

18th October, 2006 Planning Committee Meeting

2005/00860/OUT

Received on 12 April 2006

Dreameze Beds Ltd. (Newco), C/o 256, Holton Road, Barry, Vale of Glamorgan.
CF63 4HL

CDC Westlea, 9, Burnham Avenue, Sully, Vale of Glamorgan. , CF64 5SU

Site north west of Bendrick Road currently accessed off Wimborne Road, Barry Docks

Proposed 10,000 ft² assembly/manufacturing unit and 12 three bedroom residential units

SITE DESCRIPTION

The site relates to an area of land situated between residential properties on Bendrick Road and Barry Dock land. The Cadoxton River runs alongside the north-western limits of the site. The site is annotated as allotments. A recently built industrial unit lies to the north-east of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning consent for mixed residential and commercial development.

Commercial Development : 939 sq.m of industrial manufacturing units. All matters reserved for subsequent approval but plans have been submitted showing a building's footprint to the north-western boundary of the site with access and parking between this unit and the rear of dwellings on Bendrick Road. Access to the site is indicated from off the Dock Road entrance adjacent to and behind the relatively recently erected commercial building.

Residential Development : Again an outline application with all matters reserved but the submitted plans indicate four terraced units positioned fronting Bendrick Road and four semi-detached pairs of dwellings to the rear (north-western and southern part of the site). Access is indicated off Bendrick Road.

An area referred to as allotments remains between the residential and commercial development. This area measures 17.5m x 44m approximately.

PLANNING HISTORY

93/00102/FUL – New pumping station. Approved subject to conditions on 28 September 1993.

CONSULTATIONS

Barry Town Council – “Whilst no objections are raised in principle against the proposed industrial use of the site subject to the Local Planning Authority being satisfied:

1. that any consent be conditioned to fully protect the amenities of the neighbouring residential occupiers in Bendrick Road;
2. with the safety of the proposals for site access.

A strong objection is raised against the residential element for the following reason:

The application site is located well outside the Barry Settlement Boundary as defined by the Vale of Glamorgan Unitary Development Plan in an isolated urban fringe area well away from the essential day-to-day services required by future residents. The residential proposals are therefore considered to be contrary to Policy HOUS8 of that Plan.”

The Director of Learning and Development (School and Strategic Services) – “The following are the department’s comments in respect of the proposed development in terms of educational need within the Sully area.

The Bendrick Road area lies within the catchment area of Sully Primary School. The school is currently oversubscribed with limited capacity to accommodate further pupils generated by the development, which will greatly increase pressure at the school.

The developer will increase the number of pupils from within catchment area and to be able to accommodate these pupils the authority will require expansion/extension of existing school provision. Even though the pupils will be required to manage and provide for the localised demand. This is especially the case in light of the statutory requirement in terms of class size limits.

The authority would be looking to potential planning gain of £150,000 for educational need, in terms of the proposed development.”

Glamorgan Gwent Archaeological Trust – See Appendix A.

The Head of Economic Development and Leisure – “I refer to your memo of 10th June and would comment that, from an economic development perspective, I would support the proposed new manufacturing facility. The residential development on the southern part of the allotments will improve security of the Atlantic Trading Estate and I would hence have no objection.”

Dwr Cymru/Welsh Water – See Appendix B.

The Environment Agency – See Appendix C.

The Head of Visible Services (Highway Development) – “Further to the site inspection carried out on Wednesday 6 July 2005 in relation to the above planning application, the Highway Authority object to the above proposals based on highway safety.

Reason for Refusal:

1. The proposed access serving the industrial use on the development site is located too close to the existing roundabout at the junction of Bendrick Road/Wimborne Road. The proposed access road is located 20m from the existing roundabout, which is below the absolute minimum distance of 50m, specified in TD9/93 of the Design Manual for Roads and Bridges, which will compromise highway safety.”

Comments in regard of amended plans are awaited.

The Head of Economic Development and Leisure (Ecology) – See Appendix D.

REPRESENTATIONS

Four letters of representation have been received and are attached as Appendix E.

One letter from the occupier of No. 35 Bendrick Road, Barry was received advising – “I wish to object to this application as I am the tenant of a 9 perch allotment on this ground. I have had this allotment since November 1963.”

REPORT

The site lies outside the identified settlement boundary for Barry identified in the adopted Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

Planning Policies

The relevant policies include therefore those relating to commercial development, namely:

EMP2 ‘New Business and Industrial Development’.

EMP3 ‘General Industry’.

ENV29 ‘Protection of Environmental Quality’.

Those relevant to residential development given the sites location outside the Barry Settlement Boundary are:

ENV6 ‘East Vale Coast’.

ENV27 ‘Design of New Developments’.

HOUS3 ‘Dwellings in the Countryside’.

Given that part of the site, at least, is used as allotments, the following policy is relevant:

REC10 ‘Development of Allotment Land’.

Given the site’s use as allotments and its current condition, Policy ENV16 ‘Protected Species’ is relevant.

Due to the site’s location in a flood zone, Policy ENV7 ‘Water Resources’ is relevant.

Policy TRAN10 'Parking' would apply to both the commercial and residential elements of the scheme.

Issues

The site lies between land allocated in the Unitary Development Plan Policy EMP1(i) as employment land (Atlantic Trading Estate) and the cluster of dwellings at Bendrick Road.

The policy defining the site in the Coastal Zone requires that a coastal location is necessary for the development as well as meeting criteria regarding potential impacts.

A coastal location is not necessary for the development, however regard has to be paid to the actual harm caused to the area and the policy if the site were to be developed. The supporting text to the policy identifies that if development is to take place, and is acceptable in all other respects, then the developed coastal zone can be considered. This site falls within such an area.

Given that the site would lie between a reasonably sized group of residential properties and the Employment Land allocation, it would be difficult to substantiate harm, from this mixed use development, to the aims of Policy ENV6.

In relation to the loss of allotment land, the policy states that development can take place if "suitable and accessible sites are provided by the developer". The indicative plans indicate that a reduced area of allotment land will remain extending to approximately 17m x 45m maximum. The supporting text to this policy indicates that there is no evidence of excess demand for allotments. Subject to the provision of and securing the future of as large an area of allotment land as possible and reasonable, the aims of this policy would appear to be safeguarded.

Issues arise with the provision of commercial development given the proximity to residential development both in terms of the visual effects but also possible noise, odour and lighting issues.

Committee will be aware that land behind Bendrick Road has recently been developed for a commercial unit. The development of this site could be considered as suitable for some form of commercial use but that use should be limited to B1 or possibly B8 uses to ensure that neighbours amenities are not adversely affected.

The major issues which have not yet been addressed by the developer are consideration of the site's location in a flood zone and ecological issues.

The Council's ecologist and the developer's appointed ecologist identify that surveys should be undertaken but full surveys have not yet been completed. Policy ENV16 'Protected Species' and the duty of the Local Planning Authority to have regard to ensuring that any development does not derogate either the habitats of or the species themselves protected by the relevant legislation, have not been met with the information submitted to date having first been requested over a year ago.

Similarly, in relation to flooding, whilst the agents have had a significant length of time in which to provide the necessary information for the Local Planning Authority and Environment Agency to consider the implications for and potential as appropriate for mitigation, no information has been received. Advice contained in TAN 15 'Development and Flood Risk Areas' leads to the conclusion that this application has not been supported with such evidence and information to confirm that the development would not cause or exacerbate flooding in the area.

CONCLUSION

The development should be resisted until such time as the necessary ecological and flooding surveys and mitigation have been presented to and accepted by the Local Planning Authority.

RECOMMENDATION (W.R.)

REFUSE

1. The applicant has failed to submit a Flood Risk Assessment to show that the development will not cause or exacerbate flooding on the site or in the area in general. The development is therefore contrary to Policies ENV6 - East Vale Coast, ENV7 - Water Resources, ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and Planning Policy Wales 2002, TAN15 'Development in Flood Risk Areas'.
2. The applicant has failed to submit survey details to show that the development will not adversely affect protected species or their habitats and thus the development would be contrary to Policy ENV16 'Protected Species'.

2005/01442/FUL

Received on 12 September 2005

Mr. Nigel Beere, C/O Agents
Chichester Nunns Partnership, Rawden House, 65, Cowbridge Road East,
Cardiff. CF1 9AE

Land at Bendricks Road, Barry

Proposed residential development (4 number houses)

SITE DESCRIPTION

The site relates to an overgrown parcel of land. The site is roughly triangular in shape. It lies close to the roundabout at Bendrick Road where access is also gained to Barry Docks and to the Atlantic Trading Estate.

DESCRIPTION OF DEVELOPMENT

Consent is sought for 4 dwellings comprised in three storey development for three of the units, all of which have three bedrooms. On site parking is provided on the basis of 2 spaces per unit.

The dwellings will be finished with roof of slate and walls of red/brown facing brick with buff details. The three storey elements of the scheme have off-set pitches.

The maximum ridge height will be 8.5m. The development is terraced with a broken ridge line and stepped elevation.

PLANNING HISTORY

Application ref: 05/00784/FUL for development on this site and including the rear lane was withdrawn.

CONSULTATIONS

Barry Town Council – “Strong Objection:

1. The application site is located outside the Residential Settlement Boundary as defined by the Vale of Glamorgan Unitary Development Plan, in an isolated urban fringe area well away from the essential day-to-day services required by future residents. The proposal is therefore, contrary to Policy HOUS8 of that plan.
2. The site is located within the East Vale Coastal Zone. As the proposed development does not require a coastal location it is considered to be contrary to Policy ENV5.

There are also concerns regarding:

- (a) the intensity of the development proposed;
- (b) traffic safety in view of the proximity of site access to the adjacent roundabout junction, which is used by heavy vehicles accessing the neighbouring Atlantic Trading Estate and the Dockland Area.”

Dwr Cymru/Welsh Water – See Appendix A1.

The Head of Visible Services (Highway Development) - “I would comment as follows:

The internal dimensions of the garages serving plots 2 and 3 are required to be a minimum of 2.8m x 5.0m.

No manoeuvring facilities are shown to be provided within individual plots to enable vehicles to exit in forward gear. The vehicle access to plot 1 is located too close to the junction of Bendrick Road and Wimbourne Road which is considered detrimental to highway safety.

Therefore, in order to overcome an objection by the highway authority, the issues raised above are required to be addressed and amended plans submitted for further consideration.” Plans have been amended and comments are awaited.

The Head of Visible Services (Engineering Design and Procurement):

“Not aware of any land drainage matters/problems relating to this site. It is noted from the application form that foul and surface water it to connect to the mains systems. I presume this to mean the public sewerage system – you should therefore, seek the comments of Welsh Water.”

The Director of Legal and Regulatory Services (Environmental Health):

“We note that the application area lies at the end of an existing residential terrace. This terrace is an “island” amongst mixed industrial use.

This department has received complaints about the effect of existing nearby industry. I also have been advised that this department has undertaken baseline background noise surveys. The survey has generated a noise level that industrial developments within the vicinity of Bendrick Road should not have exceeded, in order to protect the residential amenity. These should have been communicated to your department.

To protect the residents it would be necessary to ensure surrounding development should be subject to BS 4142 Noise assessments with regard t the above survey level. Instructing the developer to undertake a TAN 11 noise assessment would be non-productive as development of industry is in the vicinity is incomplete.

Essentially then it is note ideal to introduce new domestic residents but we have limited grounds to object. In such an environment the protection of residential amenity arise from planning controls on surrounding development.”

Glamorgan Gwent Archaeological Trust – Comments awaited.

Environment Agency Wales – See Appendix A2.

The Head of Economic Development and Leisure (Ecology) – Comments awaited.

REPRESENTATIONS

The application was advertised on site and in the press on 11 October 2005 and neighbours have been notified. Six letters have been received and copies of two of these are attached as Appendix B. These letters relate to the originally submitted scheme and comments regarding the amended scheme if received will be reported to Committee.

REPORT

The site lies outside the defined residential settlement boundary for Barry and within the East Vale Coast. The relevant policy framework is that defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and relevant national planning guidance, including Planning Policy Wales (2002).

The relevant policies within the Unitary Development Plan include ENV6 East Vale Coast; where outside the Glamorgan Heritage Coast development within the undeveloped coastal zone will be permitted if:

- (i) A coastal location is necessary for the development.
- (ii) The proposal would not cause unacceptable environmental impact by way of: visual or noise intrusion.
- (iii) Impact on areas of landscape importance.
- (iv) Air, land or water pollution.
- (v) Exacerbation of flooding or erosion risk.
- (vi) Hazardous operations; or
- (vii) Impact on ecology or features of geological or geomorphologic importance.

In areas of existing or allocated development within the coastal zone any new proposal should be designed with respect to its local context and be sensitive to its coastal setting.

ENV27 - Design of New Developments this includes criteria which should be met in any new development and includes that the development meets the Local Planning Authorities standards of amenity and open space, access, car parking and servicing.

HOUS3 - 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 development does not fall within a settlement and thus Policy ENV6 is relevant. The development does not meet criteria 1 of that policy in that there is no need for this development to be sited within a coastal location.

That being said however, it would be for the Local Planning Authority to prove that harm would be created, by the development of the parcel of land contrary to the principles and objectives of Policy ENV6. Having regard to the fact that the site immediately adjoins a cluster of residential properties and an established Industrial Estate, it is difficult to see that the development of this land would prejudice Policy ENV6.

Having considered the amended scheme whilst the development is for three storeys in part, it is not out of keeping with the scale of the development in the street and does not cause harm to the privacy or amenities of adjoining or nearby residents.

