context for this proposal is therefore primarily contained within the adopted Vale of Glamorgan Unitary Development Plan 2005. The following Policies are considered to be the most relevant in the consideration of this (amended) proposal.

POLICY ENV 18 – DEVELOPMENT IN CONSERVATION AREAS

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.

Because the proposal also entails the demolition of the existing Wesley Hall Centre building, the following Unitary Development Plan Policy is also relevant:

POLICY ENV 19 – DEMOLITION IN CONSERVATION AREAS.

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
- (ii) 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.

The proposed design is also an important material consideration and therefore the following general Unitary Development Plan Policy on design is also relevant:

POLICY ENV 25 – DESIGN OF NEW DEVELOPMENTS

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

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

With regard to the details of this resubmission it will be noted that the originally submitted scheme was for 8 No. flat units but this has now been amended and reduced to 6 units only. The original scheme also proposed a 3 storey element to the end (east) elevation which attracted several objections because of the over-dominant nature of this elevation on a sloping and elevated site, particularly as a large number of windows were also proposed on this end elevation which would have exacerbated possible privacy and overlooking problems.

The amended plans have reduced this original 3-storey element to 2 storeys only, and the number of windows has been greatly reduced. The overall height, build and profile of the proposed flat block is lower than the large hall building which is to be demolished.

It will be noted also that the Head of Visible Services (Highway Development) had concerns regarding the car parking layout, but the amended plans have also satisfied his concerns in this respect. In terms of the amenity space provision, approximately 500m² of landscaped space will be provided for the development. The Councils Supplementary Planning Guidance on amenity standards (Policy 2) requires that, for flatted development, a minimum of 20m² of amenity space per person should be provided. As the six units are all 2 bedroom units, it is considered that this amount of space is considered adequate to serve the proposed development.

Whilst the site is surrounded by other residential properties and their gardens, the amended plans have attempted to reduce any impact in terms of overlooking or loss of privacy. However, the main areas of overlooking are confined to the rear garden areas of neighbouring properties which are a reasonable distance away from patio areas, and also to the side (blank) elevation of properties at Wesley Court. On this basis, the amended scheme is also considered to be satisfactory.

Finally, on design, it is considered that the amended plans should enable the proposed development to blend well with the surrounding development. Whilst many of the older properties in this area are stone-built, the majority of the newer buildings are predominantly of a white render finish. Given that the existing building (to be demolished) is not an attractive building in this Conservation Area location, it is considered that the proposed scheme, as amended, should serve to enhance the appearance of the surrounding Conservation Area. On this basis, a recommendation of approval is made.

03802

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 1683/2A, 3A and 6A received by the Local Planning Authority on 5th September, 2005.

3. 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.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. The vehicle parking area shown on Drawing No. 1683/2A shall be laid out and surfaced in accordance with details, including details of any retaining walls, to be agreed in writing with the Local Planning Authority, before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.
6. Details of the materials and colour of the external finishes of the proposed flat development shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
7. Samples of the materials to be used in the construction of the proposed building shall be submitted to the Local Planning Authority for approval prior to the commencement of development.
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.
9. The secondary living room windows on the west elevation of the development shall be glazed in obscure glass and so maintained at all times.
10. All the proposed windows on the northern elevation of the development hereby approved, other than bedroom windows, shall be glazed with obscure glass and so maintained at all times.
11. The bathroom, kitchen and secondary living room windows on the east elevation of the proposed development shall be glazed with obscure glass and so maintained at all times.
12. 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.

13. The service bay at the front of the proposed car parking area shall be marked up before the development is brought into beneficial use in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The service bay shall thereafter be maintained and retained at all times in accordance with the development hereby approved.
14. Notwithstanding the submitted plans, visibility splays from the proposed car park of 2.4m by 45m shall be provided in both directions along Station Road, prior to the first occupation of any of the units hereby approved, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Within the visibility splays as may be agreed, no obstruction such as walls or fences or planting shall be greater than 900mm in height above the carriageway channel edge.

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 ensure satisfactory maintenance of the landscaped area.
5. To provide satisfactory off street parking facilities.
6. To safeguard local visual amenities.
7. To safeguard local visual amenities.
8. To ensure a satisfactory form of development.
9. In the interests of residential privacy and amenity.
10. In the interests of privacy and amenity.
11. In the interests of privacy and amenity.
12. To safeguard local visual amenities.
13. In the interests of public and highway safety.
14. In the interest of public and highway safety.

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 Cardarn, 5, Village Way, Tongwynlais, Cardiff, CF15 7NE.

(Chris J Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan, CF63 4LA.)

LAND AT REAR OF FAIRFORD STREET, BARRY

Outline application for residential development - erection of 8 no. flats

SITE DESCRIPTION

The application site relates to an overgrown area of open land located to the rear of Fairford Street, Barry. The area has been subject to fly tipping and is now in an overgrown condition. The site is approximately 0.1 Ha and is bounded by detached dwellings along Barry Road to the south, terraced properties along Fairford Street to the west, Robins Lane to the east and a three storey block of Housing Association flats to the north (Ty Cerrig).

Access to the site would be gained via Fairford Street between Nos. 12 and 14. The site is elevated above the adjacent flats to the north and the terraced properties along Fairford Street. The access is currently fenced off, and the site lies within the residential settlement boundary of Barry.

DESCRIPTION OF DEVELOPMENT

The application (made by Newydd Housing Association) seeks Outline Planning Permission for a three-storey block of flats with 12 No. undercroft parking spaces, a communal lounge, boiler room, bin store, corridor, lift and staircase at ground floor and 4 No. flats on the 1st and 2nd floors of approximately 60m² each. The siting, access and design (scale and massing only) of the scheme are included for approval now with external appearance and landscaping reserved for future approval.

The building would take the form of an "L" shape and measures 22m wide by 19m deep at its maximum points. The proposal would not involve the felling of trees or any demolition works.

PLANNING HISTORY

02/01319/OUT - Outline application for residential development. Withdrawn 12th December, 2003.

91/01248/OUT - Construction of 1 No. detached house and garage. Refused 4th February, 1992.

CONSULTATIONS

Barry Town Council - Were consulted on 25th April, 2005 and re-consulted on amended plans/additional details on 3rd June, 2005 and 11th August, 2005. The following detailed comments were made:

"No objection in principle subject to:

1. The Highway Authority being fully satisfied with the adequacy and safety of the access from Fairford Street.
2. The Local Planning Authority ensuring that the intensity of the development would be linked to:
 - (a) The ability to provide adequate levels of on-site car parking and space for amenity uses.
 - (b) The protection of the privacy of surrounding residential occupiers.”

“The additional drawings do raise a number of concerns regarding:

1. The height of the block of flats, its proximity to existing neighbouring dwellings and its subsequent adverse impact on the privacy and other residential amenities of the occupiers.
2. The bland and uninspired external design of the building.

An objection is therefore raised against the development proposed in the additional plans received by the Local Planning Authority on 25th May, 2005.”

“The amendments to the site plan and the contents of the supporting statement have been noted. This Council’s previous comments remain unchanged.”

The Head of Visible Services (Highway Development) – Was consulted on 25th April, 2005 and re-consulted on amended plans/additional details on 3rd June, 2005.

Initial comments: “The Highway Authority would advise that there is an objection to this proposal, based on the following comments:

It is not possible to provide a turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines within the curtilage of the site/for each unit, which must be retained thereafter. The inclusion of tandem parking is unacceptable.

Vehicles must be able to enter and exit the site in a forward gear. This is to prevent any vehicles obstructing the highway either by parking on it or manoeuvring in or out of the site in reverse gear, to the detriment of highway safety.”

Additional comments: “The application proposes to serve eight individual residential units from a single private drive. However, the maximum number of dwellings that the Highway Authority will allow from a private drive is five.

The parking layout shown on Drawing No. SK01(B) does not conform to the Highway Authorities standard layout. It is considered that parking bays 9 to 12 cannot be accessed independently as vehicles using bays 5 to 8 would block access and egress to these bays. Consequently, the development may be deficient in parking. However, the exact number of parking bays cannot be determined, as the number of bedrooms provided within each dwelling has not been specified.

The manoeuvring area shown on Drawing No. SK01(B) will not allow larger delivery vehicles to access and egress the development site in forward gear.

Finally, it is unclear to whom the “overspill car park”, located directly in front of the access road within the development site is allocated too, and if the proposal will remove existing parking facilities that serve adjacent uses.”

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) - “This department has no comment to make regarding the above application.”

Environment Agency – Were consulted on 25th April, 2005. They responded with a copy of their standard guidance notes for developers.

Dwr Cymru/Welsh Water - Was consulted on 25th April, 2005.

“The proposed development would overload the existing public sewerage system. Improvements are planned which would enable a connection to be made in 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 31st March, 2007.

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

Dwr Cymru Welsh Water also include their standard advice and recommendations relating to foul water, surface water and land drainage run-off.”

REPRESENTATIONS

Neighbouring occupiers were notified on 25th April, 2005 and re-notified on 3rd June, 2005 and 11th August, 2005. The occupiers of Nos. 8, 10, 13, Fairford Street and No. 24, Barry Road have objected to the proposal on the following grounds:

- The increase in traffic and noise in and around the site with the potential for sixteen cars entering and exiting the site.
- The exacerbation of parking problems and congestion in the surrounding streets.
- The access is inadequate to accommodate increased levels of traffic to the site.
- The scale of the proposed building is excessive.

- The site has already been cleared of trees.
- The access to the site is currently used as an informal play area by local children.
- The proximity of the development to existing properties and the subsequent loss of privacy, overlooking and overshadowing.
- The loss of a back lane to the rear of properties along Fairford Street.
- The potential damage to rear boundary walls and property caused by excavations.
- The application (originally) included land within the ownership of the occupiers of No. 24, Barry Road and no notice was served.
- 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.

Councillor N. Moore has also objected to the application and has provided the following comments during the application process:

25th May, 2005 - "I would consider this to be an over development of this cramped and unsatisfactory site. The land is in a very prominent position and would seriously overshadow neighbouring properties and as such is in my opinion an un-neighbourly form of development. I also have reservations about the amount of parking space that could be utilised in the site and I also have concerns about whether or not the appropriate level of amenity space could be supplied for the current outline application that indicates that 8 No. flats are to be considered for the site. I would welcome you keeping me informed about this application before a final decision is taken."

21st June, 2005 - "Even though the plans have been slightly amended since the originals were submitted my comments are still as below. I consider this to be an unneighbourly development, intrusive and a cramped and unacceptable development for the site being considered."

23rd August, 2005 - "As you know I have considered this application on several occasions in the past and I am still strongly of the opinion that this is an unneighbourly development, which is intrusive. I also consider this to be an over development of this cramped and unsatisfactory site. The land is in a very prominent position and would seriously overshadow neighbouring properties and as such is in my opinion unacceptable.

I also have reservations about the amount of parking space that could be utilised in the site and I also have concerns about whether or not the appropriate level of amenity space could be supplied for the current outline application for 8 No. flats.

I would suggest that if there is a recommendation to accept the development, that the Planning Committee should have a site visit before making any decision and also consider its previous planning history, which was either a withdrawn application (as it was likely to be refused) or the refusal in 1992.

It is suggested that this is underused and previously developed land although the agent is unaware of its previous history. It was in fact quite wooded until the trees were cut some years ago.

The building is to be three-storey with parking at the lower level, although as this is an outline application it does not identify exactly where that parking could be placed. It also only proposes 12 No. spaces for 8 No. flats, which I consider to be inadequate in this day and age. I would also draw your attention to the fact that as the flats are proposed to be on the 2nd and 3rd floors it is likely that the occupants would be younger rather than older and more likely to have cars of their own, and possibly more than one per flat.

They speak about a balance of house types, but I would suggest flats in this area would be intrusive. I am aware that Ty Cerrig (Quarry House - the English translation) is a two storey block of flats, which has been built into the previous quarry face and at a much lower level and therefore is not as intrusive as this development would be. In fact if you look at Photograph 2 supplied by the agent, it shows that Ty Cerrig is in fact lower than those houses in Fairford Street and if you look at photograph 5 it shows the extent to which the proposed site looks down onto Ty Cerrig.

I would therefore refute the claim on page 8 of their report that this proposed development is of a scale and form and character that is sympathetic to the environs of the site. It is not. It is exposed and very high as can be seen by photographs 3, 4, 5 & 6. In photograph 6 you can see the Church on Church Road and Cadoxton School quite clearly and this is from the proposed 2nd storey level. You therefore have to consider its impact after there was a further 3rd storey plus a roof on top of that.

On page 8 they also claim that the proposal would have no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or VISUAL INTRUSION. Frankly I cannot see how this can be accepted.

On page 9 they claim that the new development must have regard to the context of the natural and built environment. They contend that flats would complement or enhance the local character of the buildings and open space. I cannot see that this is the case. It also claims that it would minimise any detrimental impact on adjacent areas. Again I refute that claim. The agents also claims that this development will provide a high level of accessibility for people with impaired mobility, yet it has no ground floor flats.

In concluding their application the agents say on page 11 that it could be achieved without any impact on adjoining residential amenities. I reiterate that I cannot see this to be the case.

In summary, I consider this to be too big a development for the site, that will be intrusive, cramped and unneighbourly. I would also strongly suggest that any application for this site should be a FULL application and that any Outline consent should not be accepted at any time.

Thank you for the opportunity to allow me to make these comments.”

REPORT

The site lies within the identified Residential Settlement Boundary of Barry 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, siting and design (scale and massing) be submitted for consideration, in line with Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995. A revised site plan was submitted after it was confirmed that the adjoining occupier at No. 24, Barry Road owned and controlled a part of the proposed site.

The scheme includes a three-storey Housing Association block of flats with 8 No. flats and 12 No. on-site parking spaces. On matters relating to highway development, it is considered that it is not possible to provide a turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines within the curtilage of the site. The parking layout shown does not conform to the Highway Authorities standard layout because it would suggest that parking bay Nos. 9 to 12 cannot be accessed independently as vehicles using bay Nos. 5 to 8 would block access and egress to these bays. Consequently, the development is deficient in terms of parking provision for the future occupiers of the 8 No. flats (potentially sixteen residents) and visitors, contrary to Policy TRAN9 of the Unitary Development Plan and the approved South Wales Parking Guidelines. Policy TRAN9 states that the provision of parking facilities will be "... related to: the type of land use, its density and location; existing and potential public transport facilities; the capacity of the highway network."

The use of the "overspill" parking area as part of the access to the site currently used by the block of flats at Ty Cerrig would also lead to a loss of provision for the existing residents. The access road off Fairford Street is not adopted and it is considered that the courtyard area will not allow vehicles or larger delivery vehicles to access and exit the development site in forward gear, to the detriment of highway safety in and around the site.

The proposed three-storey block of flats is sited in between residential properties along Fairford Street and Barry Road and the three-storey block of flats at Ty Cerrig. Whilst the agent states that the proposed development is "in the lowest portion of the site," it is still significantly higher than the adjacent properties (apart from No. 24, Barry Road) and the outline of the building is within 1.2 to 9m of residential curtilages to the south, west and east. It is considered that this would have an unacceptable effect on the amenities and privacy of the neighbouring and future occupiers of the dwelling, 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 No. 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 overall height of the development is 10m with 2nd floor windows at approximately 6.3m and this, together with the existing site level and the proximity to the neighbouring properties, will be overbearing and 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 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 Planning Policy Wales 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 properties along Fairford Street, particularly the properties either side of the access road contrary to Policies HOUS9 and HOUS12 of the Unitary Development Plan, Planning Policy Wales and the ‘Amenity Standards’ Supplementary Planning Guidance.

The ‘Amenity Standards’ Supplementary Planning Guidance advises that “in flatted developments, developers should aim to provide a minimum of 20 sq. m. of amenity space per person” and this equates to between 160²m. and 320²m. The majority of the site will be taken up by the three-storey building and the allocated garden to the east is open and of an irregular shape. Therefore, it is considered that usable, adequate and appropriate private amenity space cannot be provided for the block of flats and the shared garden will not offer any privacy or sufficient daylight for the future occupiers as it will be overlooked by the neighbouring dwelling at No. 24, Barry Road.

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

04121

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed block of flats, by reason of its scale and siting, is considered to represent an overbearing and unneighbourly form of development causing unreasonable loss of amenity to the occupiers of the adjoining dwellings, contrary to Policies HOUS9 and HOUS12 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, by reason of its scale and location, is considered to constitute a form of backland development and an overdevelopment of the site that would fail to provide adequate on-site parking provision and turning areas for the proposed flats or adequate and usable outdoor amenity space for future occupiers, contrary to Policies HOUS9 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).

The Melvin Llewellyn Estate, C/o Agent.
(Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend. CF32 0LB
)

DISUSED FARMYARD AT REAR OF TY MAWR COTTAGE, LLANGAN

Demolish existing disused farm buildings and erect four detached dwellings

SITE DESCRIPTION

The application site relates to what is now a largely disused farm yard and associated buildings located on the western side of the rural village of Llangan which is classified as falling within the countryside. The site is accessed between two existing residential dwellings being the stone cottage of Ty Mawr (which is within the control of the applicant) and a modern bungalow known as Maes-y-Bryn. The application site is generally rectangular in shape and measures some 90 metres in length by a width of 50 metres. The site is bounded along its western boundary by residential curtilages and the remaining boundaries adjoin agricultural land.

The existing yard consists of dilapidated farm buildings and Dutch barns mainly constructed of profiled steel sheeting. Approximately one third of the application site is covered by farm buildings.

DESCRIPTION OF DEVELOPMENT

This is an outline application with all matters reserved for the demolition of the farm yard and the erection of four detached dwellings. Whilst all matters have been reserved the application has been supported by a suggested site layout and house type details. The indicative layout shows a shared access running adjacent to the northern boundary of the site which serve a total of four dwellings and associated turning areas. Each of the dwellings are shown to be sited in spacious plots and are large two storey gable style houses with attached double garages. Each house is shown to have a footprint of 13 metres by 9 metres.

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

PLANNING HISTORY

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

CONSULTATIONS

Llangan Community Council - Was consulted on 31st May, 2005 and to date has sent a holding response although no formal letter of representation has been received.

Vale of Glamorgan Conservation Advisory Group at its meeting on 21st July, 2005 recommended that the application should be refused on the following grounds.

“The form and design of the proposal would represent a discordant element, particularly when viewed from the surrounding open area and would not, therefore, preserve or enhance the character of the conservation area. “

The Head of Visible Services (Highways Development) - Has made the following comments:

“The existing access to the site is inadequate, as the maximum achievable visibility to the north is 3.0m x 12.0m, which is below the required standard. Additionally, although the existing buildings on the site are redundant, it is considered that the actual farm yard itself is still operational as vehicles and associated equipment such as tractors, trailers, and hedge cutter's etc are stored and used from the site.

Under the development proposals, heavy farm vehicles that use the existing access will be removed, providing a benefit in terms of highway safety. However, the visibility splays from the access are still below the minimum requirement of 2.4m x 33m based on the submitted drawings.

When visibility is measured from the proposed access, the required vision splay to the north passes over land, which is not under the control of the applicant. However, from discussions with the agent, I have been informed that the applicant is able to acquire the land, which will be required in order to provide the required visibility splays.

Therefore, with the removal of heavy farm vehicles from the access to the site and improvements to visibility, it is considered that the development proposals are acceptable, provided that the developer submits the details listed below for approval by the Highway Authority and subsequently provides the measures prior to beneficial occupation of the development. These details listed below, should also be made conditional to the planning approval.

Visibility from the proposed access will be provided at 2.4m x 33.0m in both directions from the site access. No obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.

The proposed access will have a hard surface of concrete or bituminous material for a minimum distance of 10.0m from the highway boundary into the development site.

No surface water from the site shall discharge onto the adopted highway.

The proposed parking spaces and manoeuvring areas shall be laid out in accordance with the Highway Authorities approved details before the development is brought into beneficial use and be therefore maintained and retained at all times for those purpose in association with the development.

A 1 metre margin strip is required to be provided for the use of pedestrians, from the boundary of the adopted highway into the development site.”

The Director of Legal and Regulatory (Pollution Control) – Was consulted and has made the following comments:

“This department does not object to the application but insist on the following conditions:

No development shall take place until site investigation works, to determine whether or not the land is contaminated, and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will include:

1. A desktop study of the area of the proposed development.
2. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to the commencement of works. The report should contain recommendations for any remedial or further works at the site.
3. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
4. A remediation validation report. This should be supplied prior to the occupation of any buildings at site.

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

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

Narrative

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

- Details of an overview of the initial walkover survey, to include the identification of contaminants from other sources, e.g. gases emitted from natural organic deposits such as coal or structures such as disused drains. Detailed on site sampling to identify any contamination.
- The locations of the 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.
- An assessment of any off-site impacts such as the effect on watercourses, etc.
- A thorough explanation of the chosen remedial measures, including depth, breadth of excavation and details of soil replacement.
- Plan of action if further contamination is identified during remediation.

- Details of the measures to verify that the contaminant has been removed to an acceptable level.
- The identification as to whether a long-term monitoring and maintenance programme is required and if so, details of the plans.
- Details of the long and short-term risk to human health, including the construction phase and post-development.
- Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.

Environment Agency Wales – Was consulted on the application, although no response has been received to date.

Dwr Cymru/Welsh Water - Was consulted on the application and has requested that conditions and an advisory note be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site.

REPRESENTATIONS

Neighbouring residential properties were consulted on 31st May, 2005 and a site notice was also posted. To date, no letters of representation have been received.

REPORT

Whilst the application site forms part of the former Ty Mawr Farm which is within the village of Llangan and within the Llangan Conservation Area, the site itself is nevertheless classified as falling in the open countryside.

Consideration of applications within Conservation Areas can normally only be made with a full planning application submission, as full details are required. Whilst this application is submitted in outline, sufficient indicative details have been submitted by way of a site layout plan and elevation and footprint details of the house types to fully consider the application.

As the proposal relates to the construction of new houses in the countryside the relevant policy in assessing this application is Policy ENV1 (Development in the Countryside) contained in the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy states that within the delineated countryside permission will only be granted for:

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

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

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

The proposal should also be judged against national guidance concerning the erection of new dwellings in the countryside. The relevant guidance contained with Planning Policy Wales (March 2002) is as follows:

(para. 2.5.7) Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, but new building in the open countryside away from existing settlements or areas allocated for development in UDPs must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

*(para. 9.2.18) In planning for **housing in rural areas** it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment... In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside away from existing settlements recognised in UDPs, or from other areas allocated for development, must be strictly controlled... "Many parts of the countryside have isolated groups of dwellings. Sensitive filling-in of small gaps, or minor extensions to such groups, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."*

(para. 9.3.1) New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern.

(para. 9.3.6) New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

The site falls within the Llangan Conservation Area which includes the historic core of the hilltop village and the early development of the village is centred around the road junction which leads to Treoes and is supported by three farm holdings (one of which is Ty Mawr Farm) between which there has been development of more modern houses. More specifically in relation to development within the Conservation Area, the relevant policies contained in the adopted Plan are Policies ENV15 (Protection of Built and Historic Environment), ENV18 (Development in Conservation Areas), ENV19 (Demolition in Conservation Areas) and ENV22 (Conservation and enhancement of open space). Consideration should also be given to national planning guidance as set out in Planning Policy Wales March 2000 and TAN 12 on Design.

The key issues that need to be assessed in relation to the Conservation Area are:

- Whether the loss of the former Ty Mawr Farm which is specifically identified as “buildings of note” in the Conservation Areas in the Rural Vale Supplementary Planning Guidance would impact on the character of the Conservation Area.
- The appropriateness of the siting, size and scale of the proposed houses (indicative) and their impact on the adjacent Ty Mawr Cottage and the wider character of the Conservation Area.
- Whether the proposal as a whole will preserve or enhance the character of the Conservation Area with particular consideration given to the key issues set out in Llangan Conservation Area appraisal contained in the Vale of Glamorgan Supplementary Planning Guidance on Conservation Areas in the Rural Vale.
- The redevelopment of the site for housing is contrary to both national and local planning policy which presumes against the construction of new dwellings in the countryside unless they can be justified on grounds relating to uses including agriculture and forestry.

Whilst it is recognised that the application site falls within the village of Llangan, Policy HOUS 2 does not identify Llangan as a settlement suitable for further “infill” or “rounding off” development, as the village is considered to have insufficient physical form, community facilities or capacity to assimilate such additional development.

Notwithstanding the above, the application site relates to a large site some 115 metres in length (including the access) by a width of 50 metres located at the northern end of the village. In particular the application site extends some 50 metres beyond the line of the dwellings on the western side of the village. As such, the application site (notwithstanding the policy stance) would in any case result in a significant extension of the village beyond any established and logical boundaries. As such the residential development of the site as proposed in the indicative layout would cause demonstrable harm to the character of the existing village in terms of the historical patterns of development and as a whole would not preserve or enhance the character of the Conservation Area and would not support the key objectives as set out in the Llangan Conservation Area appraisal.

Whilst it may well be argued that the removal of the large scale farm buildings would be of benefit to the amenity of the area, the farm buildings form an important and integral part of the character of the Conservation Area and the farm buildings are identified as “buildings of note” in the Conservation Areas in the Rural Vale Supplementary Planning Guidance. Notwithstanding the above, the proposed layout for 4 No. large scale detached dwellings, and the design of the dwellings, is not considered to respect the historic layout pattern and character of the existing dwellings within the village and the rural and agricultural character of the area.

In light of the above, the proposed new dwellings would both breach and undermine policies which seek to guard against unacceptable development in the countryside, and would not preserve or enhance the character of the conservation area, where no special justification exists to justify departing from such a policy presumption. The following recommendation is therefore made.

03984

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represents an unjustified form of new residential development in the countryside which would cause serious harm due to the layout, scale and design of the proposed dwellings and would not preserve or enhance the character of the Conservation Area. The proposal is therefore considered contrary to the aims and objectives of Policies ENV1 (Development in the Countryside), HOUS3 (Dwelling in the Countryside), ENV15 (Protection of Built and Historic Environment), ENV18 (Development in Conservation Areas), ENV19 (Demolition in Conservation Areas) and ENV25 (Design of New Developments) contained in the adopted Vale of Glamorgan Unitary Development Plan 2005 and advice contained within the Conservation Areas in the Rural Vale Supplementary Planning Guidance and the aims and objectives of Planning Policy Wales (March 2002).

Mr. P. Denton, 6, Swanbridge Grove, Sully, Vale of Glamorgan. Cf64 5TA
(Barry Mayled, Augusta Studio, The Court, 16a, Augusta Road, Penarth. CF64
5RH)

ORCHARD RISE, 6, PENLAN ROAD, LLANDOUGH

Demolition of existing dormer bungalow and construction of two new dwellings

SITE DESCRIPTION

The application site relates to an existing dormer bungalow with detached garage located off a small private drive off Penlan Road, Llandough. The private drive serves a total of four detached dwellings, including a Listed Building all of which are sited in reasonably spacious plots. The group of dwellings accessed of this private drive are in an elevated position overlooking Penlan Road and the church and village green on the other side of the main road.

The application site measures an area of 915 square metres and the existing dwelling is at the front of the plot.

DESCRIPTION OF DEVELOPMENT

This is an outline planning application for the demolition of the existing dormer bungalow and detached garage and the construction of two dwellings, with all matters reserved. Whilst all matters have been reserved, a sketch perspective has been submitted which indicates a suggested layout for two dwellings.

PLANNING HISTORY

The site has been subject to following planning history, as set out below:

87/00156/FUL – Proposed additional two bedroom bungalow to be used for residential dwelling house. Application refused 19th February, 1987 for the following reasons:

1. The proposed development would result in a total of five dwellings being served by the existing drive from the A4055 Penlan Road and it is the policy of the County of South Glamorgan that a maximum of four dwellings should be served by means of private driveway.
2. The existing means of vehicular access for the private driveway onto the A4055 Penlan Road lacks proper visibility and is generally unsuitable to accommodate additional development.

CONSULTATIONS

Llandough Community Council - Were consulted on 31st May, 2005 and have raised a strong objection to the application on the following grounds:

1. Over-development on a restricted site.

2. Dangerous location for access by additional vehicles and will increase traffic on a treacherous part of the main highway.

Environment Agency - Were consulted and has responded with a "standard advice" guidance note for developers.

Welsh Water - Were consulted and have 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. They also state that the proposed development site is crossed by a public sewer. However from the attached plan which indicates the line of the sewer, it is clear that the sewer does not traverse the application site.

The Director of Legal and Regulatory Services (Environmental Health : Pollution Control) - Was consulted and whilst he has no objection to the application, has insisted on the following conditions:

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

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

The Head of Visible Services (Highways) - Has not raised an objection in principle, subject to the applicant satisfying the following conditions:

1. A turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines shall be provided within the curtilage of the site/for each unit, and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear.
2. The proposals must not compromise the turning and parking provision already existing at this site.
3. No surface water from the site shall drain onto the adopted highway or into the Highway Authority drainage system. The applicant must make provision for the disposal of surface water on site.
4. No further development will be permitted off this private road as this proposal will take it to the maximum of 5 dwellings off a private drive.

Neighbours were notified on 16th May, 2005 on the planning application, and to date a total of 4 letters of representation have been received. A copy of the letter of objection received from the occupiers of Rembrant House, No. 4 Penlan Road, is attached as Appendix A. The issues raised in the other letters of objection are summarised below;

- The over development of the site for two houses.
- Issue relating to the loss of privacy

- Intensification of the use of the private drive.
- Impact on the setting of Pound Cottage (Grade II Listed).
- A request for a site visit by members of Planning Committee.

A letter of representation has also been received from Councillor Osbourne, Council Member of Llandough who has stated that he wishes to endorse the objection raised by the Community Council and is attached as Appendix B.

REPORT

In assessing this application, consideration must be given to both national and local planning policies and the following are considered relevant in assessing this application.

The site falls within the designated residential settlement boundary of Llandough, where Policy HOUS2 of the adopted Vale of Glamorgan Unitary Development Plan 2005 supports housing infill, small-scale development and redevelopment within the settlement boundary, 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 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 (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 contained in Planning Policy Wales (March 2002).

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.....”

The site itself, comprises of an existing curtilage located between two existing dwellings, and as such falls within the definition of an infill plot, which is defined under the above referenced adopted plan as “a site enclosed or surrounded by existing development in the sense of the filling of a small gap within an otherwise built up frontage”.

In terms of the appropriateness of the residential development at the site, whilst all matters are reserved for subsequent approval, the indicative plan indicates the siting of two No 2 storey dwellings where the first floor accommodation is shown as being within the roof void. Whilst these plans and the sketch perspective are wholly indicative, they do demonstrate that two dwellings could be accommodated on site, subject to the level of floorspace proposed and associated provision of parking and amenity space.

Whilst the application is in outline, consideration can still be given to issues of privacy, overlooking and overbearing impact. The existing bungalow is located on the northern side of the curtilage and therefore the redevelopment of the site for two dwellings will result in development in closer proximity to No. 8 Penlan Road which is a dormer style bungalow. However subject to details of the subsequent reserved matters in relation to siting, scale and location of windows, a scheme could be provided which would maintain the privacy of the adjacent occupier. With regard to the houses to the north of the application site, the existing bungalow which is to be demolished and detached garage is already located adjacent to the northern boundary and therefore subject to specific reserved matters details, the privacy of the adjacent house should be maintained.

It is noted that Pound Cottage (No. 2 Penlan Road) is Grade II Listed, being a thatched white painted cottage which was listed due to it being the last thatched cottage in the village, retaining its regional character. It is not considered that the redevelopment of the application site for two detached dwellings, subject to appropriate siting, scale, design, materials would unacceptably impact on the setting of the Listed Building particularly given that the Listed Building is physically separated from the application site by the private drive.

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. In view of the indicative nature of the outline application drawings, such an assessment cannot be made. However the requirements as set out in the amenity standards shall be imposed by way of condition as part of this approval.

With regard to access, the Head of Visible Services (Highways) has not raised an objection to the principle of the redevelopment of the site for two houses, subject to appropriate provision for parking and turning areas to serve each of the proposed dwellings in accordance with the South Wales Counties Parking Guidelines.

It should be noted that a previous application for an additional two bedroom bungalow was refused under application ref. 87/00156/FUL. However the grounds for refusal related to the fact that the proposed development would result in a total of five dwellings being served by the existing drive from the A4055 Penlan Road and at the time of consideration of that application, it was the policy of the former County of South Glamorgan to only permit access for up to four dwellings served by means of private driveway. However since the consideration of this application the Local Highway Authority now considers that up to five dwellings can be served off a private drive. As such the principal reason for refusal of that application has now been overridden by updated highway guidance.

Consideration of this application was deferred at the previous Committee meeting to enable Committee Members to inspect the site. It is currently anticipated that this inspection will take place on 16th November, 2005.

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

04095

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Approval of the the details of access, siting, design, external appearance and landscaping, of the proposed dwelling and garden (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.
2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.

- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. Plans and particulars of the reserved matters referred to in Condition No. 1 above, relating to access, siting, design, external appearance and landscaping, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
 5. The detailed scheme shall be designed so that parking provision and garden areas for the proposed dwelling and the existing dwelling are designed to meet the Local Planning Authority's adopted Amenity Standards Supplementary Planning Guidance and the adopted Parking Guidelines.
 6. The work shall be carried out in accordance with the accepted rules and practices of good tree surgery to conform to B.S. 3998 - Recommendations for Tree Work.
 7. Details of the proposed finished floor levels in relation to the existing ground levels and finished levels of the site, including cross-sections shall be submitted to and agreed in writing with the Local Planning Authority before commencement of development and the development shall thereafter be constructed in full accordance with the agreed levels. The proposed levels shall pay particular regard to the residential amenities of neighbouring occupiers and the cross-sections shall clearly indicate the context and relationship of the development with regards to the adjacent dwellings, including sensitivity to design and height in relation to the adjacent dwellings.
 8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing 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.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The application was made for outline planning permission.
5. To ensure that the proposed development provides adequate car parking and amenity space for the existing and proposed dwelling.