The scale of development, being for four units enables two of the dwellings to have more than the required amenity space, however the middle two properties are deficient by approximately 50 sq.m and 28 sq.m. respectively. This is not considered, in this instance, to be sufficient grounds to refuse the scheme given that the space to be provided is private and to the rear and that there is a children's play area in close proximity and opposite the site.

There are, however, other issues which may render the development unacceptable. It is noted that the current application is a re-submission of an application in May 2005. At that time there were objections to the scheme (5 houses) from the Environment Agency Wales on the grounds that the site fell within Zone C2 of the development advice maps referred to under TAN15 "Development of Flood Risk" (July 2004). Thus at that time the agent was advised that the development fell within a category regarded as "highly vulnerable development" and TAN15 guidance is such that developments should not be permitted within Zone C2. The applicants, in re-submitting the application, have been advised of the comments of the Environment Agency as detailed at Appendix A2, that there is an objection on flood risk grounds. It is noted however, that in their comments in respect of the current application the agency have extended their comments to note that:

"should the applicant pursue the site as submitted then it will need to be demonstrated by the submission of an appropriate assessment of flooding consequences that the total site of the application is outside of the extreme flood outline."

The applicant's agents have been requested to consider such an assessment and it was anticipated that, following correspondence regarding this issue in respect of the withdrawn application, such an assessment would have accompanied the application. The applicants have had nearly eleven months in which to submit this information in relation to this application.

The Local Planning Authority in having regard to advice in TAN15 should not knowingly approve development in flood risk areas without having full information regarding the consequences and whether there are any mitigation measures which could realistically be achieved without exacerbating flooding on the site or in the locality generally.

Having regard to the comments of the Environment Agency Wales with regard to flooding, it is recommended that the development be refused.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal would represent residential development within a Zone C2 Flood Risk Area and the applicants have failed to provide any assessment of flooding consequences. The development is therefore considered to be contrary to advice contained in Planning Policy Wales (2002), TAN15 `Development and Flood Risk` and Policy ENV27 `Desing of New Developments` criteria iv of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

2005/01955/FUL

Received on 20 June 2006

Iolo Prestige Developments, Enterprise House, 82, Whitchurch Road, Cardiff.
CF14 3LX
Carhys Developments Ltd, Yr Hen Felin, St. Donats, Vale of Glamorgan. , CF61
1ZB

Former Post Office Sorting Offices, Llanmaes Road, Llantwit Major

5 No. townhouses

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

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

The application was advertised on 12 January 2006.

SITE DESCRIPTION

The site comprises the Post Office Sorting Offices which are located to the north of Llanmaes Road. To the west of the site is located St. Illtyd's Junior and Infants Schools, a railway line lies adjacent to the east, and to the south is situated Llantwit Major Railway Station.

DESCRIPTION OF DEVELOPMENT

This is a full planning application seeking to construct 5 No. town houses. These would comprise two and a half storey properties with accommodation in the roof space. The buildings would have a pitched roof design with a maximum height of 9 metres to ridge. The town houses would also be finished in render with tiles to the roof. A small dormer window would be constructed to the front elevation of the town houses.

Access would be achieved via the existing access that served the former sorting office.

PLANNING HISTORY

04/01267/FUL – An outline planning application seeking to demolish the existing building on the site and construct a 3 storey block consisting of 12 No. 2 bed flats together with 16 No. car parking spaces was withdrawn in November 2004.

CONSULTATIONS

Llantwit Major Town Council have objected to the application on the grounds of over development of the area which is in close proximity to the family centre and the school. Concerns are expressed regarding the traffic implications of the development.

Network Rail has no objection in principle.

The comments of the Head of Visible Services (Highways Development) are contained within the body of the report.

The Director of Legal and Regulatory Services (Environmental Health) has no objection to the revised plans submitted but points out that the nearby Youth Centre could pose a noise nuisance to future occupiers of the site.

Environmental Health (Private Sector Housing) has no comment to make on the application.

The Vale of Glamorgan Conservation Advisory Group recommended that the application be refused on the grounds that the design of the proposed development makes no contribution to the setting or character of the Conservation Area and the three storey dwellings are not representative of the traditional developments in the Llantwit Major Conservation Area.

REPRESENTATIONS

Neighbouring occupiers have been consulted and the application has been advertised as being situated within a conservation area. The occupier of No. 27 Llanmaes Road has expressed a number of concerns regarding the proposal (see letter attached as Appendix A). The partners of Eryl Surgery on Station Road have no objection to the application.

REPORT

Planning Policies

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

- HOUS2 'Additional Residential Development', which permits housing infill, small-scale development and redevelopment, subject to the criteria listed in policy HOUS8.

- HOUS8 'Residential Development Criteria' – Policy HOUS2 'Settlements', which permits development within the settlement boundaries subject to criteria which include the scale, form and character of the development, effect on the amenity of an area and the provision of car parking and amenity space in accordance with the Council's approved car parking and amenity space guidelines.
- ENV17 'Protection of Built and Historic Environment' and ENV20 'Development in Conservation Areas' of the Unitary Development Plan, which seek to ensure that new development either preserves or enhances the character of the conservation area.
- ENV27 'Design of New Developments'.
- TRAN10 'Parking'.

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

Issues

Having regard to the above policies, it is considered that the principle of redeveloping the site for residential use is acceptable subject to complying with normal development criteria. The main issues are considered to be the highway implications of the proposal, impact on the appearance and character of the conservation area, standard of layout and other development control considerations.

Highway Issues

Highways Development has stated that on the basis of the revised plans for five units, it is considered that the width of the access road is acceptable, subject to the provision of a 1 metre margin strip along the access road. However, on the basis of the submitted plans, this is not achievable. Notwithstanding the existing use of the site, the proposed junction with the adopted highway is unacceptable due to layout and geometry, which would be detrimental to highway safety.

There is also a shortfall in parking provision, with 13 spaces required based on the number and size of the units proposed, but only 10 spaces actually proposed to be provided. This includes 2 spaces provided in integral garages within two of the town houses. From the floor layouts, the integral garages would be substandard in size, and so would not provide parking facilities, leaving the development deficient in parking by 5 spaces.

Furthermore, the layout of the development site would not allow larger servicing vehicles to manoeuvre in and out of the site in forward gear.

There is, as a consequence a highway objection.

Impact of the Development on the Appearance and Character of the Conservation Area

The site comprises an elevated and prominent site located within the Llantwit Major Conservation Area. The proposal for relatively narrow (5 metre wide) three storey townhouses is considered to be alien to the character of buildings within the area. It is considered that the design of the proposed dwellings is poor with the significant (9.8m) depth of the dwelling and use of a 35° pitched roof being particularly inappropriate. The doors to the integral garages within the units that would front Llanmaes Road would provide for a harsh elevational appearance and the dormers to the front elevation would comprise incongruous features to the further detriment of the appearance of the dwellings. In an attempt to overcome the Department's concerns, the applicant is proposing that the properties would be finished in a coloured render. However, it is not considered that the use of this finishing material is sufficient to overcome concerns regarding the design of the scheme. It is therefore considered that the proposal fails to accord with the aims of Policies ENV17 'Protection of Built and Historic Environment' and ENV20 'Development in Conservation Areas' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Standard of Layout

Following protracted negotiations, the scheme has been amended significantly from the proposals originally submitted. The original scheme was to construct an apartment block containing 6 No. apartments and 4 No. town houses on the site. The current scheme is for 5 No. town houses, which is still considered to constitute an over development of the site with a cramped and substandard layout.

The layout would provide for a poor level and quality of outside amenity space to cater for the occupiers of the proposed dwellings. The rear gardens of the properties would be very short and the juxtaposition of the properties on Plot Nos. 1 and 3 would result in the amenity area of plot 3 having little or no privacy. These matters are reinforced by the proposed parking layouts, and serve to reinforce the conclusion that the proposed form of development is inappropriate on this site. The proposal is therefore also considered contrary to Policies ENV27 'Design of New Developments', HOUS8 'Residential Development Criteria', and Policy HOUS2 'Settlements' of the Unitary Development Plan together with the Council's Amenity Standards and Car Parking Guidelines.

It is considered possible that the application remains technically invalid as a certificate confirming that notice has been served on an affected landowner, the Vale of Glamorgan Council, has not been submitted, despite numerous requests to do so.

CONCLUSION

The proposal is considered unacceptable on the grounds that it represents an over development of the site that would fail to preserve or enhance the appearance and character of the conservation area, and would have adverse highway implications as a result of the proposed development.

The proposal would therefore fail to accord with Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', Policy HOUS2 'Settlements', ENV27 'Design of New Developments', ENV17 'Protection of Built and Historic Environment', ENV20 'Development in Conservation Areas', and TRAN10 'Parking' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Amenity Standards and Parking Guidelines.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed development, by reason of its siting, layout and design of the proposed dwellings, would represent an insensitive over development of the site, which would fail to preserve or enhance the character and appearance of the Llantwit Major Conservation Area, or to protect the amenities of future occupants. As a consequence, the proposal is contrary to Policies ENV27 (Design of New Developments), HOUS8 (Residential Development Criteria) HOUS2 (Settlements), ENV17 (Protection of Built and Historic Environment) and ENV20 (Development in Conservation Areas) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the Council's Supplementary Planning Guidance on 'Amenity Standards'.
2. The proposed development, by virtue of the access, parking and manoeuvring arrangements within the site, would fail to provide for safe vehicular access, to the detriment of highway and pedestrian safety in the locality. The proposal would therefore fail to accord with Policies HOUS8 (Residential Development Criteria), HOUS2 (Settlements), ENV27 (Design of New Developments) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's approved Parking Guidelines.

2006/00021/FUL

Received on 10 January 2006

Mr. Michael Pellegrotti, Celtic House, Wick, Vale of Glamorgan.
Martin Healer Dev. Services, Nodor House, South Road, Bridgend Industrial Estate, Bridgend. CF31 3SY

Land adjacent to The Star Inn, Ewenny Road, Wick

Retention of new dwelling, new vehicular and pedestrian access from St. Brides Road

SITE DESCRIPTION

The application site is located to the rear of the Star Inn Public House and was formerly part of the curtilage to that business. There is an existing two storey, pitched roof, detached four-bed dwelling house on the site which is virtually completed but has yet to be occupied.

DESCRIPTION OF DEVELOPMENT

This is the second application seeking to regularise what is currently the unauthorised construction of a detached four bed, two storey, pitched roof dwelling house with integral double garage. Whilst planning permission has been granted for a detached dwelling on the site, ref: 03/00714/FUL, the dwelling that has been constructed is not in accordance with the approved plans, neither has compliance with certain conditions attached to that consent been achieved. The current application proposes compliance with the original highway requirements, including progression of the required highway extinguishment, and alterations to the front elevation of the house. The proposed works entail a mono-pitched roof enclosing most of the open balcony over the double garage.

PLANNING HISTORY

99/00382/FUL – Change of use of public house to three dwellings. Refused 18 November 1999 on the grounds of loss of community facility with lack of evidence to support non-viability, plus lack of amenity space. A subsequent appeal was dismissed on 26 July 2000 on the grounds of loss of community facility and inadequate amenity space.

99/00869/OUT – Two new starter houses. Approved 9 December 1999 in outline and subject to additional conditions including, access details, provision of public house car parking, boundary details, and restriction on windows to the rear.

03/00714/FUL – New dwelling house. Approved 5 March 2004 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 amended plans, reference 03/00174/FUL 'A' received by the Local Planning Authority on 2 February 2004.
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 no pedestrian or vehicular access to the dwellinghouse hereby permitted shall be obtained other than as indicated on the approved plans, i.e. via the new vehicular access to be constructed onto the cul-de-sac off St. Brides Road. Full details of the proposed construction works of that access shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of development and the agreed details shall be fully implemented before the first beneficial occupation of the dwelling hereby permitted and thereafter so retained at all times.

4. The proposed car parking and vehicular access works to the existing public house, including the stopping up of a section of the adopted highway, as indicated on Drawing Nos. MP(R)01 and MP(R)02, received 2 February, 2004, shall be undertaken and completed prior to the commencement of any work on the construction of the dwelling hereby permitted. The car parking shall be maintained and retained at all times thereafter within the curtilage of the public house for the parking of vehicles exclusively in connection with the public house.
5. The on-site car parking and turning facilities for the dwellinghouse hereby permitted, as indicated on Drawing No. MP(R)01, received 2 February, 2004, shall be implemented before the first beneficial occupation of the dwelling and shall be retained and maintained at all times thereafter for the parking and manoeuvring of vehicles in connection with the use of the dwellinghouse.
6. The double 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 dwellinghouse.
7. 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.
8. 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.
9. No additional windows shall be inserted in the rear and side elevation(s) of the development hereby approved without obtaining the prior written consent of the Local Planning Authority.
10. 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.
11. The means of enclosure of the dwellinghouse curtilage shall be in accordance with the approved plans and details, as indicated on Drawing No. MP(R)03, received 2 February 2004, and the applicant's agent's letter of 5 January 2004, and shall be implemented before the first beneficial occupation of the dwelling hereby permitted.

04/91271/FUL – Retention of new dwelling. Refused 20 October 2005 for the following reason:

1. In the opinion of the Local Planning Authority the development, due to its size, scale and design, represents an incongruous feature out of keeping with the existing street scene which also cannot provide for the necessary on-site car parking and revised access arrangements to serve the adjacent Star Inn Public House, thereby having a detrimental impact on highway safety, contrary to Policies HOUS9 and ENV25 of the Vale of Glamorgan Unitary Development Plan 2005.

CONSULTATIONS

Wick Community Council comment as follows:

“The Community Council have received an application for 06/00021/FUL and wish to know what the status is with this plan as the house is already in place”.

The Community Council were advised of the status of the application and no further comments have been received to date.