6. To ensure the work is carried out to an acceptable standard in order to ensure the continued health and safety of the tree(s).
7. To safeguard the amenities of neighbouring occupiers and ensure the development is sensitive to the surrounding area.
8. To safeguard local visual amenities.

NOTE:

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

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.

The Church in Wales, Heol Fair, Llandaff, Cardiff, CF5 2EE.
(D Burgess, Stephenson & Alexander, 5, High Street, Cardiff, CF10 1PZ.)

**FORMER CHURCH IN WALES PRIMARY SCHOOL, PLASSEY STREET,
PENARTH**

Residential development

SITE DESCRIPTION

The application site relates to the former Church in Wales Primary School and grounds at the junction of Plassey Street and High Street, Penarth. The site is approximately 1210m².

It lies within the designated residential settlement boundary of Penarth and is bounded by the School House and a block of flats to the west, Plassey Street to the south, High Street to the east and a rear service lane to the north.

The school has been vacant since Spring 2004. The two temporary classroom portacabins to the north of the site have already been removed from the site. Vehicular access to the site is gained via High Street. The application site does not include the school house attached to the main building.

DESCRIPTION OF DEVELOPMENT

The application seeks Outline Planning Permission to demolish the existing school premises and construct residential units. All matters (siting, means of access, external appearance, design and landscaping) are reserved for future approval. The proposal does not involve any felling of trees or the creation of a new access.

PLANNING HISTORY

None since 1978.

CONSULTATIONS

Penarth Town Council - Were consulted on 7th July, 2005. "That the application should be approved subject to:

1. The scale, form and design of development being in keeping with the surrounding residential area with units of accommodation being no more than two storeys in height.
2. The means of access to be from High Street for highway safety reasons and to ensure the free flow of traffic along Plassey Street.
3. Car parking and amenity space to be provided in accordance with the Vale of Glamorgan Council's approved guidelines."

The Town Council was re-consulted following confirmation that the application involved the demolition of the school building. These additional comments were made:

“Despite the information indicated on the application form at question 8, the Town Council considered its views on the basis of question 6 being an outline application for new buildings. The view was taken that this was an outline application for change of use and redevelopment of the site for residential use and observations were formulated accordingly.

Your confirmation that the application involves the demolition of the school building does not affect or lead to an alteration in the views already submitted.”

The Director of Legal and Regulatory Services (Environmental Health : Private Sector Housing) – Was consulted on 7th July, 2005. “I have no adverse comments to make with regard to the above planning application.”

Dwr Cymru/Welsh Water - Were consulted on 7th July, 2005. “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 of the environment and to Dwr Cymru Welsh Water's assets.”

(The conditions and advisory notes relate to foul water, surface water, land drainage run-off and the connection to the public sewerage system).

Environment Agency - Were consulted on 7th July, 2005. They have responded with their standard advice and guidance note for developers.

REPRESENTATIONS

Neighbouring occupiers were notified on 7th July, 2005 and the application was advertised on site and in the press on 26th July, 2005.

The occupiers of No. 14, Harbour View Road and No. 3, Plassey Street and Liz Stokes (by e-mail) have objected to the proposal on the following grounds:

1. The Penarth Heights redevelopment is imminent and there is no need for any further residential units in the area.
2. The school should either remain as a school or be used as a community centre.
3. The development would exacerbate parking problems in the area.

The occupier of No. 35, High Street has confirmed that she has no objections in principle to the re-development of the school into flats but has reservations relating to the need for any future extensions onto the existing building, the parking problems in the area and potential noise and disturbance during construction/refurbishment work. A copy of her letter is included as Appendix A to this report.

The occupier of No. 9, High Street has submitted a 37 name petition in which they wish to have the following comments recorded with regard to the application:

1. The application as such gives no clear indication as to what the developer is actually planning.

2. We would have no objection to a conversion of the existing property to residential dwellings, providing it is in keeping with the surrounding area.
3. We would strongly request the provision of off-road parking.

Following re-notification of neighbours and interested parties, the occupiers of 35 High Street, the School House and No. 9 High Street have re-iterated their objections to the demolition of the building.

Two letters that are generally indicative of their comments are included as Appendix C to this report.

The letters and petition are retained on file for inspection by Members of the Planning Committee.

REPORT

The application seeks outline consent for the principle of developing the school buildings and site for residential use. The site lies within the identified Residential Settlement Boundary of Penarth.

As all matters are reserved for future approval, the proposal can be assessed against Policies HOUS2 – Additional Residential Development, HOUS9 – Residential Development Criteria, HOUS12 – Residential Privacy and Space and TRAN9 - Parking of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's approved Supplementary Planning Guidance Note on Amenity Standards (1999) and Car Parking Standards.

The main issues relate to the justification for the scheme, the demolition of the school building, the siting of the proposed residential re-development in the area, the potential impact on the privacy and amenities of neighbouring occupiers and the potential impact on highway safety in and around the site.

The school has been vacant since the middle of 2004 and this scheme seeks to bring the site back into use in an area that is suitable for residential re-development. Details of the number of units/flats proposed for the site is not included as part of this application but it is considered that the site is sufficiently large to accommodate on-site parking provision to serve the development as well as outdoor amenity space for future occupiers. It is envisaged that the existing access at the rear of the site will be retained for the future use of the site.

The school lies outside the Penarth Conservation Area and is not a Listed Building. It is considered that the building has no real architectural merit and need not be retained. Details of the design and siting of the new residential development will be submitted for approval with a subsequent reserved matters application and the Local Planning Authority will aim to achieve a residential development that is in keeping with surrounding properties whilst maintaining the amenities and privacy of neighbouring occupiers.

Consideration of this application was first deferred at the September Committee meeting to enable the Local Planning Authority to ascertain whether or not the proposal involved the demolition of the school building. The application form suggested that the application did not involve any demolition but the agent has since confirmed that the building will be demolished as it is not suitable for conversion. (See letter attached as Appendix B).

Subsequently, the planning application was again deferred at the previous Committee meeting on (19th October, 2005) to negotiate an amended scheme that would incorporate the conversion of the buildings to residential use. The agents response to this request is set out below:

"Further to our telephone conversation, I understand that the planning committee has asked you to seek confirmation regarding the demolition of the existing school buildings. My letter to you of 27th September clearly states that conversion of the existing buildings does not represent a viable option and that any condition requiring their retention will be appealed. I can only repeat this statement and please can you also advise the committee that, in the event of further delay in reaching a decision, the application will be appealed for non-determination."

Planning Committee also requested that the Local Planning Authority write to Cadw to request that they consider these former school buildings for listing. Cadw's response is not yet received but will be reported to Committee, if available.

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

04053

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Approval of the details of siting, means of access, design, external appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.
2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

4. A vehicle parking area shall be laid out and surfaced, in accordance with details to be agreed in writing with the Local Planning Authority, before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.
5. 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.
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. 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. 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.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. To provide satisfactory off street parking facilities.
5. To safeguard local visual amenities.
6. To ensure satisfactory maintenance of the landscaped area.
7. To safeguard local visual amenities.

8. To ensure satisfactory drainage of the site.

NOTE:

1. **Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**

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 O'Donnell, 17, Meliden Road, Penarth, Vale of Glamorgan.
(Abbey Building Services, Tynewydd Farm, Llantrisant Road, Capel Llanilltern,
Cardiff. CF5 6JR)

17, MELIDEN ROAD, PENARTH

Dining room/utility room/garage/two bedrooms and alter existing bedroom to en-suite and dressing room

SITE DESCRIPTION

A semi-detached brick built property with side drive. The dwelling is situated in a residential street of similarly designed dwellings.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to amend the approved 04/00199/FUL application to create a two storey extension over the side single storey extension. This would result in a rear single storey extension across the rear of the property and a two-storey extension over the side.

PLANNING HISTORY

04/00199/FUL – Single storey extension to side and rear. Approved on 12th March, 2004.

CONSULTATIONS

Penarth Town Council – Application should be approved subject to the external finishes matching the existing dwelling. The Town Council's comments in respect of the amended plans are awaited.

DwrCymru/Welsh Water – See Appendix A.

REPRESENTATIONS

The adjoining properties have been notified and letters of representation have been received in respect of the original scheme. Comments are attached as Appendix B. Further correspondence received, including the late representations to Planning Committee of 19th October, 2005 are attached as Appendix B1.

Comments from Town Councillor D. Clapham are attached as Appendix C.

Comments in respect of amended plans are awaited.

REPORT

The development relates to an amendment to an application for single storey development to the side and rear approved under application ref: 04/00199/FUL. The details of that element of the scheme have changed in that it is now approximately 3.5m in depth from the rear of the house rather than the approximate 2.5m as originally approved. The amended plans of 27th October, 2005 indicate that the rear, single storey extension will have a gable roof with monopitch to the boundary with No. 15 Meliden Road. The extension nearest to No. 19 Meliden Road now has a hipped roof, sloping away from that property's boundary with No. 17 and close to which No. 19 has erected a conservatory. It is also proposed to erect two bedrooms over the garage.

In receiving the amended plans of 27th October, 2005 the two storey development has been designed so that the front elevation at first floor is set back approximately 0.2m not the 0.5m as originally shown, and the ridgeline remains set down by approximately 0.3m from that of the main dwelling. The extension also has a hipped roof to reflect that of the original dwelling.

It is considered that the two-storey development will not materially affect the amenities of the adjacent property as although it will be built up to the boundary. The neighbour at No. 15 has the width of a driveway between the extension and their property. The subject property is situated to the west of that property. Whilst there is one example of development over the side drive in the street this appears to be of some age and poorly designed, when compared with the current proposal.

The design and detailing of the current proposal does not adversely affect the amenities of the street scene. The brick used, whilst not an exact match, is of similar shade and type to the original dwelling. Given its age, the bricks are a relatively close match, and are considered acceptable. Similarly, it is not considered to adversely affect the neighbouring amenities to any degree to warrant refusal.

The neighbours' comments have been fully considered in relation to the scheme as amended, including the increased depth of the rear extension but there appears no reason to refuse the single storey extension as now amended. Issues of Party Wall and access onto neighbouring property is not a planning matter. Comments from the applicants' agent are attached as Appendix C.

Consideration of this application was deferred at the previous Committee meeting on 28th September, 2005 to enable Committee Members to inspect the site. A site inspection took place on 18th October, 2005. The application was reconsidered at the planning committee meeting on 19th October, 2005 but was deferred to enable the applicant to submit amended plans. It was suggested that a hipped roof treatment to the single storey extension could reduce its impact on the neighbouring properties.

Having regard to Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 the following recommendation is made in respect of the amended plans received on 27th October, 2005.

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 development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
3. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order the garage hereby approved shall not be physically altered and shall remain available for the parking of vehicles associated with the residential use of No. 17 Meliden Road.
4. The permission hereby granted shall relate to the amended plans, reference received by the Local Planning Authority on

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the satisfactory implementation of the development.
3. To ensure the provision of satisfactory on-site parking.
4. For the avoidance of doubt.

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.

S. W. Developments Limited, C/o Tyn Y Cae, Peterston Super Ely, Vale of Glamorgan. CF5 6NE
(AWA Architecture and Design, 8, The Paddock, Lisvane, Cardiff. CF14 0AY)

HEATHFIELD HOUSE, ST. BRIDES SUPER ELY

Demolition of structurally unsound dwelling and erection of new replacement dwelling

SITE DESCRIPTION

The application site relates to an existing detached two storey cottage located in St. Brides Super Ely, a small rural hamlet which is defined as falling within the countryside. The dwelling was originally a pair of semi-detached cottages, which were later altered to provide one dwelling. The existing dwelling is constructed in dressed and coursed stone with a slate roof. The site contains a number of ancillary outbuildings to the side and rear of the dwelling. The existing dwelling is currently unoccupied.

The site is bounded to the west by a large residential dwelling set back from the road frontage in a large enclosed curtilage and to the east by a modern detached dwelling with an open frontage.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the demolition of the structurally unsound dwelling and the construction of a replacement dwelling. The replacement dwelling has been designed to replicate the siting, scale and massing of the original stone cottage on site.

The proposed dwelling will follow the footprint of the original dwelling and will comprise of a main two storey element with a secondary wing to the side and a single storey element on the opposing side elevation. The rear elevation will comprise of two projecting gables. The dwelling as proposed measures a total width of 22 metres by a maximum depth of 11 metres. The ridge height of the main element is 7.5 metres with an eaves height of 5.2 metres. The secondary two storey wing has a lower ridge height of 7.2 metres and matching eaves height.

The proposed accommodation will provide an entrance hall, open plan living and dining room, family room, kitchen/breakfast room, utility and W.C. at ground floor level and 4 bedrooms (an en-suite), bathroom and study at first floor level.

Materials proposed are slate and terracotta ridge tiles and chimney pots. External walls will be finished in off white painted render, with quoins, heads, sills and verge features in buff smooth clay facing brickwork. All windows and doors will be softwood stained dark brown.

The proposal includes the construction of a detached double garage to be located between the house and the highway in the same location as the existing dilapidated garage (now removed from site). The garage will be sited with the side elevation facing the road and will be accessed from within the site. The garage will measure 5.6 metres in length by a width of 6 metres with a ridge height of 4.5 metres and eaves of 2.3 metres.

The application has been supported by a structural report and design statement.

PLANNING HISTORY

The site has been subject to the following planning applications:

03/001138/FUL – Demolition of part of existing dwelling/demolition of 8 No. ancillary outbuildings/construction of single and two storey extension/alteration works/external works. Approved 28th February, 2004.

CONSULTATIONS

St. Georges and St. Brides Super Ely Community Council was consulted on 3rd August, 2005 and to date no response has been received.

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

The Director of Legal and Regulatory Services (Environmental Health) - Was consulted and has responded with no comments to make.

Dwr Cymru/Welsh Water - Was consulted and have advised that there are no public sewers in the area.

REPRESENTATIONS

Neighbouring residential properties were consulted on 3rd August, 2005 and to date one letter of representation has been received from the occupiers of the adjacent dwelling of “Brides Lacey”. The letter raises concerns in respect of the first floor window serving Bedroom No. 1 located in the south-east elevation, which they consider would result in overlooking of the adjacent back garden. Amended plans have now been submitted omitting this window and the occupiers of “Brides Lacey” have removed their objection in light of the amended plans.

REPORT

Planning permission ref: 03/001138/FUL was approved for the demolition of part of the existing dwelling and the construction of a single and two storey extension and external works. The submitted design statement states that works had commenced on site to implement the previous consent and following a reduced level dig and site clearance it was discovered that the existing building had suffered serious structural defects. Accordingly the report states that it was not economically or physically possible to carry out the proposed works to the existing building. As such this application has been submitted for the demolition of the house and a replacement dwelling.

The most relevant policy in assessing this application is Policy HOUS7 – Replacement and Extension of Dwellings in the Countryside, as contained in the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy states that the replacement or extension of dwellings in the countryside will be strictly controlled and proposals will be permitted if all of the following criteria are met:

- (i) The extended dwelling is not disproportionate in size to the original dwelling.
- (ii) Adequate utility and infrastructure services exist, are readily available or can be economically provided.
- (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 Councils 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.

Also considered relevant in the consideration of this application are the following policies:

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, 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....”

Issues

Firstly with regard to the acceptability of the demolition of the existing dwelling, the supporting text to Policy HOUS7 states:

“...Where the 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...”

In this regard the application is supported by a Structural Report prepared by Grove Partnership which concluded that the walls are structurally unsound and taking into account the nature of the structural walls the conclusion is reached that the building should be demolished. The Principal Building Control Officer has assessed the submitted report and has concluded that he would support the recommendation to demolish the dwelling.

Given that the demolition of the existing dwelling can be justified, the main consideration is that the replacement dwelling is appropriate in terms of its scale, siting, design and materials having regard to the area's character and amenity.

The proposed replacement dwelling will be on the same footprint as the existing dwelling within the existing curtilage. The front façade seeks to replicate that of the existing dwelling in terms of general scale, proportion and fenestration detail. Furthermore, the proposed extension to the side is the same as that previously approved. Whilst the dwelling as a whole has a slightly higher ridge (0.3 metres) than the existing dwelling, it is considered that such a minor increase in height would not significantly increase the scale and massing of the dwelling when viewed from the street scene or appear over-scaled in relation to the size of the plot.

The proposed new dwelling will have different materials and finishes on the elevations than the original stone dwelling. However, consideration must be given to the materials and finishes used on nearby dwellings which are modern large scale detached dwellings with a mixture of finishes including render and brick with no overall distinctive character within the hamlet. Therefore the proposed materials and finishes are considered acceptable, subject to samples being submitted by way of planning condition. In terms of the impact on the street scene, the scheme as whole will not result in any more impact over and above that of the previously approved scheme.

The main addition over and above that of the previous scheme is the additional two storey extension to the rear. The additional floor space would have probably been considered excessive in relation to the previous application as it would have been considered disproportionate in relation to the original dwelling. However, in relation to the replacement dwelling, the relevant criteria of Policy HOUS7 do not refer to the original dwelling and therefore the size of a replacement is primarily restricted by the size of the plot, availability of amenity space and other considerations set out in the above referenced policy.

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 original dwelling comprises of some 188 square metres of floorspace (including attached garage) and the previously approved scheme provided an additional 46 square metres of floorspace over two floors of accommodation. This application now proposes an additional 86 square metres of floorspace over and above that of the previously approved scheme where the proposed replacement dwelling will total some 320 square metres. Whilst the level of floorspace is greater than the approved scheme, the proposal includes the removal of all outbuildings and as such the level of amenity space in terms of floorspace will be similar to that serving the existing house and the proposal is therefore considered to be in accordance with the Council's adopted standards.

In terms of highway and access issues, the proposed dwelling will be served by the existing driveway and the proposed double garage and driveway and provision of on site parking is in accordance with the South Wales Counties Parking Guidelines.

In terms of issues of privacy and overlooking, concerns were raised from the occupiers of the adjacent dwelling known as Brides Lacey in relation to the overlooking of their rear garden by one of the bedroom windows in the side elevation. This window has now been omitted in the amended plans and the occupiers have confirmed in writing that they have no objection to the development as amended.

To conclude it is considered that there are no overriding policy objections to the proposal and the following recommendation is therefore made.

04116

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 AWA/1280/11 Rev. A and AWA/1280/11 Rev. A, received by the Local Planning Authority on 5th October, 2005.
3. 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.
4. 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.

5. 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.
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. The access, driveway and amenity space shown on Drawing No. AWA/1280 shall be fully laid out prior to the development hereby approved being brought into beneficial use and shall thereafter be maintained at all times to serve the dwelling hereby approved.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To safeguard local visual amenities.
4. To ensure a satisfactory form of development.
5. To safeguard local visual amenities.
6. To ensure satisfactory maintenance of the landscaped area.
7. To ensure satisfactory provision of access, on-site parking and amenity space to serve the development hereby approved.
8. To enable the Local Planning Authority to control the scale of development.

NOTE:

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

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

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

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

Mr. H. W. Field, Pen-y-Bryn, Crossways, Cowbridge, Vale of Glamorgan. CF71 7LJ
(Anderson and Associates, 39, High Street, Cowbridge, South Glamorgan. CF71 7AE)

LAND AT NORTH OF PEN-Y-BRYN, CROSSWAYS, COWBRIDGE

Conversion and extension to residential use of existing barn and orchard plantation to the south of the site

SITE DESCRIPTION

The application site relates to a small stone built barn and farmland (last used to graze horses) at the rear of Pen y Bryn, Crossways, Cowbridge. The single storey stone building has a slate roof and is 8.5m long and 5m wide.

The site is approximately 3500m² and lies within the open countryside to the west of a disused quarry (Llysworney Quarry No. 2). The traditional agricultural building has a slate roof. The site will be accessed via a country lane to the north of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks Planning Permission to convert and extend the agricultural building into a four bedroom property with a detached double garage and garden to the north of the site and the provision of an orchard to the south of the site. The existing building will accommodate a lounge at ground floor and a study in a new mezzanine level. The extension takes the form of a two storey stone built building that would be perpendicular to the existing building. The barn will be attached to the new extension by a single storey hallway and it will include a kitchen, utility room, and bedroom at ground floor and three bedrooms, a bathroom and an en-suite at 1st floor.

The extension will effectively convert the premises into an "L" shaped dwelling. It is 5.8m wide by 16.4m long and is 4.3m to eaves and 6.1m to ridge level. The existing building has a gross floorspace of 42.5 sq. m. and the extension will more than quadruple the amount of floorspace to 208 sq. m. The detached garage has a pitched roof and is 6m x 6m and 2.4m eaves level and 4.3m to ridge height. A new drive and access is proposed to the north of the site. Alterations to the existing barn structure include the blocking up of a door and the insertion of two new doors on the south elevation and the insertion of a new window and flue on the north elevation. The new courtyard and garage will accommodate approximately 4 No. cars.

PLANNING HISTORY

None.

CONSULTATIONS

Cowbridge with Llanblethian Town Council - Were consulted on 16th August, 2005. "Members of the Committee are concerned about the concealed entrance accessing what is a very narrow road. Members of the Committee also consider that the application should be looked upon as an application for a new dwelling rather than a 'barn conversion' as this is what is comprised of in the main."

The Head of Visible Services (Highway Development) - Was consulted on 16th August, 2005. "I would comment that the submitted drawings and supporting information have been assessed and the proposals for the development of a single dwelling are considered to be acceptable in principle. There are no highway grounds to sustain an objection to the development, provided that the developer submits the required details for approval and subsequently provides the measures prior to beneficial occupation of the development. These details, listed below, should be made conditional to the planning approval.

Details of the proposed parking and manoeuvring are required to be submitted for approval, which will be laid out in accordance with the Highway Authorities Parking Guidelines before the development is brought into beneficial use and be thereafter maintained and retained at all times for the purpose associated with the development.

Visibility splays are required to be provided at 2.0m x 45.0m in both directions along Llantwit Major Road. Within the visibility envelopes, no obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.

The 'x' value of 2.0m shall be taken from the edge of the carriageway and the 'y' value of 45.0m shall be measured along the centreline of the carriageway.

Access to the development is required to be constructed from a bound material for a distance of 10.0m into the development site.

No surface water from the site shall discharge onto the adopted highway.

Gates (if any) at the access to the development shall be set back from the highway by a minimum of 6.0m."

Dwr Cymru/Welsh Water - Were consulted on 16th August, 2005 and advise: "As the applicant intends utilizing private drainage facilities we as Network Development Consultants on behalf of Dwr Cymru Welsh Water have no comment to make on the above Planning Application. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application."

Environment Agency - Were consulted on 16th August, 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 18th August, 2005. “This department has no comment to make (Pollution Control)”. “It is noted that the planning application relates to a barn conversion as opposed to new build and will create a single residential property. There are no concerns attributable to ground contamination within the area of land itself on which the barn is situated and part of which has been cleared and landscaped. It should be noted that the former quarry adjoining the site on its eastern boundary is included on this department’s list of potential contaminated sites, it being listed as Llysworney Quarry No. 2 and ascribed a “high risk” category. However, there are other existing properties immediately adjacent. Until such time as the quarry area is de-listed it will appear as an issue on any future land searches.”

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – “Should this planning application be acceptable on policy grounds, the following ecological comments are applicable.

Bats

The building which is the subject of this application may provide potential roost sites for bats. It is recommended that a full bat survey of the building be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain the 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.

Barn Owls

The building which is the subject of this application may potentially be used by barn owls, which have been found breeding in all months of the year. It is recommended that a barn owl survey be conducted prior to the granting of planning permission to ascertain presence or absence of barn owls in the building. In the event that the survey detects the presence of barn owls, further advice should be sought from the Countryside Council for Wales (CCW). Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent.

Nesting Birds

The building on this application site may be used by other nesting birds. It is recommended that to comply with the law, a condition be included in any consent which states that work affecting the buildings should be done outside the nesting season which is generally recognised to be from March to September inclusive, unless it can be demonstrated that nesting birds are absent.

Great Crested Newts

It is noted that ponds are shown on GIS mapping which lie within 500m of the application site, which is the recognised foraging range for a great crested newt. Should such ponds support breeding populations of great crested newt, there is the possibility that great crested newt could be using the application site as terrestrial habitat.

It is recommended that the following good practice guidelines be included as an informative in any consent to minimise potential impacts on great crested newts, assuming potential presence on the application site:

In the event that great crested newt is found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales (CCW), (Tel. 029 2077 2400).

Take particular care when disturbing materials/dense vegetation at ground level which could be being used by sheltering/hibernating great crested newts.

Keep grassland surrounding the development site short wherever possible to discourage newts from entering the site.

Badgers

The application site includes areas of rough grassland/pasture which is potentially suitable habitat for badger.

It is recommended that the application site be checked for presence of badger sets within 30m of the proposed development to ascertain absence prior to the granting of consent. This could be combined with the bat and barn owl survey.

REPRESENTATIONS

The neighbouring occupiers were notified of the application on 16th August, 2005. The occupiers of East Lodge, Brynawel, The Gardens, 20, Church Hill Close, 1, Pinklands Cottages and Westcliff have objected to the application on the following grounds:

- The country lane is too narrow to accommodate a new access and extra traffic close to a blind bend will be detrimental to highway safety.
- The scheme is contrary to Unitary Development Plan Policy HOUS3 as it is not justified in the interests of agriculture or forestry.
- The scheme is contrary to national and local guidance on the conversion of rural buildings.
- The proposal would be a gross over-development of the site which would overshadow the existing small stone barn.
- The setting of a precedent for further development in the area.
- The adverse effect on the rural character of the area and the loss of hedgerow needed for the new access.
- The design of the building, garage, shed and drive is overly domestic.
- The scheme would have a detrimental impact on the flora and fauna of the area.

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 application seeks consent for the conversion and extension of a traditional stone built barn/agricultural building into a private residential dwelling. The site forms part of the open countryside and the proposal can be assessed against Policies ENV1 – Development in the Countryside, ENV7 – Small Scale Rural Conversions, ENV25 – Design of New Developments and HOUS3 – Dwellings in the Countryside of the adopted Vale of Glamorgan Unitary Development Plan 2005, Planning Policy Wales (March 2002); advice contained within the adopted Conversion of Rural Buildings Supplementary Planning Guidance Note 2005; the adopted Supplementary Planning Guidance Note on 'Amenity Standards' 1999; the Council's approved parking guidelines and Planning Policy Wales 2002.

The site lies outside the identified residential settlement boundary of Cowbridge and Llanblethian. The scheme is effectively for a new dwelling in the open countryside and Policy HOUS3 of the Unitary Development Plan 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.”

Paragraph 9.3.6 of Planning Policy Wales states:

“New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example, where they are essential to enable farm or forestry workers to live at or close to their place of work in the absence of nearby accommodation.”

There is no such justification for a new private dwelling in this location and therefore, the proposal is contrary to this policy and advice contained within Planning Policy Wales.

The main policy for assessing the proposed adaptations and extensions to the stone agricultural building is ENV7 – Small scale rural conversions which aims to preserve the character and appearance of traditional agricultural buildings once they become surplus to requirements. More specifically, criterion i) requires the retention of architectural or historic features present in the building, criterion iii) requires that the conversion be achieved without extension to the building and criterion iv) requires that the conversion be undertaken without unacceptably altering the appearance and rural character of the building.

Paragraph 4.1.1 (h) of the recently approved Supplementary Planning Guidance Note on 'The Conversion of Rural Buildings' 2005 states that:

“It is important that conversion work can be undertaken without unduly altering the appearance and rural character of each building. The external treatment of the building and the curtilage are particularly important in the case of residential conversions. Where proposals are considered to have an obtrusive effect, the Council will be unlikely to look favourably on such applications.”

The proposal represents a large extension onto a small agricultural building, contrary to Policy ENV7 and advice contained within the SPG. The scheme would unduly dominate and effectively eclipse the original stone building. In addition to this, the scheme involves the blocking up of original openings and the insertion of new windows and French doors in the fabric of the original building contrary to policy and paragraph 4.4.1 Exterior Fabric ii) of the SPG which states:

“New door and window openings and the blocking up of original openings can totally disrupt the original character of the building and as such are not acceptable.”

The proposed new access to the property would require substantial felling of the hedgerow and trees fronting the site in order to achieve the required vision splays as stipulated by the Highways Officer. This would lead to a loss of natural screening and damage to the flora and fauna in the area and is contrary to paragraph 4.1.1 j) of the SPG which advises conversions “should make provision for safe vehicular access without any detrimental impact on the appearance of the countryside.” The old stone barn and surrounding area is also likely to be used by protected species such as bats, barn owls, great crested newts, badgers and nesting birds.

The proposed courtyard and detached garage at the entrance to the site will introduce domestic features in the countryside. This would detract from the rural nature of the stone building and ancient farmland and would be contrary to paragraph 4.1.1 k) of the SPG which states:

“All proposals must include satisfactory parking provision within the curtilage of the site. It is important that the parking area does not detract from the rural setting of the building. Where garaging is proposed, it should be incorporated within the barn itself, where possible.”

In addition to this, paragraph 4.4.1 of the SPG states:

“as a general rule the treatment of areas around a converted building should be kept simple” and “the unavoidable domestication of the setting of a building involving car parking, paths, gardens areas and minor domestic artefacts can have an unacceptable impact on the landscape.”

On the basis of the above policy considerations, a refusal is therefore recommended.

04117

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed barn conversion and extensions would represent a new dwelling in the open countryside that cannot be justified in the interests of agriculture and forestry, contrary to Policies ENV1 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. The proposed barn conversion and domestic extensions, by reason of their scale, design and location, fail to preserve the rural landscape and the character and appearance of this traditional agricultural building in the countryside, contrary to Policy ENV7 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the approved Supplementary Planning Guidance Note 'The Conversion of Rural Buildings' 2005.

Mr. & Mrs. Brett Norris, "Avalon", Beach Road, Swanbridge, Sully, Vale of Glamorgan.
(C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan. CF63 4LA)

AVALON HEALTH & LEISURE CENTRE, BEACH ROAD, SULLY

Change of use and alterations including replacing storm damaged roof to form dwelling

SITE DESCRIPTION

The site relates to a detached building constructed in the 1980's as a Leisure Complex including swimming pool, sauna etc.

The property is predominantly single storey but constructed over 2 No. levels due to site topography.

The access to the site serves other properties of a residential nature, and is gained off Swanbridge Road.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the premises, with some external alteration, to a dwelling. The proposal includes alterations to the rear portion of the building as follows:

1. Renewal of a storm damaged glazed and prefabricated roof over the existing accommodation and its replacement with a roof of solid construction.
2. Removal of a prefabricated pitched roof over a rear swimming pool, the reduction in size of the swimming pool and incorporation of a vehicle garage within the existing footprint. The replacement roof will be of a flat roof type.
3. Alterations in fenestration as a consequence of the above changes to the structure of the building.

PLANNING HISTORY

04/01723/FUL – Change of use to dwelling and replace storm damaged roof. Withdrawn February 2005.

04/00895/OUT – Temporary use of the building as a dwelling. Withdrawn February 2005.

01/01496/OUT – Tourist accommodation. Granted conditional outline consent.

03/00766/FUL and 03/01603/FUL - For tourist accommodation and manager's flat including alterations and repairs to the roof was determined as acceptable subject to the applicant first entering into a Section 106 Legal Agreement to ensure that only one of the 3 No. consents could be implemented to control the scale of development in this coastal location. Application was withdrawn in respect of 03/00766/FUL and granted conditionally in respect of 03/01603/FUL.

An appeal against the refusal of application ref: 87/01234/OUT for the construction of a new single dwelling at the site was dismissed.

CONSULTATIONS

Sully Community Council – Comments awaited in respect of amended plans.

The Head of Visible Services (Highway Development) – “Further to the site inspection carried out on 19th August, 2005 in relation to the above application, I would comment that the submitted drawings and supporting information have been assessed and the proposals for the development are considered to be acceptable in principle. There are no highway grounds to sustain an objection to the development, provided that the developer submits the required details for approval and subsequently provides the measures prior to beneficial occupation of the development. These details, listed below, should be made conditional to the planning approval.

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

Environment Agency – “Standard Advice Applies”.

Welsh Water – Comments awaited.

Glamorgan Gwent Archaeological Trust – See Appendix A.

REPRESENTATIONS

Neighbours were notified and re-notified following the receipt of amended plans. One letter has been received to date and it states:

The Coach House:

“We have been approached by our immediate neighbour, Mr. Norris, concerning his application on the above property. He has said that the Planning Department is concerned that we have not made any comment on his application.

We would advise you that we have studied each set of plans over the last couple of years and that we have absolutely no objection to any part of them.

We look forward to the time he is allowed to start his alterations because it can only be an improvement on his existing building.”

The local Member for Sully, Councillor Anthony Ernest, has written to support the application in the following terms:

“I wish to give my strong support to the application, and Officers recommendation for approval. I base my recommendation on the following facts.

The original requirement for a sale as an Agricultural Dwelling is no longer appropriate, as farming in 2005 is now highly mechanised, and nearby local farms are most unlikely to require agricultural workers in this area. In fact Sully is excluded from the Vale of Glamorgan Rural Regeneration Area, as it is considered not to be a rural area by National Assembly criteria.

There have been a number of new dwellings built within a few metres of “Avalon” in recent years, and those dwellings did not have undue difficulty with the grant of Planning Consent. Thus “Avalon” should be looked at in similar fashion.

The location is essentially a coastal recreation zone, with quite a number of other residential dwellings having been constructed in the locality in recent years. These include the high quality development of six or so properties at Swanbridge Farm, a further three properties to the rear of the former Sully Hotel Restaurant, chalets within the Spinney and, of course, properties lying along the access road to “Avalon.

I consider that the effect of the alterations to the property will be to improve the local visual environment, and taking all these factors into account, I have no hesitation in supporting the proposal.”