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

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

Sewerage

Conditions

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

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

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

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

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

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

The Head of Visible Services (Highway Engineer) – “I confirm that the order for the extinguishment under section 116 of the Highways Act 1980 has been heard by the Local Magistrates Court today and approved.

I will forward you a copy of the said Order for your records via the internal mail.

In relation to the outstanding issues relating to:

1. The planning application, no highway objections would be raised subject to the alignment of the existing kerb line as per the extinguishment plan and the newly formed area of car parking surfaced in a bound material to the satisfaction of the Local Planning Authority.
2. Any outstanding permanent markings required to demark the approved car parking arrangement are to be completed to the satisfaction of the Local Planning Authority.
3. No surface water from the site shall discharge on the adopted highway as a result from the proposed modifications to the car parking area.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 17 January 2006. The occupier of “The Old School House” No. 2 Ewenny Road has again submitted objections to the development. These are reproduced at Appendix A for Committee Members inspection. In summary the main points relate to the excessive size of the house compared to the original plans; height of the rear garden and undermining of their boundary wall; and failure of the planning department to enforce planning law.

REPORT

It will be noted from the planning history that permission for a detached dwellinghouse on the site, ref: 03/00714/FUL, was granted on 5 March 2004. However work commenced on the dwelling without compliance with a number of conditions attached to the consent and the building has not been constructed in accordance with the approved plans. Members may recall that an application to retain the unauthorised dwelling was refused on 20 October 2005. This is a second application seeking to regularise the currently unauthorised dwelling.

In policy terms it is noted that the previous permissions for the residential development of the site were allowed on the basis that its location fell within the defined residential settlement boundary and that the proposed schemes satisfied the criteria outlined in Policies HOUS9 and ENV25 of the Vale of Glamorgan Unitary Development Plan. The policy position in respect of the current application is very similar. The site is still located within the residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The relevant policies have been re-numbered but are essentially the same. Policy HOUS8 relates to Residential Development Criteria whilst Policy ENV27 refers to the Design of New Developments and is also a criteria based policy that requires that new development must have full regard to the context of the local natural and built environment and its special features.

In assessing the current application against the above policies the following points are noted.

A number of the conditions attached to planning consent ref: 03/00714/FUL required certain works to be undertaken before the commencement of development on the proposed dwelling. These were not undertaken, and of particular concern in the consideration of the first application seeking to regularise the situation were the highway issues. The Council's Highway Engineer confirmed that the previous highway conditions had to be satisfied. At the time the rejected application was considered those works were not substantially completed and no progress had been made towards the necessary highway extinguishment. Since that refusal, circumstances have materially changed. The Order for the stopping up of the highway has been approved and the Council's Highway Engineer no longer has any highway objections subject to the re-alignment of the kerb line, completion of any outstanding permanent car parking markings and no surface water to discharge onto the adopted highway.

On the issue of the design of the building it is recognised that the house that has been substantially constructed on site is larger than the dwelling approved under ref: 03/00714/FUL. The current application seeks to retain the house as built apart from proposed changes to the front elevation with a new mono-pitched roof enclosing most of the large balcony. These changes were proposed under the rejected application, however, they were submitted as an amendment late in the processing of the application and certainly after the Planning Committee report was written. Indeed the report highlighted the unauthorised balcony as being a significant element in the overall increase in bulk and massing of the building. The re-submission of the application to retain the dwelling has allowed for full and proper consideration of these changes. It is noted that a mock-up of the proposed roof has been constructed on site and it is evident that this serves to reduce the impact of the development within the street scene. Whilst it is acknowledged that the dwelling is larger than the approved scheme this is not considered so significant as to warrant a refusal of the application based solely on any detriment within the street scene. Indeed the approval of the current application, requiring the completion of works to the house, driveway and on-site parking and boundary walls, should serve to improve the appearance of the site.

It is noted that the neighbouring occupier of Old School House has maintained objections to the scheme. These objections relate to the increased size of the dwelling but also refer to concern over the garden level and likely impact on their boundary wall, plus the view that the planning department has failed in its duty to properly enforce planning law. The issue of the increased size of the dwelling has already been addressed. As regards any possible undermining of the boundary wall, this is a civil matter between the applicant and the objector. In addition the neighbours complaints relating to enforcement matters is also considered to be a separate issue from the assessment of the planning merits of the current application.

CONCLUSION

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

In conclusion it is considered that the development when completed in accordance with the submitted plans now generally satisfies the criteria outlined in Policies HOUS8 – Residential Development Criteria and ENV27 – Design of New Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. The increase in size over the original approval ref: 03/00714/FUL is not considered to be so significant as to justify a refusal of the application on the grounds of visual amenity.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The additional works to the front elevation as indicated on the approved plans shall be completed in accordance with those details before the first beneficial occupation of the dwellinghouse hereby approved.

Reason:

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

2. The on-site car parking and turning facilities indicated on Drawing No. 3198-14 shall be completed before the first beneficial occupation of the dwelling hereby approved and shall thereafter be retained and maintained at all times for the parking and manoeuvring of vehicles in connection with the use of the dwellinghouse.

Reason:

In the interests of highway safety and to accord with Policy ENV27 of the Unitary Development Plan.

3. No beneficial occupation of the dwelling hereby approved shall take place until works to complete the access and car parking to the adjacent public house have been undertaken. These include the realignment of the existing kerb line in accordance with the stopping up of Highway Order dated 26 September 2006 and the permanent marking of the parking bays to the public house car park.

Reason:

In the interests of highway safety and to accord with Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no pedestrian or vehicular access to the dwelling hereby approved shall be obtained other than via the new vehicular access onto the cul-de-sac off St. Brides Road.

Reason:

In the interests of highway safety.

5. The double 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 garages shall be available at all times for the parking of private motor vehicles associated with the dwellinghouse.

Reason:

To ensure that adequate off-street parking and garaging facilities are retained for the dwellinghouse.

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

Reason:

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

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

Reason:

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

8. No additional windows shall be inserted in the rear and side elevations of the dwelling hereby approved without first obtaining the prior written consent of the Local Planning Authority.

Reason:

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

9. The rendered blockwork walls to the north and south boundary, as indicated on Drawing No. 3198-10, shall be completed before the first beneficial occupation of the dwellinghouse hereby approved. Any variation to the boundary treatment must be first agreed in writing with the Local Planning Authority.

Reason:

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

NOTE:

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

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

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

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

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

2006/00326/FUL

Received on 8 March 2006

Meirion Evans, Southerndown House, South Terrace, Southerndown, Vale of Glamorgan , CF32 0RN

Meirion Evans, Southerndown House, South Terrace, Southerndown, Vale of Glamorgan , CF32 0RN

The Coach House, South Terrace, Southerndown

Sub-division of property to create separate unit of residential accommodation

SITE DESCRIPTION

The site proposal relates to a coach house within the grounds of the main property of Southerndown House, Southerndown. Southerndown House and the associated coach house are located within the Southerndown settlement boundary and are accessed via a private road named South Terrace.

The coach house was built in the mid-nineteenth century, originally to house the Coachman and his family who were in the service of Southerndown House. The applicant has confirmed in writing that, the coach house has been modernised since 1999 and rented as a private dwelling since 2004. It is a two storey three bedroom dwelling that has been finished partially with render and stone work. The two properties share an access and are situated within close proximity of each other.

DESCRIPTION OF DEVELOPMENT

The application seeks to retain the coach house as a separate unit of residential accommodation. The coach house has been modernised in 1999 and rented to private tenants since 2004. There are no proposed changes to the external appearance of the coach house.

PLANNING HISTORY

None.

CONSULTATIONS

The Head of Visible Services (Highway Development) were consulted on 22 March 2006. They requested a site layout plan showing parking provision.

The Highways Authority were consulted on 9 June 2006. They object to the proposals as they do not conform to the parking guidelines. The proposal will require the provision of 3 No. parking spaces to be provided within the boundary of the development for the use of residents. From the submitted information parking will not be provided within the site, leaving the development deficient in parking by 3 No. spaces.

St. Brides Major Community Council were consulted on 22 March 2006. The Community Council have no objection to the proposal in principle. However, there is concern raised as to the provision of additional parking spaces required to cope with the confines existing in South Terrace and also in relationship with Southerndown House itself. Please ensure that the question of additional parking spaces is adequately dealt with by an applicant.

REPRESENTATIONS

Nos. 1, 2, 3 and 4 Swn y Mor, Dunraven View, The Link and Greenacres were consulted on 22 March 2006.

Whitecroft was consulted on 5 April 2006.

Three letters of objection have been received to date. The main areas of concern relate to parking problems along the unadopted highway and impact upon character of Southerndown House.

REPORT

The site proposal relates to a coach house within the grounds of the main property of Southerndown House, Southerndown, both of which are located within the Southerndown settlement boundary and are accessed via a private road named South Terrace. There is no planning history to the site.

Planning Policies

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.

With regard to national 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".

Local policy relates specifically to Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 supports the principle of housing infill, small-scale development and redevelopment within the settlement boundary of Barry, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

1. The scale, form and character of the proposed development is sympathetic to the environs of the site.

2. The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
3. The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
4. When appropriate and feasible the provisions of Policy REC3 are met.
5. The provision of car parking and amenity space is in accordance with the Council's approved guidelines.
6. Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

Policy HOUS11 (Residential Privacy and Space) states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Policy ENV27 (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.

Issues

In terms of the design and scale of the dwelling, it would appear that the proposal would make no significant changes to the character or scale of the coach house and relates specifically to its conversion to a separate dwelling. The concern relating to the conversion of the coach house to a separate independent dwelling relates specifically to its siting, restricted plot and close proximity to the existing Southerndown House.

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. However, due to the siting of the coach house and its close proximity to the Southerndown House it is considered that there is no sufficient private amenity space to accommodate the three bedroom property.

In considering options for the coach house's private amenity it was concluded that any sub division of the courtyard to the rear or side of the property would cause overlooking and privacy problems by virtue of the close proximity of the new unit to the existing Southerndown House. The limited space between the two buildings would mean that any private garden space would be overlooked and habitable windows servicing the lounge and bedroom accommodation would be directly affected by the adjoining Southerndown House's front elevation. As such, there would be a significant impact upon the privacy of the existing and newly created properties.

With regard to on-site parking, the plans indicate one parking space within the site of the new dwelling and two spaces located outside the curtilage situated along the private road. The Highways Authority have stated that three parking spaces are required to be provided within the boundary of the development site and therefore the development proposal will be deficient by three parking spaces. Moreover, even if space were accommodated within the courtyard, this could create problems of nuisance for the occupiers of the main dwelling.

In considering the concerns raised by both the Highways Authority and the adjoining residents the proposed on street parking is not regarded as acceptable and as such the separation of the dwelling could lead to further highway safety and parking problems along a narrow and privately maintained road.

As such, given the siting, lack of parking provision and amenity space and impact upon the privacy of the adjoining property it is considered that the conversion of the coach house into a separate unit is not appropriate. The issues raised above indicate that the conversion would be contrary to the guidance in Policies HOUS8, HOUS11 and ENV27 contained in the above referenced plan and national planning guidance.

The application is for the retention of the coach house as a separate residential unit and the applicant has stated that private tenants have rented the coach house since 2004. As such, the recommendation will be passed to the Enforcement Unit in order to terminate the use of the building as a separate residential unit.

Therefore, on the basis of the information given above, the recommendation is for refusal.

CONCLUSION

The proposed conversion is considered unacceptable by virtue of the siting of the property, within a restricted size plot that fails to provide acceptable standards of parking and amenity space for future occupants, and causes significant impact upon the privacy and private amenities of the adjoining dwelling, Southerndown House.

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 require the cessation of the use of the coach house as a separate residential unit.

REFUSE

1. The proposed conversion is considered unacceptable by virtue of the siting of the property, within a restricted plot that fails to provide acceptable standards of parking and amenity space for the prospective occupants, and causes significant impact upon the privacy and private amenities of the adjoining dwelling, Southerndown House. The proposal is therefore considered contrary to Policies HOUS8 - Residential Development Criteria, HOUS2 - Additional Residential Development, HOUS11- Residential Privacy and Space and ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the guidance contained within the adopted 'Amenity Standards' Supplementary Planning Guidance and Planning Policy Wales (March 2002).

2006/00441/FUL

Received on 28 March 2006

JCW (Construction) Limited, The Jays, 7, Wick Road, Ewenny, Bridgend. , CF35 5BL

CDN Planning Limited, 77, Herbert Street, Pontardawe, Swansea. , SA8 4ED , ,

Garage building at Little West, Southerndown

Alterations and extensions to provide three residential apartments and associated parking space

SITE DESCRIPTION

The site relates to an outbuilding situated to the rear of the original property, which more recently was in use as a Nursing Home but which is currently undergoing extension to create residential apartments.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to alter an existing two-storey garage block and flat with flat roof to create three-storey accommodation comprising 3 flats, one per floor.

The alterations entail creating a pitched roof over the existing building and thus increasing the height of the existing structure from 5.6/6m to 9.8/9.5m accounting for the gradient of the land.

A forward extension will be constructed where the existing conservatory is located.

PLANNING HISTORY

The relevant planning history is considered to be:

05/00519/FUL – Conversion and extension to create 5 apartments. Allowed on appeal.

06/01015/FUL – To retain development and build 8 apartments. Currently undetermined.

CONSULTATIONS

St. Brides Major Community Council comments are awaited.

The Director of Legal and Regulatory Services (Environmental Health) has no adverse comments

Contaminated Land Officer has no objection with respect to contaminated land; however refers to imported or re-used materials being assessed for chemicals or other potential contaminants

Environment Agency Wales' standard advice applies.