REPORT

The application is a re-submission of an application Reference 04/01723/FUL which was withdrawn in February 2005. Following the withdrawn application, a number of discussions have been held with the applicant, resulting in the submission of this application in August of this year. The application has also been subject to a number of amendments subsequent to its initial submission.

In its existing form, the planning status of the site is as a building which accommodates health facilities within the front portion of the building, linking to a large indoor swimming pool and associated facilities to the rear of the premises. A patio/terrace area is accommodated to the rearward most part of the site. Currently, however the use has ceased and the applicant is residing at the property.

The proposal entails the conversion of the front portion of the premises to accommodate living space, with the glazed and prefabricated roof structure to the rear portion of the premises being replaced with a solid roof of modern construction. This will allow the provision of living space in the form of bedrooms and circulation areas.

The rear swimming pool will be reduced in size and a garage space accommodated as being integral to the premises.

The proposal therefore, involves works contained within the footprint of the building as existing, save for some minor reduction in the floor area with modifications to the roof-scape of the premises.

Following discussions with the applicant, amended plans have been received to reduce the degree of overlooking from the property to adjoining premises to the south of the site. This has been achieved by reducing the number of windows and the provision of sky lights to allow natural lighting to the proposed accommodation. In addition, further amended plans are awaited to reduce the scale of works to the roof of the rear portion of the premises.

In terms of the policy context the site lies within the East Vale Coastal Zone. The relevant policy context is that contained within the adopted Vale of Glamorgan Unitary Development Plan 2005.

Having considered the above policy framework, it is considered that those policies relating to dwellings in the countryside, (the site not being within a recognised settlement) the conversion of rural buildings and development in the Coastal Zone, are most relevant.

Policies ENV1 and HOUS3 of the Unitary Development Plan refer to restrictions on new build dwellings in the Countryside.

The scheme before the Local Planning Authority relates to the conversion of a former leisure/health building of a domestic appearance. Previous schemes, in order to undertake that conversion involved extensive new build/alterations of the existing structure. Negotiations on the current scheme have reduced the degree of new build works and the proposed alterations to the roof to allow for a more uniform appearance to the building by removing the industrial style prefabricated and glazed roof which is currently in poor condition.

With reference to Policy ENV7 of the Unitary Development Plan for the conversion of rural buildings and assessing the scheme against the policy, it is noted that in order to create a dwelling there is a need to demolish part of the rear portion of the roof of the property and provide a replacement.

Of particular relevance, in this instance, the building in question is a relatively modern building, of domestic appearance when approaching it from the access point to the west. In this regard the appearance of the building from the primary or front elevation is residential in nature, and no alterations are proposed to this front elevation. The alterations relate to a modification of the roof structure, to improve its condition and its appearance relevant to the future use of the property.

Negotiations have resulted in the scale of the proposed roof being reduced relative to the front portion of the building. As a consequence the rearward portion of the building is subservient to the current front section.

In addition, the scheme as proposed has reduced the degree of overlooking to the nearest residential properties to the south of the site, and therefore represents an improvement with regard to the privacy and residential amenity of neighbouring occupiers. Negotiation has resulted in the use of roof lights as opposed to windows on the south elevation of the property. A balcony, previously indicated as being proposed has also been omitted from the scheme at the request of your officers. Finally, a rear terrace proposed above a new flat roof to the far rear of the site has been reduced in size and screened.

It is noted that Policy ENV25 of the Unitary Development Plan requires that the development should have full regard to the context of the local natural and built environment and development is therefore assessed against No. 9 Criterion. These include that it meets the Council's approved standard of amenity. The adopted Supplementary Planning Guidance 'Amenity Standards' indicates that "Policy 1 : Privacy and Visual Amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings". The amendments to the scheme satisfy these requirements.

Policy No. 3 requires that privacy and amenity of adjoining properties are safeguarded. Amendments to the development have taken account of this policy.

In the Unitary Development Plan, policy context for this Coastal Zone, Policy ENV5 requires that a coastal location is necessary for the development and that any scheme meets criteria relating to visual and noise intrusion, impact on areas of landscape importance, air/land/water pollution, exacerbation of flooding or erosion, hazardous operations or impact on ecology, geology or geomorphology plus design criteria. The development does not require a Coastal Location but a significant material consideration relates to the fact that there is already a building on the site. It is considered as a consequence that the development could not be resisted on this policy alone.

In conclusion, a highly material consideration in this case relates to the fact that the existing building is of domestic, non rural appearance. In addition, the alterations are to the rear portion of the premises and actually result in improvements in the appearance of the site by removing unsightly roof structures and its replacement with a more uniform roof, more domestic in appearance. The proposed site curtilage is also reduced in extent from that previously proposed, and the cessation of the business and its replacement with a single dwelling use will result in a less intensive use of this site.

The application was deferred from the Planning Committee meeting of 19th October, 2005 to enable the Community Council and neighbours to be re-notified of amended plans. The amended plans have reduced the potential for overlooking of the neighbouring dwellings and garden by cutting back the area of the proposed roof terrace whereby a small screen panel wall is proposed with the balustrade to the terrace cutting back across the terrace thus limiting its use to that area of flat roof furthest from the site boundary with the neighbouring dwelling.

Obscure glazing is proposed to all side windows other than bedroom No. 3 which is also a large window. However the window is the second window in that room and could reasonably be obscurely glazed by condition.

Having regard to the policy position, and all other material considerations, the application is recommended for approval.

At the meeting of 19th October, 2005 the Planning Committee resolved to visit the site. At the time of writing this report it is anticipated that the visit will take place on 16th November, 2005.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.
4. The integral garage hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage(s) shall be available at all times for the parking of private motor vehicles associated with the proposed dwellinghouse.
5. A vehicle parking area shall be laid out and surfaced, in accordance with details to be agreed in writing with the Local Planning Authority, before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.
6. No additional windows shall be inserted in the southern elevation of the development hereby approved without obtaining the prior written consent of the Local Planning Authority.
7. The site shall be enclosed in accordance with details to be submitted to and approved by the Local Planning Authority prior to the commencement of development and the approved scheme shall be carried out prior to the first beneficial occupation of the converted dwellinghouse hereby approved.
8. Notwithstanding the submitted plans, details and samples of the roof materials to be used in the dwelling conversion hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.
9. The permission hereby granted shall relate to the amended plans, reference D01B, D02B, D03B, D04A and D05 received by the Local Planning Authority on 18th October, 2005.
10. The screen wall and balustrade to the roof terrace detailed on Drawing Nos. D02B and D03B shall be erected prior to the first beneficial use of the development hereby approved and shall thereafter be so retained at all times.

11. Notwithstanding the submitted details all the windows in the side, south elevation shall be fitted with obscure glazing at the time of construction and shall thereafter be so retained at all times unless the Local Planning Authority gives written consent to any variation.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to control the scale of development.
3. To enable the Local Planning Authority to control the scale of development.
4. To ensure that adequate off-street parking and garaging facilities are retained for the dwelling-house.
5. To provide satisfactory off street parking facilities.
6. To safeguard the privacy of adjoining occupiers.
7. To ensure a satisfactory form of development.
8. To safeguard local visual amenities.
9. For the avoidance of doubt.
10. To safeguard the privacy and amenities of the adjoining occupiers.
11. To safeguard the privacy and amenities of the adjoining occupiers.

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.

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

ELMGROVE HOUSE, 12, ELM GROVE ROAD, DINAS POWYS

Demolition of Elmgrove House and construction of two new apartments built to footprint and height of existing building. Construction of two storey extension of two apartments

The development/property is situated within the Dinas Powys Conservation Area.

The application is for demolition within the Dinas Powys Conservation Area.

The application was advertised on 18th October, 2005.

SITE DESCRIPTION

The application site is occupied by an existing semi-detached dwelling house located on Elm Grove Road at the junction with Elm Grove Lane. The site is located within the Dinas Powys Conservation Area.

DESCRIPTION OF DEVELOPMENT

The application entails the complete demolition of the existing dwelling and associated outbuildings and the redevelopment of the site for 4 No. two bed apartments. The proposal involves the construction of a new two-storey building, part of which will follow the footprint of the existing semi-detached house. The new works will include:

- (a) A new two storey, pitched roof building on the footprint of the existing dwelling, measuring approximately 12.2m x 9.1m to a ridge height of approximately 8m. The building will incorporate a two storey bay window detail on the rear elevation, and accommodate a ground and first floor flat.
- (b) A smaller scale two storey, hipped roof building attached to the gable end elevation of the main rebuild development, measuring approximately 8.8m x 9.1m, and set at a lower ground level with a lower ridge height of approximately 7.2m. The building will incorporate a hipped roof, two storey bay window on the front elevation with 2 No. pitched roof gabled dormer windows on the rear elevation. The extension will be inset some 1.5 metres at first floor level and a lean to pitched roof will be erected over the larger ground floor element. As with the main structure the building will accommodate a ground and first floor flat.
- (c) A new stone boundary wall around the road frontages of the site constructed to 1.8m in height for its length along Elm Grove Road and into Elm Grove Lane up to the existing vehicular entrance. New piers will be provided at either side of the entrance and the new wall would continue to a height of 1.2m for the remainder of the boundary with Elm Grove Lane.

- (d) The provision of 5 No. on-site car parking spaces within the front forecourt area.

The external finishes of the new building will be render with a natural slate roof.

PLANNING HISTORY

There have been a number of applications submitted on the site and surroundings over the years. Those of particular relevance to the current application include:

93/00431/FUL - Land to the south of current application site for two detached dwellings. Refused 2nd September, 1993 on grounds of detrimental to character of the Conservation Area and over-development and inappropriate development contrary to H18 of the Structure Plan.

93/00996/FUL - Land to south of current application site for one dwelling. Approved subject to conditions on 16th November 1993.

03/01192/FUL - New two storey four bed detached dwelling. Refused 30th January, 2004 on grounds of adverse affect on character of Conservation Area; detract from neighbouring residential amenities; and insufficient information in relation to impact on Tree Preservation Order trees.

03/01207/FUL - Alterations and extension to existing dwelling. Approved 30th January, 2004.

04/00030/FUL - Demolition of annexe and outbuilding, refurbishment of existing dwelling and construction of two storey extension to accommodate 2 No. apartments for elderly. Refused 2nd July, 2004 on grounds of adverse impact on character of Conservation Area; detract from neighbouring residential amenities; and adverse impact on Tree Preservation Order trees.

04/01761/FUL - Demolition of existing house and outbuildings. New build 4 No. apartments and new boundary wall. Refused permission on 24th March 2005

05/00223/CAC - Full demolition of the existing two-storey house and single storey extension together with existing single storey detached garage. The dwelling is to be rebuilt on the existing footprint of the house (excluding single storey extension) Refused permission on 24th March 2005

05/01551/CAC - Demolition of dwelling and detached garage. Undetermined, but being reported to this Committee.

CONSULTATIONS

Dinas Powys Community Council – Comments on initial scheme:

Objection – Demolition of exiting house would detract from the character of this part of the old village of Dinas Powys, which is a Conservation Area.

The views of the Vale of Glamorgan Conservation Area Advisory Group will be reported to Committee.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 1st September 2005.

Letters of objection have been received from the occupiers of Nos. 2, 8, 10, 11 and 17 Elm Grove Lane and Ty Gelli Elm Grove Road. All the letters are available on file for inspection, but in summary the main points of concern relate to the demolition of the existing building, over development of the site, detrimental effect on the character of the conservation area, adverse affect on Tree Preservation Order trees and highway safety.

REPORT

It will be noted from the planning history that this is the fifth application submitted by the applicant, and a further revision for the development of the site, with an additional conservation area consent application for complete demolition of the property also now submitted. An appeal has been submitted in regard of the refusal of the last application for planning permission and was due to be heard in late August. However the current application was submitted following discussions with the Council and the appeal was put into abeyance pending the decision in respect of the current proposals.

The development has been revised in an attempt to reduce the impact of the appearance of the extended wing (over and above the footprint of the existing dwelling) to the side on the character of the Conservation Area. It is considered that the design of the extended wing is an improvement over that refused in the previous planning application. However, the proposal continues to include the demolition of the original dwelling and its replacement with a similar but modern replacement, which includes poor detailing.

The adopted development plan for the area is the adopted Vale of Glamorgan Unitary Development Plan 2005 which includes the following policies:

Policy ENV15 relates to the protection of the built and historic environment and development, which has a detrimental effect on the special character, appearance or setting will not be permitted. Policy ENV18 refers to development in Conservation Areas and permits new development or alterations where they preserve or enhance the character of the Conservation Area. In addition Policy ENV19 refers to Demolition in Conservation Areas and states that this will be strictly controlled. Policy ENV25 is a criteria based policy, which relates to the design of new development and requires that new development must have full regard to the context of the local natural and built environment and its special features. Policies HOUS2 and HOUS9 relate to residential development and allow for new housing within Dinas Powys but subject to certain criteria including (1) the scale, form and character is sympathetic to the environs of the site, and (3) the proposal does not have an unacceptable impact on high quality townscape or areas of historical importance.

In addition the Council has adopted Supplementary Planning Guidance (SPG) relevant to the consideration of the application including a SPG on Amenity Standards and a SPG on Trees and Development. The SPG relating to trees requires tree surveys to be undertaken along with the submission of a full specification for tree works. The SPG on Amenity Standards relates not only to the level and quality of amenity space, but covers other issues including visual amenity. For example Policy 3 states that new development must respect the character of existing residential development whilst ensuring that the privacy and amenity of surrounding properties are safeguarded, and Policy 6 requires that new development proposals contain appropriate landscaping and have regard to existing landscape features.

This guidance follows national guidance contained in Planning Policy Wales March 2002 where para. 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 and area’s character or amenity.” In addition PPW also contains guidance on demolition within conservation areas which follows the earlier advice in WO Circular 61/96 which states at para. 33, “The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be granted for the demolition of an unlisted building in a conservation area.”

Other national guidance of relevance is TAN12 - Design. This emphasises the importance of design in the quality of our environments. Paragraph 4.12 states that “Detailed planning permission should be granted only when the fundamental design principles of an application are clear and when adequate evidence of the design quality of the proposal has been provided.”

In assessing the proposal against the above policies and guidance it is considered that, as with the previous applications, the principal issue will be whether the development of the site in the manner proposed will preserve or enhance this part of the Dinas Powys Conservation Area.

A key element in this is a consideration of the merits of the existing building and the impact of its loss within the conservation area. It is considered that the existing building although not of outstanding architectural merit, nevertheless has historical value in the growth of the village and makes a positive contribution to the character and appearance of this part of the Dinas Powys Conservation Area.

Land to the south of the site was originally garden land to Elm Grove House but has now been developed for housing which was granted a Civic Trust award in the 1970s. This modern development, including a more recent addition at No. 17 Elm Grove Lane, has no impact on the principal frontages of the conservation area, being separated and at a lower level. It is noted that the application site is a prominent one within the Dinas Powys Conservation Area and visually significant on the approach to the heart of the village.

The applicant has submitted an application for Conservation Area consent, in which the justification for the demolition of the building is promoted. However although it is accepted that the survey submitted by the applicant shows significant weakness in the structure itself and the financial details indicated that to renovate the building would be costly, this is not in itself sufficient reason to justify demolition. The details fail to substantiate the need for re-development of the site on a structural basis; neither does it provide evidence that the existing building is beyond economic repair.

Whilst the proposed 'extension' to the building represents an improvement over that previously refused, it nevertheless constitutes an intensified use of the site from a single dwelling to four residential units. In respect of the size and scale the proposal has been reduced in comparison with the previous refusals, also the proposed stone wall in place of hedgerow is more acceptable in terms of the character of the area.

The context of the site is very important within the conservation area. It forms a key location at the entrance to the centre of the old village and the existing conservation area, and is at a point of transition between the newer development and the more traditional buildings. Levels also make the site prominent.

The Council's Tree Officer has previously raised concerns in relation to the impact on protected trees and insufficient information has been provided in order to fully assess the impact on the protected trees, but notwithstanding this it is still considered that the increased intensity of the use of the site may prejudice the future health of the trees and potentially result in pressure for the removal of the trees.

In conclusion, it is considered that this revised scheme although representing a slight improvement over previous proposals in terms of design, has not overcome the principal objection to the previous applications, which relate to the loss of the existing building. Indeed it is considered that the demolition of the existing dwelling will cause greater harm and the proposal will neither preserve nor enhance the character of this part of the Dinas Powys Conservation Area. In view of the above, the following recommendation is made.

04106

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposed development would result in the loss of a building that currently makes a positive contribution to the character of this part of the Dinas Powys Conservation Area and would consequently fail to preserve or enhance the character of the Conservation Area. Inadequate justification has been submitted in support of the need for demolition and the development is considered to be contrary to Policies ENV15, ENV18 and ENV19 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and national guidance contained in Planning Policy Wales March 2002 and Welsh Office Circular 61/96.

Philip Jones Properties Unltd. Rainbow Plaza, Boverton Road, Llantwit Major.
CF61 1XZ
(Anderson and Associates, 39, High Street, Cowbridge, South Glamorgan. CF71
7AE)

THE OLD COAL YARD, LE POULIGUEN WAY, LLANTWIT MAJOR

Proposed residential development comprising of 14 no. semi detached town houses with garage and parking

SITE DESCRIPTION

The site relates to a roughly triangular parcel of land situated between the railway line, dwellings on Boverton Road and Le Pouliguen Way. The site is overgrown. There is access for vehicles from Le Pouliguen Way into the site. The land has an area of approximately 0.39 hectares.

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning consent for 14 two-bed semi-detached dwellings. All matters are reserved for subsequent approval. Illustrative drawings have been submitted, however detailing dwellings with accommodation over three floors, namely lounge, kitchen and w.c. at ground floor; bedroom, bathroom and study at first floor and bedroom and en-suite at second floor in the roof. Parking on site for 33 cars could be provided as indicated in the draft layout.

PLANNING HISTORY

Four planning applications for residential development have been considered on this site.

91/00534/OUT – Residential development approved on 15th October, 1991, subject to access being from the existing point of access serving the site and the development meeting the Local Planning Authority's adopted amenity and privacy standard.

93/01237/RES – For ten semi-detached dwellings was approved on 8th March, 1994.

04/01814/OUT – Sixteen two-bed town houses refused on 18th March, 2005 for reasons that:

1. Notwithstanding the fact that the submitted site layout plan is illustrative in nature, the proposal for sixteen dwellings represents an over-development of the site resulting in a substandard layout that fails to provide adequate on-site parking, amenity space and access and therefore is development contrary to Policy ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).

CONSULTATIONS

Environment Agency – “Activities carried out at this site in the past may have caused contamination of soils, subsoils and groundwater (water both unsaturated and saturated zones) however the Agency has no record regarding this. Therefore, it may be prudent that any planning permission granted requires the applicant to carry out on site investigation to the satisfaction of the Planning Authority, to determine the nature and extent of any such contamination. In the event that contamination of the site is confirmed, the developer should liaise with the Agency on measures required to protect surface water and ground water interests. We would advise that you discuss the above with your own Environmental Health Department.”

Llantwit Major Town Council – “No objection subject to the number of dwellings being detailed in the Unitary Development Plan.”

Council's Ecologist – Has stated that the site has potential for roosting for bats and thus recommends that, if approved, a full bat survey be undertaken. In relation to reptiles it is stated that the site has potential for habitats for reptiles, including slow worms and thus recommends a survey for their presence. In relation to badgers it is again recommended that the site be checked for badgers. Nesting birds will also require protection and thus if approved it is recommended that all work be undertaken outside the nesting season, i.e. not between March and September. Retention of some of the existing trees on the site on the periphery, e.g. hawthorn trees is recommended.

Dwr/ Cymru/Welsh Water – No comment to date.

The Director of Legal and Regulatory Services (Environmental Health) – See Appendix A.

REPRESENTATIONS

Representations have been received following neighbour notification and site and press notices (7th September, 2005). One letter of representation has been received from No. 41 Boverton Road and is attached as Appendix B.

REPORT

The site lies within the development boundary for Llantwit Major as defined in the adopted Vale of Glamorgan Unitary Development Plan. The site is also allocated for residential purposes within Policy HOUS1(II).

The allocation along with the previous, albeit lapsed, planning consent indicates the suitability of the site, in principle, for residential development.

The primary policy against which the proposal should be considered is Policy HOUS9. Policy ENV25 'Design of New Development' is also of relevance as are the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', 'Trees and Development' and the approved South Wales Standing Conference on car parking guidelines.

The scheme is in outline with all matters reserved for subsequent approval. The applicants' agent has submitted indicative layouts of the site with fourteen dwellings with accommodation over three floors and providing three bedrooms (although it should be noted that one potential bedroom is referred to as a study/office).

The indicative layout indicates the provision of dwellings and plots which do not all meet the Local Planning Authority's Amenity Standards, as laid out in the adopted SPG. The Amenity Standards Policy 2 states: "The Council will ensure that usable adequate and appropriate private amenity space is provided as part of residential development."

The overall sketch scheme is deficient as six of the plots as indicated on the illustrative layout are below the standard, varying between 3 and 19 sq. m deficient. However 7 units are over the allowance by between 3 square metres and 97 square metres. It is also noted that the quality of the space that is provided in the gardens backing onto the railway line with only 10m rear gardens in close proximity to this line will be as previously considered in relation to application 04/01814/OUT. Being north facing, the gardens are further reduced in quality and would also be overshadowed by dwellings illustrated as having a maximum height of approximately 9.5 metres. It is considered therefore that the illustrative dwelling types should not form the basis of any outline consent.

In respect of access and parking issues, the illustrative scheme would provide 33 spaces for the units. The units are actually three bedroom units and are approximately 115 sq. m in floor area. Thus to meet the Local Planning Authority's adopted standards, two spaces per unit plus one space per 5 units for visitors should be provided. On this basis 31 spaces would be expected and could be provided. Given that the site adjoins the new railway interchange, bus routes and the 'commercial' centre of Llantwit Major this scale would be sufficient to serve 14 units.

In respect of the illustrative plans, it is considered that the number of units sought for the site is now at a level that could be designed to meet the Local Planning Authority's Standards. The Highway Development Officer has indicated that a reduction of two units could result in an acceptable highway layout at the time of application 04/01814/OUT for 16 units.

Ten units have previously been considered and approved, allowing for better amenity space provision per unit and on-site parking whilst at the same time providing for screening between the development and the existing dwellings, including the bungalow development to the south. It is considered that a layout could provide for reasonable landscaping of the site subject to the Reserved Matters details of layout and design of dwellings.

The principle of residential development has been accepted and remains acceptable, there being no material change in the planning circumstances of the site even taking into account the proximity to the new railway interchange. The scale of development sought is also considered acceptable, and therefore an approval is recommended subject to the following conditions.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.
2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. Plans and particulars of the Reserved Matters referred to in Condition No. 1 above, relating to the siting, design and external appearance of the buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
5. Notwithstanding the illustrative drawings this consent shall not relate to the layout, height, scale or design of dwellings indicated and the development shall be designed to meet the Local Planning Authority's adopted standards for Amenity Space, Parking and Access.
6. Prior to the commencement of any works on the site, including clearance works, surveys for the presence of bats, reptiles and badgers and any measures for mitigation for their presence shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the findings of the surveys and any mitigation measures as approved in writing by the Local Planning Authority.
7. Prior to the commencement of any work on site, including any works for clearance of the site, surveys for the presence of contaminants and details of any remediation or mitigation for their presence shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with any remediation or mitigation measures so approved in writing by the Local Planning Authority.

8. Prior to the commencement of development a noise assessment, including an appropriate mitigation scheme, shall be undertaken in accordance with advice contained in Technical Advice Note 11 'Noise' and submitted to the Local Planning Authority for their approval in writing and the dwellings shall thereafter be constructed in accordance with the assessment as agreed in writing by the Local Planning Authority.
9. All means of enclosure associated with the development hereby approved including appropriate mitigation scheme 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.
10. The scheme of landscaping required by Condition 1 above shall include the information required by the Council's adopted Supplementary Planning Guidance 'Trees and Development'.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The application was made for outline planning permission.
5. For the avoidance of doubt as to the extent of this consent.
6. To ensure that any species and their habitats are protected under the Wildlife and Countryside Act 1981.
7. To safeguard the health and amenities of nearby residents and future occupiers of the site.
8. To ensure the amenities of the future occupiers are safeguarded.
9. To safeguard local visual amenities.
10. In the interests of the visual amenities of the area and the ecology of the site.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

- 2. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

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. Sims, 26, The Parade, Barry, Vale of Glamorgan. CF62 6SE
(Meridian Building Design, The Rise, 41a, Highwalls Avenue, Dinas Powys, Vale of Glamorgan. CF64 4AQ)

43 AND 44, HARVEY STREET, BARRY

Conversion of existing building into 3 no. self contained domestic units

The application was advertised on 19th September, 2005.

SITE DESCRIPTION

The application relates to a vacant two storey commercial building located in Harvey Street in Barry. The building is currently vacant.

DESCRIPTION OF DEVELOPMENT

It is proposed to convert the building into 3 No. self contained domestic units. The ground floor would be occupied as a one bedroom flat. The first floor and the roofspace of the building would accommodate two one bedroom flats.

The building would be subject to the following alterations.

1. A dormer extension to the north side elevation facing towards Vere Street;
2. Alterations to window and door openings; and
3. Removal of a roller shutter door and a roof covering the access to the side of the building.

PLANNING HISTORY

Various applications relating to previous commercial uses of the building.

CONSULTATIONS

Barry Town Council – No objections subject to Local Planning Authority being satisfied with parking/amenity space arrangements. There are concerns with regard to the design of the dormer. It is suggested that two pitched roof dormers would be more appropriate.

The Head of Visible Services (Highway Development) – Object as the parking area does not provide adequate turning area to allow vehicles to enter and exit in forward gear. The access is too narrow, leading to vehicles queuing on the road. The pedestrian side entrance is considered to be unsafe, as residents leaving the building would step straight into the path of vehicles exiting/entering the parking area.

The Director of Legal and Regulatory Services (Environmental Health Officer) – Raises concerns regarding means of escape.

Environment Agency – No objection.

Dwr Cymru/Welsh Water – No comments to date.

REPRESENTATIONS

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

Representations from the applicant in support of his application are attached at Appendix A.

REPORT

The development plan comprises the Vale of Glamorgan Unitary Development Plan 2005. The application has also been assessed with regard to the Council's Amenity Standards Supplementary Planning Guidance.

The application has been assessed with regard to the following policies of the Unitary Development Plan.

Policy HOUS9, which sets out the criterion for new residential development, including that the scale, form and character of the development is sympathetic to the environs of the site, the development has no unacceptable effect on the amenity of neighbouring environments and the provision of car parking and amenity space accords with the Council's approved guidelines.

Policy ENV25 relates to the design of new developments, and also refers to the need to meet the Council's approved standards of amenity and car parking.

The applicant is seeking to convert the building to three self contained flats. The Council's approved Parking Guidelines would require 1 to 2 spaces per unit, resulting in a minimum requirement of 3 on-site spaces.

The application proposes to utilise the rear yard of the property to provide three car parking spaces. However, the Head of Visible Services (Highway Development) has objected to the application stating that there is inadequate turning area within the yard to allow vehicles to enter and exit in a forward gear. The access is too narrow, leading to vehicles potentially queuing on the road. The pedestrian side entrance is also considered to be unsafe, as residents leaving the building would step straight into the path of vehicles exiting/entering the parking area.

The Council's Amenity Space, Supplementary Planning Guidance states that in flatted developments, developers should aim to provide a minimum of 20m² amenity space per person. The maximum number of people that could be accommodated by the development is estimated to be 6 people. The proposal would therefore give rise to a requirement of 120m² of amenity area according to the Supplementary Planning Guidance.

No amenity space is proposed to be provided as part of the application. However, given that there is insufficient room within the rear yard for this to operate as a parking area, as discussed above, the yard could potentially provide 90m² of amenity area, but this represents a shortfall for the three flats proposed.

Whilst it is acknowledged that this commercial building is potentially a 'bad neighbour' use within a residential street, and so its conversion to residential use would be supported in principle, it is considered that the conversion to three flats, with the associated demand for car parking and amenity space, comprises an over development of the property. The increased demand for on road parking within the street is likely to be particularly problematic on a road with no turning facility, to the detriment of the amenities of neighbouring residents.

Finally, the proposed dormer would be particularly prominent to the north side elevation of the building, facing towards Vere Street. It would comprise a bulky and incongruous addition to the building, to the detriment of the visual amenities of the street scene.

The distance of the building to properties situated to the front and rear of the site would mean that privacy distances would not meet the standards required by the Council's Supplementary Planning Guidance Amenity Standards. However, it is considered that it would be difficult to resist the conversion of the property on these grounds alone, given that the character of the area is one of high density terraced housing.

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

04123

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal constitutes an over development of the site with substandard car parking and amenity space provision to the detriment of the amenities of the future residents and neighbouring occupiers. In this regard, the proposal does not accord with Policies HOUS9 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's approved Supplementary Planning Guidance on Amenity Standards and Car Parking Guidelines.
2. The proposed dormer would comprise a bulky and incongruous addition to a prominent elevation of the building, to the detriment of the character of the building and the visual amenities of the street scene. In this regard, the proposal fails to accord with Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Extrainca Limited, Victoria Inn, Sigginston, Vale of Glamorgan. CF71 7LP
(Eifion H. Watkins, Victoria Lodge, Sigginston, Vale of Glamorgan. CF71 7LP)

LAND REAR OF THE VICTORIA INN, SIGGINSTON

Outline application for one new dwelling house with integral garage on overspill area of car park. Two storey with a small front extension for part of a garage

SITE DESCRIPTION

The application site relates to a part of the car park at the rear of the Victoria Inn, Sigginston. The site lies to the south of the Old Malt House, to the west of the Public House, to the south-east of Victoria Lodge and to the north of No. 5 Orchard Close. The sub-divided plot is approximately 552 sq. m. and lies towards the north-west of the village. Access to the site will be gained via the existing access shared by the car park of Victoria Inn and Victoria Lodge.

The site lies within the residential settlement boundary of Sigginston.

DESCRIPTION OF DEVELOPMENT

The application seeks Outline Planning Permission for a two-storey dwelling with an integral garage. All matters (siting, access, design, external appearance and landscaping) are reserved for subsequent approval. The proposal would not involve the felling of trees or any demolition works.

PLANNING HISTORY

04/01001/FUL - Extension to ground floor restaurant and the conversion of 1st floor to guest accommodation. Approved 30th July, 2004.

04/00063/FUL - New staircase and glass enclosure to lead from ground to first floor restaurant. Approved 20th February, 2004.

03/00874/FUL - Kitchen extension. Approved 5th September, 2003.

86/01075/FUL - Proposed conversion of 1st floor flat into restaurant and amendments to curtilage of managers house to provide amended access to managers house via car park. Approved 10th February, 1987.

82/00872/FUL - Plot rear of Victoria Inn, erection of one detached dwelling and garage. Approved 3rd August, 1982.

81/01653/RES - New house and garage. Approved 15th October, 1981

CONSULTATIONS

Llandow Community Council - Was consulted on 15th September, 2005. The following detailed comments were made:

“The Community Council objects to this application for the following reasons.

The proposed location of the dwelling house is not part of the overflow area of the car park. The location is on the main car park of the Victoria Inn. There is no overflow area. Development of a house in this location will result in the loss of approximately 23 out of about 50 car parking spaces for the Victoria Inn. The car park is frequently full, especially at the weekends. The loss of these spaces will mean that vehicles are displaced onto the public highway with a consequent loss of amenity to neighbouring properties.

Highway visibility adjacent to the Victoria Inn is restricted. Additional vehicles parked on the public highway in this area will increase public safety issues. A recent accident at the entrance to the Victoria Inn highlights the already existing safety issues in this area.

Reduction in the size of the car park may affect the viability of the Victoria Inn. With a smaller car park and difficult public highway parking people may be discouraged from using the business.

We would also ask the Local Planning Authority to check conditions that may have been applied when planning consent was given for Victoria Lodge. This adjoining property was given planning at the time that living accommodation was removed from the Victoria Inn. This property was built on existing Victoria Inn land and was sold with the Victoria Inn as a complete package. Victoria Lodge is currently on the market independently of the Victoria Inn.

The planning application suggests that foul water drainage will be to the same cesspit utilised by the Victoria Inn. This cesspit is emptied weekly and we would question whether sharing a cesspit with a business is sensible. We would ask that the Victoria Inn, Victoria Lodge and the new application be considered as a whole as it is unclear from the planning application whether the proposed dwelling would provide accommodation for the Victoria Inn."

The Head of Visible Services (Highway Development) – Was consulted on 15th September, 2005 and comments:

"Due to insufficient information submitted with the above application, it has not been possible to assess the effects of lost parking on the existing use of the site, as a result of the development proposals.

The access to the existing car park and to the proposed dwelling is substandard, due to limited visibility along the adjacent highway. The existing visibility splays are measured at 2.4 x 16.0m to the north and 2.4 x 45.0m to the south. However, the required visibility splay, based on the speed of traffic on the adjacent highway is 2.4 x 70.0 m in both directions.

Therefore, the Highway Authority object to the development proposals based on the above."

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) - Was consulted on 23rd September, 2005. "This department OBJECTS to the above application for the following reason:

Due to the public house being in such close proximity to the proposed dwelling it is likely that nuisance will arise from one or more of the following reasons:

- Noise and odour associated with the extraction system.
- Noise from patrons entering and leaving the premises.
- Noise associated with other work activities."

Environment Agency – Was consulted on 15th September, 2005. They responded with a copy of the standard guidance notes for developers.

Dwr Cymru/Welsh Water - Was consulted on 15th September, 2005. "As the applicant intends utilizing private drainage facilities we as Network Development Consultants on behalf of Dwr Cymru/Welsh Water have no comment to make on the above planning application. However, should circumstances change and a connection to the public sewerage/public sewage treatment works is preferred we must be re-consulted on this application."