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

The Head of Visible Services (Highway Development) comments as follows:

“As the development proposals will intensify the existing use on the site, the access as shown on the submitted drawings (Drawing Nos. 2500/2/sp/02) is required to be increased in width from 3.6m to 4.5m to enable two vehicles to pass side by side when entering and exiting the site.

Therefore, an amended site plan, to a suitable scale showing the above, is required to be submitted to the Highway Authority for consideration.”

REPRESENTATIONS

Objections have been received from No. 2 Little West Bungalows in respect of the height of the proposal, disposal of sewage and possible damage to an existing cesspit.

REPORT

This application was deferred at the Planning Committee of 27 September 2006 to enable Members to undertake a site visit. The site visit will take place on 18 October 2006.

Planning Policies

The development lies outside any established settlement and within the Heritage Coast. The policies considered of most relevance as contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are:

- ENV1 Development in the Countryside - where strict controls on development not essential for agriculture and other defined categories of use will be exercised.
- ENV5 Glamorgan Heritage Coast – where the special environmental qualities of the area will be conserved and enhanced.
- ENV8 Small Scale Rural Conversions and the 13 criteria against which such developments would be assessed.
- HOUS3 Dwellings in the Countryside – will be restricted to those that can be justified in the interests of agriculture and forestry.

Issues

The development is referred to as alterations and extensions to an existing building. However, examining the details of the scheme, the extent of demolition and the impacts on the remaining structure of new build, the development will be effectively the construction of 3 new dwellings in the Heritage Coast.

The site is adjacent to the site of a former large building, now demolished and partially redeveloped for a scheme which is currently unauthorised.

The development will create 3, relatively larger dwellings in a block on the land and will be visually prominent when viewed from the surrounding area and Heritage Coast Road.

The development will detract from the qualities of this part of the Heritage Coast. Whilst the unauthorised and new build development is itself visually prominent the current scheme will compound the intrusion of built development into this remote zone. The supporting paragraphs to Policy ENV5 indicate the need for this policy namely:

“3.4.16 Strong pressure for new development, especially residential development, exists throughout the rural areas of the Vale of Glamorgan. However, the undeveloped, unspoilt nature of the coastline is fundamental to the character of the Glamorgan Heritage Coast. If the sense of isolation and natural scenery is to be retained it is considered important to strictly control new development. Similarly, development outside but close to, or prominent from within the Heritage Coast boundary can have an impact on the landscape quality of the coast and should therefore be carefully considered.”

The scale, form and design of this three storey development is considered to be an inappropriate and unsympathetic addition to this rural landscape. The intrusion of residential development further to the rear of the former curtilage of the Nursing Home will detract significantly from the rural, coastal landscape.

The development is considered to be unjustified residential development in the countryside and therefore fails to meet the Policy ENV1 for such development. To approve the scheme would cause material harm to this area and there are no overriding circumstances that would warrant allowing new build development in this location.

The detailing of the scheme with a southern elevation with differing scale and design of dormers and of wholly modern appearance are not considered good design in this coastal location, however it should be noted that the detailing follows that allowed as extensions in respect of the recent appeal decision on the adjoining site.

Whilst reference could be made to Policy ENV8, Small Scale Rural Conversions, the nature of the building, being former garages to the Nursing Home with a flat above, and thus not of rural character and the extent of demolition is such that it is not a conversion but new build. The criteria in the policy supporting Supplementary Planning Guidance 'The Conversion of Rural Buildings' indicate that development should not unacceptably alter the appearance of the building: The development significantly alters the appearance and scale. The criteria listed in Policy ENV8 also refers to the conversion being undertaken without resorting to substantial extension to the building. The development complies with none of these criteria. The development therefore is considered to fall outside the remit of a conversion and is new build development.

CONCLUSION

Having regard to the above mentioned policies and to the extent of development proposed the scheme is considered contrary to policies for the protection of the countryside, safeguarding the character of the Heritage Coast and limiting dwellings in the countryside.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an unacceptable form of residential development in the countryside without an agricultural or forestry justification, to the detriment of the rural coastal environment of this part of the Heritage Coast. The proposal is therefore considered contrary to Policies ENV1 'Development in the Countryside'; ENV5 'Glamorgan Heritage Coast' and HOUS3 'Dwellings on the Countryside' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2006/00764/FUL

Received on 26 May 2006

M. Howell Adams, Cross Farm, Pentre Meyrick, Vale of Glamorgan.
C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan., CF63 4LA

Land at Cross Farm, Pentre Meyrick

Retention of detached garage and games room

SITE DESCRIPTION

The site relates to Cross Farm site located directly off the A48. The site includes a dwelling house, a residential barn conversion, large modern barns, a commercial garden centre and the existing double garage development that is in conjunction with this application. Cross Farm is visible from the A48 and also the main road that passes through Pentre Meyrick. The farm is situated within the countryside and therefore outside of any designated settlement boundaries.

DESCRIPTION OF DEVELOPMENT

The development relates to the retention of a partially built garage games room. The garage measures 10m wide x 7.85m depth and 6.5m high.

PLANNING HISTORY

05/01642/FUL – Retention of existing detached garage. Refused.

01/00859/FUL – Resiting existing Barn. Approved.

94/00690/FUL – Retention of existing nursery. Approved 25 April 2005.

92/00677/FUL – New garage, amend and improve existing buildings, remove sub standard and out of date buildings and construct new engineering workshop with all associated landscaping. Approved 26 January 1993.

CONSULTATIONS

Penllyn Community Council were consulted on 12 June 2006. Objection – Members consider the development inappropriate to the location, and rely on observations previously submitted.

The Head of Visible Services (Highway Development) was consulted on 12 June 2006. No objection to the proposal.

REPRESENTATIONS

Pentre Meyrick House, Plas Newydd, Coach House, Ty Meurig, No. 1 Nash View, Nos. 1 and 2 The Cottage were consulted on 12 June 2006. No representations have been received.

REPORT

The relevant history to this proposal relates specifically to application ref: 92/00677/FUL, which apart from the improvement to existing buildings included a proposed double garage with dormers to the roof. This permission appears to have been partially implemented, such that the garage element could still be constructed. However, the partially built garage currently existing on site is not in accordance with what had been approved in the 1992 application, being notably different to the garage that was approved.

Furthermore, the initial application for retention was refused on the basis that the garage was considered an inappropriate and over scaled development. However, the plans identifying the existing garage were incorrectly drawn and the proposal was in fact much closer in scale to the approved garage in 1992. Therefore, revised drawings have been submitted and amendments were agreed to remove the existing front dormers

Planning Policies

In assessing this application consideration must be given to local planning policies and the following are considered relevant in assessing this application. Policies ENV1 – Development in Countryside; HOUS7 – Replacement and Extension of Dwellings in the Countryside and Policy ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

ENV1 – Development in Countryside

Within the delineated countryside permission will only be granted for:

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

HOUS7 – Replacement and extension of dwellings in the countryside the replacement or extension of dwellings in the countryside will be strictly controlled. 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 council's approved guidelines;
- (v) The scale, siting, design, materials, landscaping and external appearance of the replacement dwelling or extension is compatible with any existing related structures and the surrounding landscape; and
- (vi) In the case of replacement dwellings for derelict buildings, the residential use of the building has not been abandoned.

ENV27 - 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.

Issues

The design and scale of the proposed garage is now considered appropriate. The scale of the garage has been reduced significantly since the previous refusal in two respects. Firstly, the previously refused plans were incorrectly represented on plan and the garage was significantly smaller by 2.45m in width but only 0.10m in depth. This reduction coupled with the removal of the two large dormer developments has reduced the scale of the garage to a degree where the bulk and massing of the structure is considered to have less of an overbearing and detrimental impact upon its surrounding structures.

With respect to its siting the garage will still be positioned at a higher and more visible viewpoint making the structure the most prominent building within the site. However, with the reduction in bulk, scale and massing, the garage's prominent position does not cause a significant enough impact upon the wider rural context to merit refusal.

With the amendments made to the scheme it is considered that the scale, form, bulk have been reduced with a more domestic appearance, which is sympathetic to its rural surroundings. Conditions have been recommended to ensure the garage remains as a domestic garage and the prompt removal of the dormer windows on the existing garage.

As such, the recommendation is for approval.

CONCLUSION

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

Having regard to Policies ENV1 – Development in Countryside, HOUS7 – Replacement and Extension of Dwellings in the Countryside, ENV27 - Design of New Developments the proposal is considered acceptable. The garage has been reduced in scale, form and bulk to a degree where the garage is considered appropriate under planning considerations. Its reduced scale will mean the development is less prominent giving the development a significantly reduced impact upon the wider open countryside. As such, the proposal is considered to comply with Policies ENV1 – Development in Countryside, HOUS7 – Replacement and Extension of Dwellings in the Countryside, ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Councils 'Amenity Standards Supplementary Planning Guidance.

RECOMMENDATION

In the event of Committee agreeing to the recommendation to approve 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 the removal of the dormer windows to the existing front elevation of the approved garage.

APPROVE subject to the following condition(s):

1. This consent shall only relate to the amended plans reference 0601-001 Rev A, 0601-002 Rev A, 0601-003 Rev A, 0601-004 Rev A, 0601-005 Rev A received on 8 September 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

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

Reason:

In order to control the scale of the approved garage.

3. The double garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Cross Farm.

Reason:

To avoid the creation of a separate unit of residential accommodation.

4. Notwithstanding the amended plans as referenced in Condition No. 1, the dormer windows as shown in superseded plans received on 19 May 2006 Drawing Ref. 0601-001, 0601-003, 0601-004 hatched in green shall be removed within three months of the approval date.

Reason:

To protect the visual amenities of the surrounding area and to ensure the garage is developed in accordance with the approved plans.

5. Any first floor created above the garage hereby approved shall not be used for any residential accommodation purposes and should only be available for ancillary and incidental use associated with the adjoining dwelling.

Reason:

To ensure that no part of the building is used for independent residential accommodation.

6. Notwithstanding the submitted plans, the residential curtilage of the dwelling associated with the garage building hereby approved shall be submitted to the Local Planning Authority within 2 months of the date of this consent and this curtilage shall be properly defined on site with an agreed boundary treatment within 3 months of the date of this consent.

Reason:

To ensure the residential curtilage of the property is properly defined and to comply with the terms of Policies ENV1 and ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

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

2006/00882/FUL

Received on 21 June 2006

Mr. and Mrs. J. R. J. Thomas, Gileston Farm, Gileston, Vale of Glamorgan., CF62 4HX

Mr. R. Fuller, Seafield, Village Farm, Bonvilston, Vale of Glamorgan., CF5 6TY

The Cot, Gileston Farm, Gileston

Replacement of run down farm workers cottage

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

The application was advertised on 23 June 2006.

SITE DESCRIPTION

The site relates to a dilapidated residential cottage. The dwelling is accessed by a farm track which then serves the agricultural yard and buildings situated to the rear of the dwelling. The site measures approximately 38m x 32m.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent to replace the dwelling by demolishing it completely and building a 5 bedroom, 3 bathroom, 3 living room, study, utility store and farm office dwelling.

The dwelling will have a footprint of approximately 20.3 x 8.7 metres and a height of approximately 7.6metres.

Walls will be finished externally with white masonry paint over Tyrolean Render with a roof of slate.

PLANNING HISTORY

Consent was granted in the 1960's for an extension to the cottage, without an agricultural tie.

CONSULTATIONS

St. Athan Community Council – “Has no objections to this application”.

Environment Agency Wales – Standard advice applies.

Dwr Cymru/Welsh Water – No comments received to date.

The Head of Economic Development and Leisure (Ecologist) – See Appendix A.

The Council's Agricultural Advisor – See Appendix B.

REPRESENTATIONS

No representations have been received following site and press notices.

REPORT

The applicant's agent has submitted letters in support of the application and confirming that the development is for an agricultural dwelling. See Appendix C.

Planning Policies

The relevant policy framework within which to consider the application is contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Planning Policy Wales (2002) and TAN6 'Agricultural and Rural Development' and TAN12 'Design'.

Policies of particular relevance within the Unitary Development Plan include:

ENV1 – Development in the Countryside.

ENV5 – The Glamorgan Heritage Coast.

ENV10 – Conservation of the Countryside.

ENV27 – Design of New Developments.

HOUS3 – Dwellings in the Countryside.

HOUS5 – Agricultural or Forestry Dwellings.

HOUS6 – Agricultural Occupancy Conditions.

HOUS7 – Replacement and Extension of Dwellings in the Countryside.

Issues

The applicant's agent has confirmed that the development is intended as an agricultural dwelling. Thus the starting point for consideration of the application having regard to Policy HOUS3 is an assessment of the need for an agricultural dwelling on the holding.

Having regard to the advice detailed in Planning Policy Wales and TAN6, the Council's Agricultural Advisor's assessment has been considered. The advice is that as the farm is an arable farm there would be little justification for any primary agricultural need for a dwelling on the basis that a farm worker is required to be on the site. Given this fact and that there are already 2 dwellings, i.e. The Cot and Gileston Farmhouse, on the holding, at present there would be no need for another dwelling/replacement dwelling on agricultural grounds on the holding.

It is noted in the Agricultural Advisors report that since the farm changed to wholly arable in 1997 The Cot itself, which is ideally placed for security reasons to the farmyard, has not been occupied by a farm worker.

Turning aside from the primary assessment of need (functional test) the size of the dwelling sought would in any event be significantly larger than could reasonably be expected for an agriculturally tied dwelling. The Cot itself is approximately 150m² in size and the proposed replacement dwelling is approximately twice that size.

The proposed development has no agricultural justification and is therefore contrary to local and national policies for the control of development in the countryside.

Notwithstanding the above, Policy HOUS7 allows for replacement dwellings to be constructed subject to specification criteria. However, the development site is also located within the Heritage Coast, an area identified as a remote zone within the Unitary Development Plan Policy. This means that priority will be given to agriculture, landscape and nature conservation. Paragraph 3.4.16 of the supporting text advises:

“Strong pressure for new development, especially residential development, existing throughout the rural areas of the Vale of Glamorgan. However, the undeveloped, unspoilt nature of the coastline is fundamental to the character of the Glamorgan Heritage Coast. If the sense of isolation and natural scenery is to be retained it is considered important to strictly control new development...”

The development will intrude into this remote zone and will affect the character of the agricultural land and buildings significantly. The development would clearly be seen from the coastline and the footpath network in the area, and would appear out of context with this rural backdrop.

Aligned with an assessment of the effects on the character of this part of the Heritage Coast whereby the dwelling is situated in an open rural setting is an assessment of the scale and design of the replacement dwelling itself. Noting the criteria for replacement, rural dwellings as contained in the Unitary Development Plan in Policy HOUS2, the replacement dwelling will be approximately 1.8m higher than the existing. When added to the significant increase in the bulk of the building this will result in a dwelling which is completely disproportionate in size to the original property. The front elevation will increase from 7.8m wide to approximately 15.5m for the two storey element and by a further 5m at ground floor level to create an overall width of approximately 20m, is such that the development will be seen as a prominent residential development in this otherwise rural landscape further derogating the agricultural, open character of this coastal area in general.

CONCLUSION

Having assessed that there is no agricultural need or justification for an agricultural dwelling on the land the development has to be considered in relation to Policies for replacement dwellings in the countryside given the existence of the dwelling known as The Cot. The development is of such scale, mass and design that it is wholly contrary to adopted policy for limiting new development to those which reflect their rural location and for restricting the scale of isolated dwellings in the countryside.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed dwelling is not required for any functional need of the agricultural holding and therefore there is no agricultural justification for the dwelling. The development therefore falls to be considered as a replacement dwelling in the countryside. Having regard to the scale, design and external appearance of the dwelling, which is disproportionate to the size of the original dwelling and which is also considered to detract from the rural character and setting of this part of the Heritage Coast the development is unacceptable. The development is therefore considered to be contrary to Policies ENV1 'Development in the Countryside', ENV5 'The Heritage Coast' ENV10 'Conservation of the Countryside' ENV27 'Design of New Developments' HOUS3 'Dwellings in the Countryside and HOUS7 'Replacement and Extension of Dwellings in the Countryside' as contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and contrary to national policy guidance as contained in Planning Policy Wales (2002) and Technical Advice Notes 6 'Agricultural and Rural Development' and 12 'Design'.

2006/01015/FUL

Received on 19 July 2006

JCW Construction, 7, Wick Road, Ewenny, Vale of Glamorgan., CF35 5BL
Quorum Associates, 89, Eastgate, Cowbridge, Vale of Glamorgan., CF71 7AA

Little West, Southerndown

Conversion of existing building and construction of eight apartments

SITE DESCRIPTION

The site relates to a building under construction situated in the Heritage Coast between Southerndown and Ogmere by Sea. The site was formerly occupied by a Nursing Home. There are 2 No. bungalows situated to the north east of the site otherwise the development is relatively isolated.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent to retain works partly undertaken whereby the existing property was all but completely demolished and to allow its rebuild as detailed in a scheme previously allowed on appeal as a conversion to create 8 No. apartments. The 'as built' varies in that the windows to the ground floor are not now French windows, the ridge line has been raised by approximately 0.5m, dormer construction differs and window details are different.

PLANNING HISTORY

Planning consent was granted on Appeal for extensions to the existing residential home to create eight apartments (ref: 05/00519FUL).

06/00441/FUL – To extend the garage and create 3 No. flats, currently undetermined.

CONSULTATIONS

St. Bridge Major Community Council – “My Council unanimously objects to the application which is in effect, an “as built” record. It is felt that it does not conform to what was originally submitted, and which was approved by my Council on the basis that it would be built in line with those drawings. It is also strongly felt that to approve would be against planning principles”.

The Head of Visible Services (Highway Development) – “Are unable to sustain an objection to the development proposals”.

The Director of Legal and Regulatory Services (Environmental Health) – “No comment”.

REPRESENTATIONS

Representations have been received from the occupier of West Farm and states:

“Further to your letter which we received on the 8 August 2006 this planning application is in effect retrospective planning for works done to the property outside the scope of the appeal decision.

As the owners of West Farm we attended the planning appeal for this application appearing on the same side as the Vale of Glamorgan. Our views at the time were that the building had architectural merit and the particular features of the hanging cupola window and brick chimneys should be retained.

The appeal decision said that in agreeing the planning permission the developer should convert the property with regard to the views of the Council in terms of retaining the style of the then existing property.

The developer has totally and cynically ignored the appeal decision recommendations and has in an underhand way demolished the entire property, except part of one wall, by carefully constructing a new property inside the old, hoping no doubt to avoid detection.

The enclosed photographs are some of the many that we took during the demolition and construction of the new property to show just how sneaky the developer has been.

The developer has effectively put two fingers up to the Vale of Glamorgan planning authority and is effectively saying do your worst because I am going to win.

There would appear to be no consistency with planning decision emanating from the Vale planning authority. We are therefore forced to ask the question, how could we be turned down for our planning application which was in good taste whilst the Council allow yet another huge development on its fabled yet unsupported Heritage Coast? Our photographs taken recently from The Balmoral really do show what an eyesore this new block is as it towers above the skyline.

We object in the strongest terms to the demands for retrospective planning approval of the above application”.

REPORT

Planning Policies

The site lies outside any settlement boundary and within the Glamorgan Heritage Coast. The development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and specific Policies relevant to consideration of this application are contained in Policies ENV27 – Design of New Developments, ENV5 – The Glamorgan Heritage Coast, HOUS3 – Dwellings in the Countryside and TRAN10 – Parking.

Issues

The development as approved at Appeal was on the basis that there was an existing building on the land, that it had been extended unsympathetically in the past and that the alterations would in the Inspector’s view:

Para 7 “... although larger in some dimensions would provide a more pleasing and better balanced building in this prominent location. The retention of some of the existing window features on the main coastal elevation would add character to the project reflecting and complementing vernacular style....”

A copy of the full decision letter is attached as Appendix A for Committee’s consideration.

The application now before the Local Planning Authority seeks to regularise the development in that the greater part of the original building has been demolished and the development is now new build. The submitted plans indicate a scale, form and detailing which generally reflects that scheme approved at appeal. It is noted however that due to the demolition and subsequent rebuild all the original features of the building have been lost and the external appearance is therefore now wholly modern.

The Inspector’s line of argument in determining the appeal was that the “original buildings character would be retained and enhanced by the scheme”.

Whilst, if the application had been presented as complete new build at the time of the original application it would not have met the Policy, it must now also be considered, in the light of the appeal decision, as to whether this scheme would be so harmful to the setting of the Heritage Coast as to warrant refusal. The submitted plans indicate a visually identical scheme elevationally, with minor alterations by the inclusion of wider window openings to the front elevation, the loss of French window detailing and more contemporary treatment to bay windows and balconies. The application forms advise that the overall height of the building is '9.5m (as existing)' however the submitted plans scale at a ridge height of 10m. This is approximately 0.5m higher than the original scheme. This is a relatively major change and appears to have been created by a raised eaves level. The other difference visible on site is that the dormer detailing has changed and instead of narrow windows with render surroundings, wider windows with uPVC gables have been used. The submitted plans, however do not show the change.

Taking the height "as existing", as detailed on the appeal decision, to refuse the scheme as now detailed on the plans is not considered sustainable in light of the appeal decision even allowing for an increase of approximately 0.5m in height. There was relatively extensive demolition detailed at that stage and the Inspector accepted the scheme.

Whilst approval of a scheme as per the submitted plans is acceptable it should be noted that the scheme as being built does not itself comply with these plans. The applicant has submitted the application to regularise the development however these plans do not actually reflect the "as built" position.

Whilst the plans are considered to be acceptable given the circumstances surrounding the appeal decision, the "as built" scheme is not. The detailing of the scheme has completely removed the character of the original scheme. The site is very prominent in the Heritage Coast and as built the development is considered to cause demonstrable harm to the visual amenities of this part of the Heritage Coast. The use of window types that lack vertical emphasis and alterations around the detailing of the scheme (all of which are not reflected in the submitted plans) are such that the whole scheme has been compromised in terms of its architectural detailing and thus impact on this remote zone Heritage Coast setting.

CONCLUSION

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

Having regard to the Policies of the Development Plan and advice contained in TAN12 Design, the scheme as detailed in the application can be approved, subject to conditions as similarly imposed by the Inspector and an additional condition which seeks to reinstate the window and dormer details as shown on the plans. This is required as the built development does not wholly reflect this submitted scheme and due to the visual harm caused by the as built development in regard to its windows and detailing, the developer should be required to revert to the scheme as hereby recommended for approval.

Accordingly having regard to Policies ENV27 – Design of New Developments, ENV5 – The Glamorgan Heritage Coast and the extant appeal decision for redevelopment of the site it is considered that the development as detailed in the applicant's drawings would not significantly detract from the setting of the Heritage Coast to warrant refusal.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The car parking areas, access and bin and bicycle storage area and structures as detailed on Drawing No. 2500/SP registered on 19 July 2006 shall be fully implemented on site, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial use of the development hereby approved and shall thereafter be so retained on site at all times to serve the development hereby approved.

Reason:

To ensure the provision of on site parking, safe access and storage of refuse areas in the interests of highway safety and the visual amenities of the area and to meet the terms of Policies ENV27 - Design of New Developments, TRAN10 - Parking and ENV5 - The Glamorgan Heritage Coast.

2. All means of enclosure and gates on the site shall be in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority and the approved means of enclosure and any gates shall be fully implemented on site prior to the first beneficial occupation of the development and shall thereafter be so maintained at all times.

Reason:

In the interests of the visual amenities of the Glamorgan Heritage Coast and to meet the requirements of Policies ENV27 - Design of New Developments and ENV5 - The Glamorgan Heritage Coast.

3. No external lighting or floodlighting shall be installed or operated within the curtilage of the building, or on the building without the prior written consent of the Local Planning Authority.

Reason:

In the interests of the visual amenities of the Glamorgan Heritage Coast and to meet the requirements of Policies ENV27 - Design of New Developments and ENV5 - The Glamorgan Heritage Coast.

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or gate or other means of enclosure other than as approved in respect of Condition No. 2 above shall be erected, placed or constructed on the site without the prior consent of the Local Planning Authority.

Reason:

In the interests of the visual amenities of the Glamorgan Heritage Coast and to meet the requirements of Policies ENV27 - Design of New Developments and ENV5 - The Glamorgan Heritage Coast.

5. The windows excluding the patio doors on the front and side elevations and the dormer detailing to these elevations shall be installed and constructed as detailed on Drawings Reference 2500/09B received on 8 September 2006 and Drawing No. 2500/10A and those windows currently installed shall be removed from the building within 2 months of the date of this consent.

Reason:

To ensure that the development will not detract from the character and setting of the Glamorgan Heritage Coast and to meet the requirements of Policies ENV27 - Design of New Developments and ENV5 - The Glamorgan Heritage Coast.

NOTE:

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

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

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

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

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

2006/01051/FUL

Received on 25 July 2006

Leslie Powell, The Larks, Marcross, Llantwit Major, Vale of Glamorgan, CF61 1ZG
Leslie Powell, The Larks, Marcross, Llantwit Major, Vale of Glamorgan, CF61 1ZG

The Larks, Marcross, Llantwit Major

Erection of a WT6000 - 6 Kw wind turbine within a field, located approximately 150m from the owner's dwelling and approximately half a mile from the nearest neighbour

SITE DESCRIPTION

The application site relates to an agricultural field located to the north of a detached dwelling known as The Larks, Marcross. The dwelling is located approximately 1km to the north of the village of Marcross on minor road, which links the village to the main coast road (B4265). The site is classified as falling within the countryside.

DESCRIPTION OF DEVELOPMENT

This is a full application for the erection of a 6kw wind turbine which will be sited 133 metres to the north of the applicants dwelling (The Larks).

The turbine will comprise of a 9 metre tall tower with a 5.5 metre diameter rotor. The turbine will have a height of 9.6 metres to the centre of the turbine hub and a maximum height of 12.4 metres. The turbine tower will be in galvanised steel and the turbine head and blades will be finished in matt black. The proposed turbine will be erected on a 3 metre wide concrete base with a smaller base located 9 metres to the south for use as a winch base.

The supporting statement states that the turbine will have a nominal running speed of 200 rpm with shaped turbine tips to reduce swishing sound from blades.

The application has been supported by photo montages showing the proposal within the surround landscape.

PLANNING HISTORY

None.

CONSULTATIONS

St. Donats Community Council – No objection.

Glamorgan Gwent Archaeological Trust – Have requested further details although no response has been received to date.

Heritage Coast Officer – Was consulted although no comments have been received to date.

Director of Legal and Regulatory Services (Environmental Health) – Responded with no comment to make.

Civil Aviation Authority – Were consulted and have submitted holding correspondence.

REPRESENTATIONS

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

REPORT

Planning Policies

The relevant policies and guidance in assessing this application are those contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

The relevant Part 1 Strategic Policies are as follows:

Policy 1

Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife, the best and most versatile agricultural land and important features of the built heritage. Proposals which enhance these areas will be favoured.

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) (iv) proposals which improve the quality of the environment through the utilisation of high standards of design.