REPRESENTATIONS

Neighbouring occupiers were notified on 15th September, 2005. The occupiers of Nos. 5 and 6, Orchard Close and Pump House have objected to the proposal on the following grounds:

- The proposed development would remove approximately half of the Victoria Inn's car park leading to cars being parked on the adjoining highway to the detriment of highway safety and the amenities of surrounding residential occupiers.
- The application site is not an 'overspill' car park at present.
- The entrance to the car park and the adjoining road are narrow and any additional on-street parking will lead to more accidents in the area.

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.

Community Councillor R. M. Hopkins has also objected to the application on highway safety and the lack of parking grounds and has also highlighted the proposed drainage arrangements and the increased use of the cesspit as a potential problem.

REPORT

The site lies within the Identified Rural Settlement Boundary of Sigginston and the proposal can be assessed against Policies HOUS2 – Additional Residential Development, HOUS9 – Residential Development Criteria, HOUS12 – Residential Privacy and Space 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 loss of parking and access arrangements, the siting of the proposed development close to a Public House, the potential impact on the privacy and amenities of neighbouring and future occupiers and the provision of functional amenity space and on-site parking.

The Victoria Inn is a popular Public House and, due to its rural and remote location, the majority of patrons visit the premises by car. Although no details have been submitted with the application to indicate the level of parking provision for the proposed house, it is likely that the site can accommodate three private vehicles to satisfy the requirements of the approved South Wales Parking Guidelines. However, it is considered that the loss of almost half of the car park would result in visitors having to park on the adjoining roads in the village and this will have a considerable detrimental impact on highway safety at the heart of the village.

Policy TRAN9 states that the provision of parking facilities will be "... related to: the type of land use, its density and location; existing and potential public transport facilities; the capacity of the highway network." As the public transport facilities in Sigginston cannot provide a suitable alternative to private car use and the highway network will not be able to cope with the displaced vehicles from the existing car park, it is considered that the application is contrary to this policy and does not comply with the approved South Wales Parking Guidelines.

Paragraph 8.7.1 of Planning Policy Wales states that "when determining a planning application for development that has transport implications, local planning authorities should take into account: the level and nature of public transport provision; accessibility by a range of different transport modes and the effects on the safety and convenience of other users of the transport network."

The proposed dwelling is sited between the rear of the public house and in amongst other dwellings. The rear of the Public House is used for deliveries and servicing and is the location for the bin store and a gas cylinder. Concerns have been raised relating to the potential nuisance caused to the future occupiers of the proposed dwelling. These include noises and odours associated with the kitchen extraction system, noise emanating from patrons and vehicles entering and leaving the premises and noise associated with other practices carried out within and around the premises such as cleaning, servicing etc. It is considered that this would have an unacceptable effect on the amenities of the future occupiers of the dwelling, 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.

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."

As the proposed dwelling will be located between the Public House and another two-storey dwelling at Victoria Lodge, it will utilise the same access and 'driveway' through the car park currently being used by these properties. Therefore, it is considered that the scheme with one house in front of the other is a form of tandem development, contrary to Unitary Development Plan and National policies. Paragraph 9.2.12 of Planning Policy Wales 2002 states: "Tandem development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front and should be avoided." The Victoria Lodge property was approved in 1982 and was originally intended to be a new residence for the manager of the public house. The property is now for sale.

Although details of the scale, design and appearance of the dwelling have been reserved for later approval, the applicant has suggested that it will be a two-storey dwelling. The proposed dwelling would be close to the boundaries with three residential properties and it is considered that it would have a detrimental impact on the privacy and amenities of these neighbouring occupiers, contrary to the provisions of Policies HOUS9 and HOUS12, The 'Amenity Standards' SPG and Planning Policy Wales. 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 9.3.3 of PPW advises that "Insensitive infilling or the cumulative effects of development or redevelopment ... 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."

The car park site will be sub-divided to form a separate residential plot. Sufficient garden space to serve the future occupiers of the proposed dwelling should be easily provided as part of the development. However, the 'Amenity Standards' SPG advises that "usable, adequate and appropriate private amenity space" must be provided with residential developments and "privacy and visual amenity must be secured in any proposed development by careful design of buildings and the relationship between buildings and features." It is considered that any outdoor amenity space provided for the new house will not offer any privacy for the future occupiers as it will be overlooked by the neighbouring dwellings of Victoria Lodge and No. 5, Orchard Close.

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

04115

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed dwelling, by reason of its siting, is an inappropriate form of development that would result in the loss of a significant number of parking spaces currently used by patrons of the Victoria Inn and would consequently have a detrimental impact on highway safety in the village, contrary to Policy TRAN9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the approved South Wales Parking Guidelines.
2. The proposed dwelling, by reason of its siting and proximity to the Public House and residential premises, would represent an unacceptable form of infill and tandem development that would fail to preserve and safeguard the privacy and amenities of neighbouring and future occupiers, contrary to Policies HOUS9 and HOUS12 of the adopted Vale of Glamorgan Unitary Development Plan 2005, the Council's adopted Supplementary Planning Guidance Note on Amenity Standards and Planning Policy Wales 2002.

Mr. and Mrs. D. Lubin, C/o Agent.

(G. Powys Jones The Maltings, East Tyndall Street, Cardiff Bay, Cardiff. CF1 5EA)

TY GROES FARM, BONVILSTON

Retention of granny annex to serve Ty Groes Farmhouse

The development is situated within the Bonvilston Conservation Area.

The application was advertised on 25th October, 2005.

SITE DESCRIPTION

The application site relates to a large double garage located within the curtilage of Ty Groes Farm, located to the west of the village of Bonvilston and adjacent to the A48. The garage is sited some 14 metres to the north of the main dwelling and the site is located in the countryside. The application site falls within the Bonvilston Conservation Area.

The existing garage was recently constructed and has recently been converted into a self contained unit of residential accommodation. The building measures 10 metres in width by a depth of 9 metres, with a ridge height of 5.3 metres and eaves height of 2.5 metres.

DESCRIPTION OF DEVELOPMENT

This is a full application for the retention of the conversion and alterations of the existing detached double garage to provide a self contained annexed form of accommodation. The accommodation comprises of a lounge, open plan breakfast room and kitchen, bedroom, bathroom, hall and porch with stairs leading into the roof which is shown to be used as storage.

The application also seeks the retention of a porch which has been constructed on the eastern elevation of the building which measures 3.5 metres wide by a depth of 1.6 metres with a hipped roof with a ridge height of 3.8 metres and eaves of 2.7 metres.

PLANNING HISTORY

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

00/00451/FUL - Demolition of outbuildings and construction of new garage with hardstanding. Approved 19th May, 2000.

04/01380/LAW – Conversion of garage into ancillary accommodation. Application not considered as permitted development, 10th December, 2004.

04/01381/FUL – Conversion of garage into dwelling. Refused 26th November, 2004 for the following reason:

1. The proposal represents an unjustified form of new residential development in the countryside. As such the proposed development is contrary to Policies EV3 and H10 of the approved South Glamorgan Structure Plan (Proposals for Alterations No. 1) 1989 and Policies ENV1 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).

CONSULTATIONS

St. Nicholas and Bonvilston Community Council - Was consulted and no comments have been received.

The Head of Visible Services (Highway Development) - Was consulted and has advised that the Highway Authority is unable to sustain an objection to the development proposals, provided that the following conditions are imposed on the planning consent.

1. The proposed granny annex will be retained at all times for the use associated with the existing dwelling within the boundary of the site and not used for any other purpose.
2. The existing parking and manoeuvring area within the boundary of the site shall be maintained and retained at all times for the purpose associated with the development to provide adequate parking facilities and enable access and egress of vehicles in forward gear.

REPRESENTATIONS

A site notice was posted although to date no letters of representation have been received

REPORT

Planning permission was refused under application reference 04/01381/FUL for the conversion of the garage into a dwelling, which included the addition of dormers and the habitable use of the roof space. In addition, an associated Section 192 Lawful Use application was also submitted (reference 04/01380/LAW) for the conversion of the garage into ancillary accommodation (excluding kitchen). However, the application was not considered as permitted development as the nature of the use did not fall within the terms and conditions as permitted development under Class E, Part 1, Schedule 2 of the General Permitted Development Order 1995. Whilst the Local Planning Authority refused the above referenced applications, the garage has now been converted into an "annexed" form of accommodation to the main house, which includes the addition of a porch. Accordingly, this application now seeks to retain the works as undertaken.

The agent has submitted a letter in support of the application which states that the converted garage is occupied by the applicants elderly parents and as such it is stated that the accommodation was not created with a view to speculation or future profit but as a "granny annex" to provide for the applicants parents needs in relative independence with care provided at close quarters when needed. The agent has also suggested conditions which could be imposed on the granting of planning permission to prevent the annex becoming a free standing dwelling.

As considered in the previous application, the application site whilst within the curtilage of Ty Groes Farm, falls outside of the defined residential settlement boundary of Bonvilston and therefore falls within the countryside. The accommodation is considered to constitute a self contained residential dwelling and whilst it is within the curtilage of the main dwelling would nevertheless constitute a new dwelling in the countryside. The most relevant policies contained within the adopted Vale of Glamorgan Unitary Development Plan 2005, are as follows.

Policy ENV1 relates to development within 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 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.”

The agent has questioned the Council’s refusal of application reference 04/01381/FUL in relation to the reference to Policy HOUS3, as that policy relates to the erection of new houses in the countryside. The agent believes that as the proposal relates to the conversion of an existing building, the conversion should be assessed under the terms of Policy ENV7 – Small Scale Rural conversions, as contained in the above referenced plan.

Whilst it is accepted that the application seeks to retain the conversion of the garage, the proposal nevertheless includes an element of new build. The agent is of the opinion that as the garage is located in a rural area, it should be considered as a rural building for the purposes of this policy. Whilst the policy does not contain a strict definition of “rural building”, regard should be given to the policies and guidance contained within the Conversion of Rural building Supplementary Planning Guidance. In this case the garage building has only recently been constructed and cannot be considered as a rural building, given that it was approved as a domestic garage within the curtilage of a dwelling house. Such an argument could effectively permit the residential conversion of any building outside a settlement boundary. Policy ENV7 is an exemption policy which permits the appropriate reuse (for either commercial or residential uses), of appropriate rural buildings in order that such rural buildings, namely former agricultural buildings or other appropriate buildings, can be retained for their rural architectural or historical importance. Therefore, for the purposes of this policy, the garage cannot be considered as rural building and Policy ENV7 is not considered relevant in assessing this application.

Whilst the Local Planning Authority has previously approved some annexe proposals, these were very closely related to the main house or physically linked whereby the annexe could be assimilated into the original house. The garage is located some 14 metres to the north of the house and is considered to have a sufficient physical separation, whereby the annexe could in the future be separated from the main house with provision of its own curtilage and access. Furthermore, the scale of the accommodation must be considered, where annexes have been approved, the level of accommodation is usually smaller than the level of accommodation in this application, often omitting a kitchen where the occupiers of the annexe still have a reliance on the main house. The accommodation of the annexe could also be further extended given the provision of stairs leading to the first floor roof space which could in the future facilitate the use of the roof space for further accommodation, albeit with the need for dormers, which would further impact on the rural character of the area.

In terms of impact and harm, the site is adjacent to the A48 and whilst the existing garage is within the curtilage of the main dwelling the introduction of what would be a second residential dwelling within the curtilage into the site would intensify the residential character of the site. The proposed curtilage of the dwelling, along its western boundary would abut an agricultural field and would therefore be visible from the wider countryside. Furthermore, it also appears that the residential curtilage of Ty Groes Farm has been extended onto the adjoining agricultural land where part of the extended curtilage would serve the annexe and as such represents an unjustified and harmful encroachment into the countryside.

It is not considered that any conditions or Section 106 Legal Agreement, could be used to overcome the harm or mitigate the impact of the conversion. As such the conversion of the garage is not considered as an annexe but as a self contained detached dwelling capable of full independent accommodation. The application for the retention of such development is therefore considered to breach and undermine policies which seek to guard against unacceptable development in the countryside, where no special justification exists to justify departing from such a policy presumption.

The following recommendation is made.

RECOMMENDATION (W.R.)

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

1. The cessation of the use of garage as a self contained residential accommodation.
2. The reinstatement of the garage as previously approved under planning permission reference 00/00451/FUL, including the demolition of the porch.
3. The cessation of the use of any additional land outside that of the approved residential curtilage of Ty Groes Farm for residential garden purposes and the removal where necessary of any features associated with the use of the land as domestic garden curtilage.

REFUSE

Reason(s):

1. The proposal represents an unjustified form of new residential development in the countryside. As such the proposed development is contrary to Policies ENV1 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Dr ML Ham, C/o Agent

(G. Powys Jones The Maltings, East Tyndall Street, Cardiff Bay, Cardiff. CF1 5EA)

ELMGROVE HOUSE, 12, ELM GROVE ROAD, DINAS POWYS

Demolition of dwelling and detached garage

The development/property is situated within the Dinas Powys Conservation area.

The application is for demolition within the Dinas Powys Conservation Area.

The application was advertised on 20th October, 2005.

SITE DESCRIPTION

The application site is occupied by an existing semi-detached dwelling house located on Elm Grove Road at the junction with Elm Grove Lane. The site is located within the Dinas Powys Conservation Area.

DESCRIPTION OF DEVELOPMENT

This is an application for conservation area consent for the complete demolition of the existing dwelling and associated outbuildings. The application is supported by a structural report and estimated costs for renovation and comparative costs for demolition and re-building.

PLANNING HISTORY

There have been a number of applications submitted on the site in recent years, including:

03/01192/FUL - New two storey four bed detached dwelling. Refused 30th January, 2004 on grounds of adverse affect on character of Conservation Area; detract form neighbouring residential amenities; and insufficient information in relation to impact on Tree Preservation Order trees.

03/01207/FUL - Alterations and extensions to existing dwelling. Approved 30th January, 2004.

04/00030/FUL - Demolition of annexe and outbuilding, refurbishment of existing dwelling and construction of two storey extension to accommodate 2 No. apartments for elderly. Refused 2nd July, 2004 on grounds of adverse impact on character of Conservation Area; detract from neighbouring residential amenities; and adverse impact on Tree Preservation Order trees.

04/01761/FUL - Demolition of existing house and outbuildings. New build 4 No. apartments and new boundary wall. Refused permission on 24th March, 2005

05/00223/CAC - Full demolition of the existing two-storey house and single storey extension together with existing single storey detached garage. The dwelling is to be rebuilt on the existing footprint of the house (excluding single storey extension) Refused permission on 24th March, 2005

05/01302/FUL - Demolition of Elmgrove House and construction of two new apartments built to footprint and height of existing building. Construction of two storey extension of two apartments. Undetermined, but is being reported to this Committee.

CONSULTATIONS

Dinas Powys Community Council - Was consulted on 18th October, 2005.
Objection – Demolition of exiting house would detract from the character of this part of the old village of Dinas Powys, which is a Conservation Area.

REPRESENTATIONS

Neighbouring residential properties were consulted on 18th October, 2005. Two letters of objection have been received to date.

REPORT

It will be noted from the planning history that previous applications have been submitted by the applicant in relation to the redevelopment of this site. Apart from permission for alterations and extensions to the existing dwelling, which was approved in January of last year, all the other applications for new build development have been refused, primarily on the grounds that the proposals neither preserved nor enhanced the character of the Dinas Powys Conservation Area. The latest and currently undetermined planning application is for the redevelopment of the site to provide for 4 No. two bed apartments, and includes the complete demolition of the existing house and associated outbuildings. This latter application, reference 05/01302/FUL, was submitted in an attempt to overcome the Local Planning Authority's concerns in respect of the previously refused scheme (for which a current appeal is held in abeyance pending the outcome of this application).

The application for Conservation Area Consent is required due to the intended demolition of the existing house. The policy background to the consideration of this application is as follows:

Policies ENV15, ENV18 and ENV19 of the adopted Vale of Glamorgan Unitary Development Plan 2005 relate to the protection of the built and historic environment and development and demolition in conservation areas. Policy ENV25 relates to the design of new development requiring that it has full regard to the context of the local natural and built environment and its special features. Policies HOUS2 and HOUS9 allow for new housing within Dinas Powys but subject to certain criteria. In addition, the Council has Supplementary Planning Guidance on Amenity Standards and Trees and Development.

National guidance is contained within Planning Policy Wales March 2002, TAN 12 –Design and WO Circular 61/96 “Planning and the Historic Environment: Historic Buildings and Conservation Areas.”

In assessing the proposal against the above policies and guidance it is considered that the principal issue is the impact on the character and appearance of the Dinas Powys Conservation Area. *It is noted that paragraph 33 of Welsh Office Circular 61/96 states "The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings...It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be granted for the demolition of an unlisted building in a conservation area."*

It is considered that the existing building, although not of outstanding architectural merit, nevertheless has historical value in the growth of the village and makes a positive contribution to the character and appearance of this part of the Dinas Powys Conservation Area.

Land to the south of the site was originally garden land to Elm Grove House but has now been developed for housing which was granted a Civic Trust award in the 1970s. This modern development, including a more recent addition at No. 17 Elm Grove Lane, has no impact on the principal frontages of the conservation area, being separated and located at a lower level.