Policy 14

Developments associated with community and utility services will be permitted if there is no unacceptable impact on the interests of agriculture, conservation, listed buildings, archaeological features, areas of ecological, wildlife and landscape importance and residential amenity.

As the application site falls within the countryside, the relevant Part 2 policies are as follows.

Policy ENV1 - Development in the Countryside

Within the delineated countryside permission will only be granted for:

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

Whilst the site falls outside of the Glamorgan Heritage Coast, due to the height of the proposal and the likely visual impact of the turbine from within the Heritage Coast, Policy ENV 5 – The Glamorgan Heritage Coast is considered relevant which states:

The special environmental qualities of the Glamorgan Heritage Coast will be conserved and enhanced. With the exception of limited informal recreation facilities at Cwm Colhuw, Ogmere-by-Sea and Dunraven, the remainder of the area will be treated as a remote zone with priority being given to agriculture, landscape and nature conservation.

Policy ENV 27 - 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, amongst others things it:

- (iv) minimises any detrimental impact on adjacent areas;
- (viii) has regard to energy efficiency in design, layout, materials and technology.

Policy COMM 7- Wind Generators and Wind Farms

Proposals for individual wind generators and wind farms will be permitted if:

- (i) the proposal has no unacceptable effect upon the landscape, particularly when viewed from public roads, public rights of way and other land used by the general public. Proposals which fall within the Glamorgan Heritage Coast and areas of high landscape importance, or lie outside such areas but have an unacceptable adverse visual effect upon them will not be permitted;
- (ii) the proposal has no unacceptable effect upon sites of conservation, archaeological, historical, ecological and wildlife importance;
- (iii) all possible steps are taken by the developers to minimise noise disturbance and shadow flicker from the turbines for local residents. Developers will be required to ameliorate problems by the use of appropriate legal agreements and / or conditions attached to the granting of planning consent;
- (iv) all power lines connecting the turbines to the national grid should result in no unacceptable visual effect upon the landscape of the Vale of Glamorgan;
- (v) the numbers of ancillary buildings are limited and are designed and sited to minimise their impact on the landscape;
- (vi) the cumulative effects of development do not have an unacceptable impact upon the landscape;
- (vii) access for construction traffic can be provided without danger to highway safety and should be constructed in locally sympathetic materials (i.e. road based materials top dressed with local soil to regeneration of vegetation);
- (viii) the proposal does not create significant or irremediable radio interference;
- (ix) the proposal does not unacceptably effect operations under the control of the civil aviation authority or the ministry of defence; and
- (x) within 24 months of part or the whole of the site becoming permanently inoperative the structures shall be removed, and the site restored to its former use.

(Permanently inoperative is considered to be when a turbine has not been in operation for the purpose of electricity production for a period exceeding 6 months.)

Relevant National Planning Guidance is also contained within Planning Policy Wales (March 2002), Technical Advice Note 8 :Planning for Renewable Energy and Ministerial Interim Planning Policy Statement 01/2005 : Planning for Renewable Energy.

Issues

The principal assessment of the acceptability of the proposal in relation to the above referenced policies is that the proposal will not have an unacceptable effect upon the landscape.

The application site is located within a remote location to the north of the small village of Marcross. The nearest dwellings to the application site, (other than the applicants dwelling) are a pair of semi detached houses located some 400 metres to the south. The site chosen whilst remote in relation to nearby houses, would nevertheless be visible from the adjacent road and nearby public footpaths.

As previously stated, the Heritage Coast is some 850 metres from the application site. The proposed turbine will have a maximum height of 12.4 metres and as such is likely to be visible from the village of Marcross and the immediate surrounding area. Furthermore unlike other tall static structures of similar heights, such as telecommunication masts, the movement of the turbine blades and shadow flicker would further increase the prominence of the structure. The submitted photomontages (photos 5 and 6) show the impact of the turbine from the nearest public view points. Whilst the nearest views from the adjacent road will allow full view of the tower and turbine, only the top half of the mast would be visible from further public view points given the existing field hedgerows and trees. However the visual impact of the turbine can be minimised by painting of both the head and the tower.

The level of visual impact, as a whole is considered acceptable having regard to the fact that the turbine needs to have an open aspect to function effectively and the proposal is not considered to have an adverse visual impact on the character of the Glamorgan Heritage Coast.

In terms of impact of nearby residential amenity, the supporting statement states that the turbine is one of the quietest on the market and do not contain a gearbox with the nacelle (head) and as such there is no gearbox noise. Whilst there will still be a level of noise generation from the 'swooshing' of the blades, steps have been taken to reduce this in the turbine tip design. Furthermore the turbine blades rotate at a low 'maximum' rpm, to further reduce noise levels. In view of this and the distance from the nearest residential dwelling, it is not considered that the resulting noise would adversely impact on the amenities of the nearest residential occupiers.

Consideration should also be given to ornithological issues, where the Councils Ecologist has stated that whilst it is acknowledged that the estimated risk of bird collision with turbines is low it is considered the proximity of a turbine to a hedgerow could potentially increase the chance of collision with both birds and any bats using the hedgerow for foraging or as a navigation feature. The submitted site layout plan however states that there would be a tolerance of +/- 2m for the base to allow for site conditions. In view of this a condition should be attached to any consent granted to require full details of specific siting to be pegged out on site for inspection and to be agreed prior to the commencement of development.

CONCLUSION

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

Having regard to strategic Policies 1, 2 and 14 and Policies ENV1 - Development in the Countryside, ENV 27 - Design of New Developments and COMM 7 - Wind Generators and Wind Farms contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Planning Policy Wales (March 2002), Technical Advice Note 8 : Planning for Renewable Energy and Ministerial Interim Planning Policy Statement 01/2005 : Planning for Renewable Energy, the proposal not considered to have an adverse impact on the rural character of the surrounding area or the Glamorgan Heritage Coast, and is not considered to have an adverse impact on the amenities of nearby residential occupiers.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Notwithstanding the submitted plans, the head and tower of the turbine shall be painted light grey and a sample panel of the proposed colour shall be submitted to and approved in writing by the Local Planning Authority and the turbine shall be finished in the approved colour prior to its erection on site and shall thereafter be maintained at all times.

Reason:

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

3. Notwithstanding the submitted plans the concrete base for the turbine shall be a distance of 4.25 metres from the edge of the hedgerow.

Reason:

To reduce any impact on bats and birds in flight and to ensure compliance with Policy Comm 4 of the Unitary Development Plan.

4. Any site clearance and site works shall be carried out outside the nesting season (March to August inclusive), unless it can be demonstrated by way of a report which shall be submitted to the Local Planning Authority for consideration, that nesting birds will not be disturbed.

Reason:

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

5. Within three months of the wind turbine hereby approved becoming redundant, the turbine and any concrete foundations shall be removed from the land and the site shall be restored to its former condition.

Reason:

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

NOTE:

1. **The applicant should be aware that vegetation on this application site or the adjacent hedgerow could potentially be used by nesting birds. Under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.**

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

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

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

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

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

Land adjacent to Llangan Primary School, Llangan

Proposed conversion of redundant stables to offices and associated works

SITE DESCRIPTION

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

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

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

DESCRIPTION OF DEVELOPMENT

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

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

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

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

PLANNING HISTORY

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

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

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

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

CONSULTATIONS

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

Environment Agency Wales have no objection subject to conditions.

The Head of Visible Services (Highways Department) comments as follows:

“Notwithstanding the existing access to the development site is considered that the change of use from agricultural use to office use with access provided from the existing agricultural access would be detrimental to highway safety, based on substandard visibility and the inadequate access width.

Additionally, the development proposals do not provide adequate maneuvering facilities within the boundary of the site for servicing vehicles, which would require vehicles to blindly reverse on the adjacent public highway. Furthermore, the proposed parking layout does not conform to the Council’s Parking Guidelines.

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

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

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

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

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

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

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

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

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

Hedgerow

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

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

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

REPRESENTATIONS

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

REPORT

Members of Planning Committee will note that two recent planning applications were refused for the conversion of redundant stables to office (ref: 05/01041/FUL) and a further application for the construction of a new access driveway and car parking area to serve Llangan Primary School (ref: 05/01348/FUL).

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

Planning Policies

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

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

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

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

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

- They are suitable for the specific re-use.
- Conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality.
- Their form, bulk and general design are in keeping with their surroundings.

- Imposing conditions on a planning permission overcomes any planning objections, for example on environmental or traffic grounds, which would otherwise outweigh the advantages of re-use.
- If the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction.
- Conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.

Paragraph 7.6.10 states that residential conversion of rural buildings which have ceased to be used for industrial or commercial purposes, including agriculture, may have a minimal economic impact and may be detrimental to the fabric and character of historic buildings. Especially in areas where the creation of local employment is a priority, local planning authorities may include policies within the Unitary Development Plan which do not allow residential re-use unless:

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

Notably the guidance states in paragraph 7.6.11 that if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply.

Issues

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

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

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

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

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

The current application now seeks to overcome the above objection, by the use of the existing farm gate from the adopted highway. The Head of Visible Services (Highways Department) is of the opinion, that the use of the existing agricultural access would be detrimental to highway safety based on substandard visibility and the inadequate access width. In relation to the internal access arrangements he has also objected as the development proposals do not provide adequate manoeuvring facilities within the boundary of the site for servicing vehicles, which would require vehicles to blindly reverse on the adjacent public highway. Furthermore, the proposed parking layout does not conform to the Council's Parking Guidelines.

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

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

CONCLUSION

For the above reasons given the proposed change of use of the barn as an office would by virtue of the scale of the development be considered contrary to both local and national planning policy, causing demonstrable harm to the countryside within which it is located, it would therefore fail to accord with the objectives of Policy ENV8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and the 'Conversion of Rural Buildings' Supplementary Planning Guidance. The revised access would also provide substandard visibility and access arrangements to serve the proposed development.

The following recommendation is therefore made.

RECOMMENDATION (W.R.)

REFUSE

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

2. The use of the existing agricultural access to serve the proposed development would be detrimental to highway safety, based on substandard visibility and inadequate access width, contrary to Policy ENV27 - Design of New Developments contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2006/01090/OUT

Received on 31 July 2006

Newydd Housing Association (1974) Ltd., 5, Village Way, Tongwylais, Cardiff. F15 7NE

Boyer Planning Limited, 33 - 35, Cathedral Road, Cardiff., CF11 9HB

Vacant land at the corner of Vere Street and Harvey Street, Barry

Development of eleven 1/2 bedroom flats, with associated gardens and parking area

SITE DESCRIPTION

The site relates to an area of vacant land situated at the junction of Vere Street, a mixed commercial and residential street, and Harvey Street, a generally residential street.

The site has an area of approximately 35m in length by approximately 13m in depth from Harvey Street (0.04 ha).

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning consent for a development of flats comprised as 11 one or two bedroom flats. Siting and access are not reserved. The development indicates an L-shaped block with a frontage directly onto Vere Street and the side return frontage runs adjacent to Harvey Street. Access to the site is shown off Harvey Street.

Indicative drawings showing a four storey block of flats to both the Vere Street and Harvey Street elevations with an access under the flats to the parking area (9 vehicles) have been submitted. These drawings also indicate that amenity space could be provided by covering over the parking area and thus creating a 'garden' at first floor level. The 'garden' would be fenced for privacy creating a boundary enclosure approximately 5m high on the boundary with Harvey Street and with No. 13 Vere Street.

PLANNING HISTORY

91/01098/FUL — Short stay hostel and shop (Nos. 14/15 Vere Street). Approved February 1982 subject to conditions including restrictions on the use of the site within Class C1 to those purposes specified in the application.

02/00372/OUT — Nine flats. Refused in October 2002 for reasons that the scheme represented overdevelopment of the site which failed to meet the Local Planning Authority's standards for the provision of on-site car parking and amenity space. The development was, therefore, contrary to Policy ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1988.

CONSULTATIONS

Barry Town Council —“Strong objection:

1. These proposals constitute an overdevelopment of this site with substandard provision for on-site car parking, despite the application having been submitted by a Housing Association where a relaxation of the usual standards might be considered appropriate.

The provision of an adequate level of on-site car parking is considered to be particularly important at this location where on-street parking is generally heavy.

2. The first floor gardens raise the serious issues of:
 - (a) Unneighbourliness and loss of privacy due to their elevated position and close proximity to the rear windows and gardens of surrounding residential property.
 - (b) Their awkward shape and restricted area.

The proposed development is, therefore, considered to be detrimental, not only in their impact on future residents but also on the amenities of surrounding residential occupiers and contrary to Policies HOUS8 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan.”

Environment Agency Wales – See Appendix A.

Director of Legal and Regulatory Services (Environmental Health) – No comment.

Dwr Cymru/Welsh Water – No comments.

Director of Community Services (Housing) – No comments.

Director of Legal and Regulatory Services (Housing) – See Appendix B.

REPRESENTATIONS

The development has been advertised on site and in the press (4 September 2006) and notified to neighbours. One letter of representation was received and is attached as Appendix C.

REPORT

The site lies within the settlement boundary as defined for Barry within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Planning Policies

The relevant policies for consideration of this form of development are:

ENV25 'Regeneration of Urban Areas.'

ENV27 'Design of New Development.'

HOUS2 'Additional Residential Development.'

HOUS8 'Residential Development Criteria – Policy HOUS2 Settlements.'

The Council's adopted Supplementary Planning Guidance – 'Amenity Standards' are also relevant.

Issues

The principle of residential development on the site is acceptable given the site's location within Barry and the presence of residential development within the near vicinity. Whilst it is noted that the site is currently cleared land and there are no buildings on it, it was formerly occupied by Nos. 14 and 15 Vere Street, in use for some form of residential purpose.

The land is derelict and thus consideration should be given to bringing the site back into beneficial use and the environmental benefits that would accrue to the area in general.

Having established that development should be encouraged on the site the potential impacts of the scale and form of the development now sought needs to be examined.

It is noted that consent has been refused in the recent past for nine flats due to overdevelopment concerns. The scale and form of the indicative scheme and the siting and access details of this current scheme cause even greater concerns. It is felt that the development (indicative at four storeys, including the return/rear wing) would overlook and overshadow adjoining properties to a degree where significant harm would occur to not only the resident's privacy but to their wider amenities. The rear, indicative, return wing would be two storeys higher than No. 13 Vere Street's rear wing. It would be overbearing when viewed from the rear of that property and when viewed from neighbouring properties. It would also appear overbearing in the street scene.

The provision of amenity space appears contrived. A first floor 'deck' garden would either completely dominate and overlook nearest neighbours and any attempt at screening of this area would further represent an overbearing and oppressive aspect from nearby properties and their gardens. A further indication from the indicative plans of the potential adverse effects on privacy from the development is that habitable room windows lie within 6m of the side boundary to No. 13 Vere Street facing towards windows in that property themselves 2m from the boundary.

Considering the advice contained in the Supplementary Planning Guidance 'Amenity Standards' regarding the need to ensure that not only the amenities of future occupiers of development are safeguarded but that those of neighbours are similarly protected, the development is wholly unacceptable. It is over-scaled for the site and Policy 3 of the Supplementary Planning Guidance is not met in that the development fails to:

".... respect the character of existing residential development, whilst ensuring that privacy and amenity of surrounding properties are safeguarded."

CONCLUSION

Whilst accepting that the development is in outline only, the possibility of accommodating 11 one or two bedroom flats in a significantly smaller scaled building is unlikely. The development will be out of keeping with the scale of development in the street scene adjoining the site and will fail to meet the criteria for the design of new residential development.

RECOMMENDATION (W.R.)

REFUSE

1. The development of the site for 11 one or two bedroom flats as indicated on the submitted site layout details would represent an overdevelopment of the site which would fail to provide satisfactory amenity space to serve the development and, by reason of its likely scale and parking provision having regard to the indicative details, would unacceptably detract from the amenities of nearby residential occupiers by virtue of overlooking and overbearing impact. The development is therefore contrary to Policies ENV27 'Design of New Developments', HOUS2 'Additional Residential Developments' and HOUS8 'Residential Development Criteria' of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Local Planning Authority's adopted Supplementary Planning Guidance 'Amenity Standards'.

2006/00816/RG3

Received on 6 June 2006

Chris Fray, Head of Economic Development and Leisure, Vale of Glamorgan Council, Subway Road, Barry, Vale of Glamorgan., CF63 4RT
Mr. C. Fray, Head of Economic Development and Leisure, Vale of Glamorgan Council, Subway Road, Barry, Vale of Glamorgan., CF63 4RT

Kings Square, Central Park and Holton Road Pedestrian Area, Barry Town Centre, Barry

Operation of a market between 0600 and 2100 hrs for periods not exceeding 7 days on 5 occasions per year.

SITE DESCRIPTION

The application site is relates to the existing pedestrianised section of Holton Road, Kings Square located to the front of the Grade II Listed Municipal Building fronting Kings Square in Barry and Central Park.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Head of Economic Development and Leisure for the operation of the markets between 06:00 and 21:00 hrs for periods not exceeding 7 days on 5 occasions per year. The application forms state that the proposed layout shall not exceed 100 stalls and the types of markets would include a Christmas, continental and craft markets.

PLANNING HISTORY

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

94/00719/REG3 – Proposed street market. Approved 18 October 1994 subject to conditions.

95/00140/REG3 – Increase the number of stalls permitted to 104. Approved 11 April 1995.

95/00938/REG3 – To establish Barry Street Market permanently in accordance with consent 95/00140/REG3 which expires 31 December 1995 Economic Development Committee 27 September 1995 Minute No. 747(1); to operate until 20.00 hours on 19 December 1995; to operate on 22 December 1995. Approved 29 November 1995 subject to conditions.

03/01435/REG3 – Refurbishment, alteration and extension to Barry Municipal Building and Library, plus external works to King Square, Tynewydd Road and Wyndham Street Car Park, landscaping works to Central Park. Approved 8 January 2004, subject to conditions.

06/00817/REG3 – Operation of a market of up to 100 stalls, between 0:600 and 18:00 hrs on Tuesday and Friday of each week. Application not yet determined.

CONSULTATIONS

Barry Town Council were consulted and have stated that the themed markets are welcomed as they will bring life to the traditional town centre and for this reason no objections are raised against the market continuing into the evening period. However concerns are raised in relation to the siting of stalls and rubbish on land after 21:00 hours and that appropriate arrangements are made to prevent conflicts between the operation of the market and deliveries to other retail units in Holton Road.

The Director of Legal and Regulatory Services (Environmental Health) has stated that the following condition should be imposed to protect residential amenity of the adjoining residential houses.

1. That no activity in relation to the market, that is such things as vehicles on and off the site and erection of stalls shall take place prior to 07:00 or after 21:00. The market shall not trade prior to 08:00 again to protect the residential amenity of the area.

The Head of Visible Services (Highways Development) has stated that further to the recent site meeting and supporting information submitted in relation to the above, I would comment as follows.

- It is considered that without a formal method statement and agreement between the applicant and local traders, the operation of a 7-day market would prevent servicing along the section of Holton Road when the market is held.
- As, this section of Holton Road will be required to be dedicated for pedestrian use when the market is operational, exemptions for vehicles will be required to allow vehicle access to the Welsh Tabernacle Church. However, assuming that exemptions are made, vehicles that require access to the Church will have to drive along Holton Road through the market, to the detriment of highway safety.
- Additionally, it is noted that no consultations with the emergency services have been undertaken, addressing the issue of emergency access, which will be obstructed by the market.
- It is also noted that the existing market is operated without a trader's license and is an obstruction of the public highway, which is an offence under the Highways Act 1980.
- Furthermore, the proposal to access Central Park and Kings Square from Ty Newydd Road is unacceptable as vehicles will be required to cross in front of the existing bus lane to the detriment of highway safety.
- Finally, as the Town Centre is already at saturation levels in terms of on-street parking and any increase in the current parking demand would exacerbate the existing situation. Although the applicant has stated that a system of permit holder parking will be in operation, no additional parking facilities have been identified for the increased parking demand. Therefore, the increase in trader's vehicles attempting to find uncontrolled parking spaces within the town centre would not be acceptable.

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

REPRESENTATIONS

Adjacent and nearby occupiers were consulted and site notices were also posted. To date no letters of representation have been received.

REPORT

There are no specific policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 in relation to the proposal however, as the proposal relates to the increase in the choice and frequency of markets and events which will improve tourism in the town and the vitality and viability of the existing centre. The following policies are considered appropriate.

Part 1 Strategic Policies

Policy 6

TOURISM DEVELOPMENTS WILL BE FAVOURED WHERE THEY:

- (i) ASSIST THE DEVELOPMENT OF THE LOCAL ECONOMY; AND/OR
- (ii) SAFEGUARD OR ENHANCE THE QUALITY OF THE ENVIRONMENT.

Policy 9

THE VITALITY, ATTRACTIVENESS AND VIABILITY OF EXISTING TOWN, DISTRICT AND VILLAGE SHOPPING FACILITIES WILL BE PROTECTED AND ENHANCED.

Policy 10

EXISTING TOWN AND DISTRICT CENTRES, INCLUDING THE WATERFRONT, BARRY, WILL BE THE FOCUS OF NEW SHOPPING DEVELOPMENTS. OUT OF CENTRE SHOPPING DEVELOPMENT WILL BE PERMITTED IF:

- (i) THERE ARE NO SUITABLE TOWN, DISTRICT OR EDGE OF CENTRE SITES;
- (ii) THE PROPOSED DEVELOPMENT DOES NOT HAVE AN UNACCEPTABLE IMPACT ON EXISTING SHOPPING CENTRES OR PROPOSED RETAIL AREAS IDENTIFIED IN PART II; AND
- (iii) THE PROPOSED DEVELOPMENT IS ACCESSIBLE BY MEANS OF TRAVEL OTHER THAN THE PRIVATE CAR.

Part 2 Policies

Shop 2 – New and Improved Shopping Facilities

NEW AND IMPROVED RETAILING FACILITIES WITHIN AND ADJOINING ESTABLISHED TOWN / DISTRICT SHOPPING CENTRES, AND IN THE AREA OF COMPREHENSIVE REDEVELOPMENT AT BARRY WATERFRONT, WILL BE PERMITTED IF THE PROPOSAL:

- (i) HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (ii) ENSURES THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE EFFECT ON TRAFFIC FLOWS AND ROAD SAFETY;
- (iii) PROVIDES A HIGH STANDARD OF DESIGN AND MATERIALS;

- (iv) PROVIDES CAR PARKING AND SERVICING FACILITIES IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS;
- (v) ENSURES THAT ADEQUATE UTILITY SERVICES EXIST OR CAN BE READILY AND ECONOMICALLY PROVIDED; AND
- (vi) PROVIDES FOR ACCESS BY DISABLED PERSONS.

Issues

Members of Planning Committee will note that there is an associated application ref: 06/00817/REG3 which relates to the operation of a market of up to 100 stalls, between 0:600 and 18:00 hrs on Tuesday and Friday of each week.

The current application seeks to allow the flexibility for the holding of events and markets on 5 occasions per year not exceeding 7 days. The existing market is permitted within the pedestrianised section of Holton Road and in King Square as approved under 95/00938/REG3. The application site now includes in addition to these areas, the recently remodelled and landscaped Central Park, which it is intended to use for the holding of markets and events which would include seasonal specialist markets such as Christmas Markets and events, continental and craft markets.

As set out above, the proposal will have both tourism and economic benefits and these markets will improve the vitality of Holton Road as a district retail centre within the Vale of Glamorgan and will enhance the attractiveness and viability of centre as a whole. The existing market is restricted by conditions under planning application ref: 95/00938/REG3 as follows:

- The site shall only operate as a market on Tuesdays between the hours of 9.00 am and 5.30 pm other than on 19 December 1995 when the market shall operate between 9.00 and 8.00 pm and 22 December 1995 when the market shall operate between 9.00 am and 5.30 pm.
- No stalls or associated goods, materials or equipment shall be installed on the site prior to 6.00 am on the day of the market and no stalls, associated goods, materials or equipment or waste resulting from the market shall be left on the site after 7.00 pm on the day of the market other than on 19 December 1995 when they shall be removed after 8.00 pm.

In terms of the hours of operation, this application relates to seasonal markets and events which the applicants have stated will be operating between 9am and 8pm. The comments received from the Environmental Health Section are noted and they have not raised any objection subject to the setting up and taking down of stalls not to take place prior to 07:00 or after 21:00 and shall not trade again prior to 08:00, in order to protect the residential amenity of the area. The applicants have confirmed their agreement to above conditions. However given that the events will be run on consecutive days, it is likely that the stalls and other equipment for events will be continually sited for the period of days proposed, this is considered acceptable subject to the first and last days of trading/events being controlled stated above.

In terms of the comments received from the Highway Engineer, he has objected to the application on a number of grounds. In relation to servicing along the section of Holton Road when the market is in operation for 7 days, the objection relates to the lack of any method statement and agreement between the traders and the Council. Whilst no adverse comments have been received from any of the traders consulted on this application, the concerns raised are noted. It is considered that such a method statement can be required to be submitted by way of planning condition to overcome this concern, which shall include a formal agreement with traders in relation to the servicing of the existing retail units during market days.

The need for exemptions for vehicles to access to the Welsh Tabernacle Church is noted, however the Church themselves ultimately have control over the days in which the church is booked for funeral and weddings, where vehicular access is required. Furthermore it is noted that the existing market has operated on Tuesdays since 1994 and to date the Council is not aware of any conflict between the operation of the Church and the market.

It is also stated that the existing market is operated without a trader's license which is an obstruction of the public highway and an offence under the Highways Act 1980. This matter has been brought the attention of the Head of Economic Development and Tourism and is a matter which is currently being resolved. However this licence falls under separate legislation and should not be considered under this application.

The Highway Engineer also stated that the proposal to access Central Park and Kings Square from Ty Newydd Road is unacceptable as vehicles will be required to cross in front of the existing bus lane to the detriment of highway safety. Whilst the comments is noted the original application for the refurbishment, alteration and extension to Barry Municipal Building and library, plus external works to King Square included that provision of a dropped kerb to facilitate vehicle access onto Kings Square, as it was intended to reuse the square for the market following the completion of the scheme. This was approved by the highway engineer as part of the original redevelopment for Kings Square and therefore it is not considered that an objection to the approved and constructed vehicle access can be sustained.

A further objection raised relates to the exacerbation of the existing parking situation in relation to traders vehicles. Whilst it is accepted that there is no dedicated parking facilities for traders vehicles, the traders vehicles are currently parked on the public highway adjacent to Holton Road, with stallholders permit holder parking, which appears to have operated successfully. Furthermore there are sufficient limitations and controls on the parking in the surrounding residential streets, which are restricted to either permit holder residential parking or restricted waiting (2 hours), which will protect the surrounding streets from any overspill of traders vehicles. Therefore there are sufficient controls in place to effectively control any increase in congestion or parking required, resulting from the increase frequency and duration of operation of the market. In relation to the increase in any public parking, the site is in a town centre location with a choice of public transport links and is readily accessible with a choice of transport modes.