It is noted that the application site is a prominent one within the Dinas Powys Conservation Area and is visually significant on the approach to the heart of the village. The context of the site is very important and the building and its setting forms a key location at the entrance to the centre of the old village and conservation area, and is at a point of transition between the newer development and the more traditional buildings.

The applicant has submitted an application for Conservation Area consent, in which the justification for the demolition of the building is promoted. However although it is accepted that the survey submitted by the applicant shows significant weakness in the structure itself and the financial details indicated that to renovate the building would be costly in comparison with a total rebuild, this is not in itself sufficient reason to justify demolition. The details fail to substantiate the need for re-development of the site on a structural basis; neither does it provide evidence that the existing building is beyond economic repair. Finally there has been no attempt to assess the effect from the loss of this building on the character and setting of the Conservation Area.

In conclusion, it is considered that the revised proposals for redevelopment, although an improvement over previous proposals in terms of design, have not overcome the principal objection to the previous applications, which relate to the loss of the existing building. Indeed it is considered that the demolition of the existing dwelling will cause even greater harm and the proposal will neither preserve nor enhance the character of this part of the Dinas Powys Conservation Area. In view of the above, the following recommendation is made.

04107

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the current Conservation Area Consent application has failed to justify the demolition of the existing building which makes a positive contribution to the character of this part of the Dinas Powys Conservation Area. Demolition is therefore considered to be contrary to Policies ENV15, ENV18 and ENV19 of the adopted Vale of Glamorgan Unitary Development Plan 2005, and national guidance contained in Planning Policy Wales March 2002 and Welsh Office Circular 61/96, as it would have a detrimental effect on the character and appearance of the Conservation Area.

Dinas Powys Methodist Church, C/o Much Farm Manse, Station Road, Dinas Powys, Vale of Glamorgan CF64 4DF
(Liddell & Associates, Stuart House, The Back, Chepstow, Mon. NP16)

WESLEY HALL CENTRE, STATION ROAD, DINAS POWYS

Full demolition of building

The application is for demolition within the Dinas Powys Conservation Area.

SITE DESCRIPTION

The Wesley Hall Centre is a church and community hall and is located to the eastern side of Station Road, Dinas Powys directly opposite the Dinas Powys Methodist Church.

DESCRIPTION OF DEVELOPMENT

This proposal is for the complete demolition of the church hall, to facilitate the redevelopment of the site for six flat units (see application reference 04/2039/FUL). Conservation Area Consent for demolition is required as the site is located within the Dinas Powys Conservation Area.

PLANNING HISTORY

The most relevant application is the corresponding application (045/2039/FUL) for the redevelopment of the site for six residential flat units. This application is as yet undetermined, but is to be considered at this same Committee meeting.

CONSULTATIONS

Dinas Powys Community Council – Comments awaited.

REPRESENTATIONS

A site notice was posted on 25th October, 2005 and the nearest local residents were also notified on 18th October. No representations have been received to date.

REPORT

This is a conservation area consent application for the demolition of a building in the conservation area. As such, the main policy consideration is set by Policy ENV19 of the adopted Vale of Glamorgan Unitary Development Plan 2005, which states as follows:

POLICY ENV19 – DEMOLITION IN CONSERVATION AREAS.

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

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

The other consideration is the architectural merit (or otherwise) of the building in question. The applicants have submitted photographs of the building (see Appendix A) together with accompanying comments. The building is approximately 50 years old and is predominantly brick-built with a pitched roof finished in a felt material. The rear part of the building is much higher, being approximately 11 metres at the highest point. The building is of little or no architectural merit and the building (particularly the rear section) dominates the immediately surrounding area. As such, it is considered that the loss of the building would be far from detrimental to the character of the conservation area, and it will be seen from the report on the current planning application (reference 04/02039/FUL) that the replacement residential development has a smaller footprint and is of a lesser height (particularly at the rear of the site) than the existing building which is to be demolished.

In conclusion, and given that the building does not make an important visual contribution to the street-scene or the conservation area, an approval for the demolition of the building is recommended.

04125

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The works hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of development on site a method statement for demolition works and a phasing programme indicating the sequence of works on site, including demolition, excavation, loading and transportation of all waste material and the means to ensure all works are carried out safely, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall thereafter be carried out in full accordance with the agreed phasing programme unless otherwise agreed in writing with the Local Planning Authority.
3. The hours of demolition, excavation, loading and transportation of all waste material shall be restricted such that they will only take place between the hours of 0800 and 1800 on weekdays and between the hours of 0800 and 1200 on Saturdays and not at any time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure satisfactory phasing of the development and to ensure demolition works are undertaken in order to minimise impact on amenities of adjoining residential occupiers.
3. In order to protect the amenity of nearby residential occupiers.

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 Docks, Barry. CF63 4RT
(PB Ltd (Dr. Daniel Griffith), 29, Cathedral Road, Cardiff. CF11 0HA)

BETWEEN EMBANKMENT ADJACENT THOMPSON STREET/DOCK VIEW ROAD AND NORTH EAST CORNER ADJACENT TO REDROW HOLTON REACH SITE

Cable stayed steel footbridge and landscaped spiral ramp (Cabinet Minute No. 1385)

SITE DESCRIPTION

The application site comprises the north-eastern corner of a mixed development site known as Holton Reach, forming part of the comprehensive redevelopment area of the Waterfront, and lying adjacent to existing houses at Clos Peiriant, plus part of the main railway line including the embankment adjacent to the junction of Dock View Road and Thompson Street.

DESCRIPTION OF DEVELOPMENT

This is an application submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 (Cabinet Minute No. 1385 refers) for the construction of a steel footbridge and landscaped spiral ramp. The proposed bridge will allow pedestrian access across the main railway line, linking the junction of Dock View Road and Thompson with the north-east corner of Holton Reach within the Waterfront comprehensive redevelopment area. The proposed bridge will have a span of approximately 47m across the railway line, with an additional circular access ramp of approximately 99m in length. The design of the bridge will be a single pier with suspension cables, with steel parapet to a height of 1.44m but designed to allow for a height of 1.8m if required. The circular access ramp will be landscaped with a sculpted rock feature plus a plinth for a proposed artwork feature and seating area.

PLANNING HISTORY

There is a considerable history of applications relating to Barry No. 1 Dock. Of particular relevance to the current application are:

94/00144/OUT – Comprehensive redevelopment of No. 1 Dock, approved 29th May, 1997 subject to a Section 106 legal agreement and twenty one conditions.

98/01290/FUL – Variation of Condition Nos. 13 and 14 of 94/00144/OUT to allow a food store of up to 6,041 sq.m gross, selling predominantly convenience goods, approved 12th November, 1999 subject to conditions and subject to a Section 106 legal agreement relating to a £750,000 financial contribution towards works to enhance linkages with existing retail areas.

01/00352/RES – Area N2b - Residential development, approved 25th July, 2001 subject to conditions.

04/00508/FUL – Mixed use development including residential, community facility and doctors surgery, approved 12th December, 2004 subject to conditions and a Section 106 Legal Agreement relating to affordable housing, public art contribution and transfer of land for public open space with commuted sums.

CONSULTATIONS

Barry Town Council – “The project is welcomed as a means of providing an essential strategic link between the Town Centre and the Waterfront.

No objections are raised subject to the Local Planning Authority being satisfied with the detailed bridge design, finish and colouring, along with the proposals for the artwork feature.”

Network Rail - Were notified on 28th September, 2005. No comments received to date.

The Director of Legal and Regulatory Services - Was consulted on 27th October, 2005. Comments are awaited.

The Head of Visible Services (Operational Manager Parks/Maintenance) - Was consulted on 18th October, 2005. Comments are awaited.

Associated British Ports – “We have received a copy of the application and are liaising closely with the Council’s Major Projects Manager, John Dent, concerning the details of the proposals, including the requirement for land and an additional financial contribution.

The Waterfront Barry Joint Initiative supports the principle of the proposal and does not wish to raise any adverse comments at this stage pending further clarification of the above matters as the detail design proceeds.”

REPRESENTATIONS

The Occupiers of neighbouring properties were notified of the application on 28th September, 2005. In addition, the application was advertised on-site and in the press on 11th October, 2005. No representations have been received to date.

REPORT

The application site is located within the residential settlement boundary for Barry as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005. The Waterfront is also an area allocated for comprehensive redevelopment for a mix of uses. The following policy background is relevant to the assessment of the application.

Strategic Policy 7 of the Unitary Development Plan seeks improvements to the transportation network, including schemes to encourage travel by cyclists and pedestrians.

Strategic Policy 9 aims to protect and enhance the vitality, attractiveness and viability of existing town, district and village shopping facilities.

Policy ENV25 relates 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 ENV26 relates to disabled access and states:

ALL NEW DEVELOPMENT (AND WHERE PREDICTABLE, THE CHANGE OF USE OR ALTERATIONS TO BUILDINGS) OPEN TO THE PUBLIC AND BUILDINGS USED FOR EMPLOYMENT AND EDUCATION PURPOSES WILL BE REQUIRED TO PROVIDE SUITABLE ACCESS FOR CUSTOMERS, VISITORS OR EMPLOYEES WITH MOBILITY DIFFICULTIES.

In addition to the above the Council also has Supplementary Planning Guidance on Barry Development Guidelines. This identifies the Waterfront as an Area of Special Identity and has objectives which seek to fulfil the commercial and mixed use potential of the site and provide a high quality environment which will contribute toward improving Barry's image. It also recognises the geographical severance that exists between the Docks and the Town Centre and supports the links already set up and those still needed between the Waterfront and the Town Centre:

"Strong links are needed from the Waterfront to the Town Centre. These links must be direct, broad and should accommodate generous pedestrian and cycle access."

National guidance is contained within Planning Policy Wales, March 2002. It recognises that the co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities.

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

In historical terms the construction of the footbridge link between the Waterfront and the Town Centre has been a long term objective of the Council with funding secured through a Section 106 Legal Agreement attached to planning consent reference 98/01290/FUL which allowed for an increase in the floor area of the Morrisons food store. As such the principle of the bridge is acceptable in planning terms and is a long overdue enhancement in the linkages between the town's fragmented commercial centres.

As regards the detailed design of the proposed bridge, it is noted that it will be in keeping with the existing road bridge at Gladstone Road and will, therefore, offer some harmony and unifying character to the Waterfront as a whole. However, the level of detail submitted with the scheme is somewhat lacking at this stage and further information will need to be submitted and agreed.

It is accepted that the proposal will have an impact on the neighbouring residential occupiers, particularly Clos Peiriant, and further information in relation to levels, planting/screening and boundary treatment is required in order to fully assess the impact and the extent of mitigation measures that may be required. However, at this stage it is considered that the existing fence line should be replaced with a more substantial brick wall and that the bridge parapet should be a minimum of 1.8m to provide suitable screening.

Whilst not strictly relevant to the planning merits of the proposal, Members should be aware of the legal issues that may be associated with the development. It is noted that the land take for the bridge now includes the whole of the land dedicated for Public Open Space as part of the Section 106 Legal Agreement attached to planning consent reference 04/00508/FUL for the mixed use development of Holton Reach. However, it should be recognised that the current scheme does provide for landscaped seating areas and a public artwork feature within the ramped access.

In terms of the consultation responses received to date, it is noted that no objections are raised by Barry Town Council, ABP or the Council's Highway Engineer, although full engineering drawings and supporting calculations are required in the interests of highway safety.

In conclusion, it is considered that the proposal will provide for a very significant and much needed link between the Town Centre and the Waterfront development. The overall design concept of the bridge is good although further information is required.

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

04124

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. This consent shall relate to the following plans:

- Drawing No. 91315A - PA01, site location plan, received 25th August, 2005;
 - Drawing No. 91315A - PA02, site plan, received 25th August, 2005.
 - Drawing No. 91315A - PA03, elevations and sections, amended plans, received 26th October, 2005.
3. Notwithstanding the submitted plans, no works shall commence on site until full engineering drawings and supporting calculations have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed details.
 4. Before the commencement of development full details of the external finishes of the bridge and ramp, including a 1:20 scale plan of the parapet, which shall be a minimum of 1.8m in height, shall be submitted to and agreed in writing with the Local Planning Authority and implemented thereafter in accordance with the approved details.
 5. Full details of the proposed finished levels of the site in relation to the existing ground levels, including cross sections, in particular with the existing residential properties, shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.
 6. All means of enclosure associated with the development hereby approved, including retaining walls, 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. The proposed scheme shall also provide for a brick wall in place of the existing timber fence on the boundary with Clos Peirant. The approved details shall be implemented before the first beneficial use of the footbridge hereby permitted.
 7. 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.
 8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 9. The landscaping details referred to above shall pay particular regard to the need to provide screening to mitigate any impact on the nearby residential occupiers.

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 and residential amenities.
5. Full details have not been provided and in the interests of residential amenities.
6. In the interests of visual and residential amenities.
7. To safeguard local visual amenities.
8. To ensure satisfactory maintenance of the landscaped area.
9. In the interests of residential amenity.

NOTE:

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

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

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

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

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

ST. ILLTYD'S FAMILY CENTRE, STATION ROAD, LLANTWIT MAJOR

Single storey nursing unit linked to the existing two storey building with a glazed corridor, a canopy over play area, a car park for 43 cars (total) and a bus layby

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

The application was advertised on 25th October, 2005.

SITE DESCRIPTION

The application relates to St. Illtyd's Junior and Infants School at Station Road in Llantwit Major.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Director of Learning and Development for an early years nursery unit together with new access and parking arrangements at the site.

A previous application was granted consent for the development in February 2005. However, work commenced on site prior to the submission of full details relating to materials, means of enclosure, drainage and landscaping. As Planning Committee will be aware, according to recent case law, this renders the development unauthorised, and so this current application has been submitted to regularise the position.

The development includes the construction of a single storey building connected to the southern end of the existing building fronting Station Road via a glazed link. The new building, which is close to completion, has a hipped roof with a maximum height of 6.2 metres and is finished in bricks and slates to the roof. Play areas are proposed adjacent to the new building with a glass canopy structure constructed to provide a covered area. Parts of the existing building would be used to accommodate the early years centre.

The proposal involves alterations to the access and parking arrangements at the site. A new mini roundabout is proposed on Station Road. The existing vehicular access is to be closed and a new access created off the new roundabout. A one-way system would be created within the site incorporating bus bays and a new car park. The Post Office would retain a separate access.

PLANNING HISTORY

3650/REG3 – Planning permission was granted by South Glamorgan County Council on 10th November, 1994 for the change of use of the former YMCA building at St. Illtyds School to a community education centre.

03/01759/REG3 – Deemed planning consent was granted on 24th February, 2005 to construct a single-storey early years development/nursery unit to be linked to the existing two storey building with a glazed corridor, new roundabout, bus lay-bys, access and parking arrangements at the site.

CONSULTATIONS

Llantwit Major Town Council – Has been consulted but no comments have been received to date.

Environment Agency - Has been consulted but no comments have been received to date.

Dwr Cymru/Welsh Water - Has been consulted but no comments have been received to date.

The Head of Visible Services (Highways) – Comments will be reported at Committee.

REPRESENTATIONS

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

REPORT

The development plan for the site comprises the adopted Vale of Glamorgan Unitary Development Plan 2005.

The site is located within the settlement boundary for Llantwit Major, as defined by the Vale of Glamorgan Unitary Development Plan. The site is also situated within the Llantwit Major Conservation Area.

The application has been assessed with regard to Policies ENV15, ENV18 and ENV25 of the Unitary Development Plan, which relate to the design of new developments and impact of development on the appearance and character of conservation areas.

As stated above, the application has been submitted to regularise the development, necessary due to the start of works on site prior to the submission of detailed matters. The scheme is predominantly the same as the previously approved development, with only minor amendments to the layout of the car parking area and access road and internal revisions to the proposed building. There is however an increase in the height of the proposed building from 5.2 metres to 6.2 metres, due to a change in the regulations relating to slate roofing, meaning that a slightly higher pitch in the roof slope is required.

The principle of the development has been established with the granting of the previous approval. The scheme has been developed following close working with the Council's highway engineers, and is considered acceptable in highway safety terms. The new building would not adversely affect neighbouring occupiers. It is considered that the proposal would not adversely affect the appearance or character of the Conservation Area.

RECOMMENDATION

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

1. Prior to the first beneficial use of the development hereby approved, the new roundabout, bus laybys, access and parking arrangements shall be implemented in full accordance with the engineering details that shall first have been submitted to and approved in writing by the Local Planning Authority.
2. Visibility splays of 2.4 metres by 90 metres at the main junction with the adopted highway and 2.4 metres by 33 metres at junctions within the site shall be maintained at all times.
3. Prior to the beneficial occupation of the development hereby approved, the means of enclosure shall be implemented in accordance with full details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
4. Prior to the beneficial occupation of the development hereby approved, the drainage scheme shall be fully implemented in accordance with the details hereby approved.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason(s):

1. In the interests of highway safety.
2. In the interests of highway and public safety.
3. In the interests of visual amenity.
4. To ensure a satisfactory standard of development.
5. To ensure satisfactory maintenance of the landscaped area.

NOTE:

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

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

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

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