CONCLUSION

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

Having regard to Strategic Part 1 Policies 6, 9 and 10 and Policy Shop 2 – New and Improved Shopping Facilities, the proposal subject to the imposition of conditions, is considered acceptable in relation to the impact on nearby residential amenity, the operation of the retail centre and would not unacceptability impact on the surrounding highway network.

RECOMMENDATION

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

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

Reason:

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

2. The site shall only operate as a market for periods not exceeding 7 days on a maximum of 5 occasions per year between the hours of 09:00 hrs and 20:00 hrs.

Reason:

In order to protect nearby residential amenity and to ensure compliance with the terms of Policy Shop 2 of the Unitary Development Plan.

3. No stalls or associated goods, materials or equipment shall be installed on the site prior to 07:00 hrs on the first day of the market and no stalls, associated goods, materials or equipment or waste resulting from the market shall be left on the site after 21:00 hours on the final day of the market on Mondays to Saturdays. Where the first day of the market falls on a Sunday no stalls or associated goods, materials or equipment shall be installed on the site prior to 08:00 hrs.

Reason:

In order to protect nearby residential amenity and to ensure compliance with the terms of Policy Shop 2 of the Unitary Development Plan.

4. Prior to the first operation of the market hereby approved, a method statement which shall include formal agreements between the Council and the local traders in relation to the operation of the market and agreed service arrangements, shall be submitted to and approved in writing by the Local Planning Authority and the operation of all future markets shall be carried out in full accordance with the agreed method statement.

Reason:

In order to ensure that the operation of the market does not prejudice the existing retail function and to ensure compliance with the terms of Strategic Policy 9 of the Unitary Development Plan.

NOTE:

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

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

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

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

2006/00817/RG3

Received on 6 June 2006

Chris Fray, Head of Economic Development and Leisure, Vale of Glamorgan Council, Subway Road, Barry, Vale of Glamorgan., CF63 4RT
Mr. C. Fray, Head of Economic Development and Leisure, Vale of Glamorgan Council, Subway Road, Barry, Vale of Glamorgan., CF63 4RT

Kings Square, Central Park and Holton Road Pedestrian Area, Barry Town Centre, Barry

Operation of a market of up to 100 stalls, between 0600 and 1800 hrs on Tuesday and Friday of each week

SITE DESCRIPTION

The application site relates to the existing pedestrianised section of Holton Road, Kings Square located to the front of the Grade II Listed Municipal Building fronting Kings Square in Barry and Central Park.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Head of Economic Development and Leisure for the operation of a markets each week on both Tuesdays and Fridays between 06:00 and 18:00 hrs. The application forms state that the proposed layout shall not exceed 100 stalls.

PLANNING HISTORY

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

94/00719/REG3 – Proposed street market. Approved 18 October 1994 subject to conditions.

95/00140/REG3 – Increase the number of stalls permitted to 104. Approved 11 April 1995.

95/00938/REG3 – To establish Barry Street Market permanently in accordance with consent 95/00140/REG3 which expires 31 December 1995 Economic Development Committee 27 September 1995 Minute No. 747(1); to operate until 20.00 hours on 19.12.95; to operate on 22 December 1995. Approved 29 November 1995 subject to conditions.

03/01435/REG3 – Refurbishment, alteration and extension to Barry Municipal Building and Library, plus external works to King Square, Tynewydd Road and Wyndham Street Car Park, landscaping works to Central Park. Approved 8 January 2004, subject to conditions.

06/00816/REG3 – Operation of a market of between 06:00 and 21:00 hrs for periods not exceeding 7 days on 5 occasions per year. Application not yet determined.

CONSULTATIONS

Barry Town Council were consulted and have stated that the extra market day is welcomed as a means of encouraging additional activity within the traditional town centre, which will bring benefits to other retailers in the town centres.

However concern is raised in relation to whether the extended hours include the time of the set up of the market stalls and clearance at the end of the day and have requested that the hours of setting up and taking down, be restricted between the hours of 06:00 and 18:00.

The Director of Legal and Regulatory Services (Environmental Health) has stated that the following condition should be imposed to protect residential amenity of the adjoining residential houses.

1. That no activity in relation to the market, that is such things as vehicles on and off the site and erection of stalls shall take place prior to 07:00 or after 21:00. The market shall not trade prior to 08:00 again to protect the residential amenity of the area

The Head of Visible Services (Highways Development) has stated that further to the recent site meeting and supporting information submitted in relation to the above, I would comment as follows.

- It is considered that without a formal method statement and agreement between the applicant and local traders, the proposal to increase the hours of operation would prevent servicing along the section of Holton Road when the market is held.
- As, this section of Holton Road will be required to be dedicated for pedestrian use when the market is operational, exemptions for vehicles will be required to allow vehicle access to the Welsh Tabernacle Church. However, assuming that exemptions are made, vehicles that require access to the Church will have to drive along Holton Road through the market, to the detriment of highway safety.
- Additionally, it is noted that no consultations with the emergency services have been undertaken, addressing the issue of emergency access, which will be obstructed by the market.
- It is also noted that the existing market is operated without a trader's license and is an obstruction of the public highway, which is an offence under the Highways Act 1980.
- Furthermore, the proposal to access Central Park and Kings Square from Ty Newydd Road is unacceptable as vehicles will be required to cross in front of the existing bus lane to the detriment of highway safety.

- Finally, as the Town Centre is already at saturation levels in terms of on street parking and any increase in the current parking demand would exacerbate the existing situation. Although the applicant has stated that a system of permit holder parking will be in operation, no additional parking facilities have been identified for the increased parking demand. Therefore, the increase in trader's vehicles attempting to find uncontrolled parking spaces within the town centre would not be acceptable.

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

REPRESENTATIONS

Adjacent and nearby occupiers were consulted and site notices were also posted. To date one letter of representation has been received from the occupier of No. 144 Holton Road. The letter states that the existing market restricts the presence of business on the street during market days and that the market is overcrowded, with resulting excessive noise levels.

REPORT

There are no specific policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 in relation to the proposal however, as the proposal relates to the increase in the choice and frequency of markets and events which will improve tourism in the town and the vitality and viability of the existing centre. The following policies are considered appropriate.

Part 1 Strategic Policies

Policy 6

TOURISM DEVELOPMENTS WILL BE FAVOURED WHERE THEY:

- (i) ASSIST THE DEVELOPMENT OF THE LOCAL ECONOMY; AND/OR
- (ii) SAFEGUARD OR ENHANCE THE QUALITY OF THE ENVIRONMENT.

Policy 9

THE VITALITY, ATTRACTIVENESS AND VIABILITY OF EXISTING TOWN, DISTRICT AND VILLAGE SHOPPING FACILITIES WILL BE PROTECTED AND ENHANCED.

Policy 10

EXISTING TOWN AND DISTRICT CENTRES, INCLUDING THE WATERFRONT, BARRY, WILL BE THE FOCUS OF NEW SHOPPING DEVELOPMENTS. OUT OF CENTRE SHOPPING DEVELOPMENT WILL BE PERMITTED IF:

- (i) THERE ARE NO SUITABLE TOWN, DISTRICT OR EDGE OF CENTRE SITES;
- (ii) THE PROPOSED DEVELOPMENT DOES NOT HAVE AN UNACCEPTABLE IMPACT ON EXISTING SHOPPING CENTRES OR PROPOSED RETAIL AREAS IDENTIFIED IN PART II; AND

- (iii) THE PROPOSED DEVELOPMENT IS ACCESSIBLE BY MEANS OF TRAVEL OTHER THAN THE PRIVATE CAR.

Part 2 Policies

Shop 2 – New and Improved Shopping Facilities

NEW AND IMPROVED RETAILING FACILITIES WITHIN AND ADJOINING ESTABLISHED TOWN / DISTRICT SHOPPING CENTRES, AND IN THE AREA OF COMPREHENSIVE REDEVELOPMENT AT BARRY WATERFRONT, WILL BE PERMITTED IF THE PROPOSAL:

- (i) HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (ii) ENSURES THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE EFFECT ON TRAFFIC FLOWS AND ROAD SAFETY;
- (iii) PROVIDES A HIGH STANDARD OF DESIGN AND MATERIALS;
- (iv) PROVIDES CAR PARKING AND SERVICING FACILITIES IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS;
- (v) ENSURES THAT ADEQUATE UTILITY SERVICES EXIST OR CAN BE READILY AND ECONOMICALLY PROVIDED; AND
- (vi) PROVIDES FOR ACCESS BY DISABLED PERSONS.

Issues

Members of Planning Committee will note that there is an associated application ref: 06/00816/REG3 for the operation of a market of between 06:00 and 21:00 hrs for periods not exceeding 7 days on 5 occasions per year.

The current application seeks to extend the existing weekly market which currently takes place of Tuesday, to allow the flexibility for the holding of a market on Fridays, when necessary which would permit for example a monthly farmers market.

The existing market is permitted within the pedestrianised section of Holton Road and in King Square as approved under ref: 95/00938/REG3. The application site now includes in addition to these areas, the recently remodelled and landscaped Central Park, which it is intended to use for the holding of markets and events which would include seasonal specialist markets such as Christmas Markets and events, continental and craft markets.

As set out above, the proposed use of the land as a market on Fridays will have both tourism and economic benefits and these markets will improve the vitality of Holton Road as a district retail centre within the Vale of Glamorgan and will enhance the attractiveness and viability of the centre as a whole. The existing market is restricted by conditions under planning application ref: 95/00938/REG3 as follows:

- The site shall only operate as a market on Tuesdays between the hours of 9.00 am and 5.30 pm other than on 19 December 1995 when the market shall operate between 9.00 and 8.00 pm and 22 December 1995 when the market shall operate between 9.00 am and 5.30 pm.
- No stalls or associated goods, materials or equipment shall be installed on the site prior to 6.00 am on the day of the market and no stalls, associated goods, materials or equipment or waste resulting from the market shall be left on the site after 7.00 pm on the day of the market other than on 19 December 1995 when they shall be removed after 8.00 pm.

In terms of the hours of operation, this application seeks to increase the operation of the market to 18:00, an increase in half an hour over the existing permitted time. The comments received from the Environmental Health Section are noted and they have not raised any objection subject to the setting up and taking down of stalls not to take place prior to 07:00 or after 21:00 and shall not trade again prior to 08:00, in order to protect the residential amenity of the area.

In terms of the comments received from the Highway Engineer, he has objected to the application on a number of grounds. In relation to servicing along the section of Holton Road, the objection relates to the lack of any method statement and agreement between the traders and the Council. Whilst no adverse comments have been received from any of the traders consulted on this application in relation to servicing, the concerns raised are noted. It is considered that such a method statement can be required to be submitted by way of planning condition to overcome this concern, which shall include a formal agreement with traders in relation to the servicing of the existing retail units during market days.

It is also stated that the existing market is operated without a trader's license which is an obstruction of the public highway and an offence under the Highways Act 1980. This matter has been brought the attention of the Head of Economic Development and Tourism and is a matter which is currently being resolved. However this licence falls under separate legislation and should not be considered under this application.

The highway engineer also stated that the proposal to access Central Park and Kings Square from Ty Newydd Road is unacceptable as vehicles will be required to cross in front of the existing bus lane to the detriment of highway safety. Whilst the comments is noted the original application for the refurbishment, alteration and extension to Barry Municipal Building and library, plus external works to King Square included that provision of a dropped kerb to facilitate vehicle access onto Kings Square, as it was intended to reuse the square for the market following the completion of the scheme. This was approved by the highway engineer as part of the original redevelopment for Kings Square and therefore it is not considered that an objection to the approved and constructed vehicle access can be sustained.

A further objection raised relates to the exacerbation of the existing parking situation in relation to traders vehicles. Whilst it is accepted that there is no dedicated parking facilities for traders vehicles, the traders vehicles are currently parked on the public highway adjacent to Holton Road, with stallholders permit holder parking, which appears to have operated successfully. Furthermore there are sufficient limitations and controls on the parking in the surrounding residential streets, which are restricted to either permit holder residential parking or restricted waiting (2 hours), which will protect the surrounding streets from any overspill of traders vehicles. Therefore there are sufficient controls in place to effectively control any increase in congestion or parking required, resulting from the increase frequency and duration of operation of the market. In relation to the increase in any public parking, the site is in a town centre location with a choice of public transport links and is readily accessible with a choice of transport modes.

CONCLUSION

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

Having regard to Strategic Part 1 Policies 6, 9 and 10 and Policy Shop 2 – New and Improved Shopping Facilities, the proposal subject to the imposition of conditions, is considered acceptable in relation to the impact on nearby residential amenity, the operation of the retail centre and would not unacceptability impact on the surrounding highway network.

RECOMMENDATION

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

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

Reason:

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

2. The site shall only operate as a market on Tuesday and Friday each week between the hours of 09.00 hrs and 18:00 hrs up to a maximum of 100 stalls.

Reason:

In order to protect nearby residential amenity and to ensure compliance with the terms of Policy Shop 2 of the Unitary Development Plan.

3. No stalls or associated goods, materials or equipment shall be installed on the site prior to 07:00 hrs and no stalls, associated goods, materials or

equipment or waste resulting from the market shall be left on the site after 21:00 hours.

Reason:

In order to protect nearby residential amenity and to ensure compliance with the terms of Policy Shop 2 of the Unitary Development Plan.

4. Prior to the first operation of the market hereby approved, a method statement which shall include formal agreements between the Council and the local traders in relation to the operation of the market and agreed service arrangements, shall be submitted to and approved in writing by the Local Planning Authority and the operation of all future markets shall be carried out in full accordance with the agreed method statement.

Reason:

In order to ensure that the operation of the market does not prejudice the existing retail function and to ensure compliance with the terms of Strategic Policy 9 of the Unitary Development Plan.

NOTE:

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

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

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

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