

00/01435/FUL

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ST. ATHAN BOYS VILLAGE, ST. ATHAN

Conversion and replacement of existing buildings to form 12 dwellings

SITE DESCRIPTION

The site of the former St. Athan Boys Village is located on the east side of the road from St. Athan to West Aberthaw, and approximately 1km to the south-east of St. Athan village centre. The northern third of the site is occupied by mostly disused buildings associated with the former Boys Village, including dormitories, a games room, offices, changing rooms/swimming pool/sports hall, a concert hall and other facilities. Most of the buildings are currently in a very poor and dilapidated condition. The remainder of the site (not within the application site boundary) to the south was formerly used as playing field facilities and is therefore not built upon.

DESCRIPTION OF DEVELOPMENT

This proposal (as amended) relates to the existing developed part of the former Boys Village site. Initially the proposal involved the provision of 23 dwellings, although the scheme has been subject to considerable negotiation and amendment. This part of the site (subject to this revised application) is approximately 1.2 hectare in area (or nearly 3 acres). Amended plans submitted on 9th March, 2005 indicate that the proposal involves a total of twelve new dwellings, in addition to the existing caretakers bungalow on the site (near the southern entrance) which is to be retained.

The twelve new dwellings would be formed as follows:

- The conversion of the former chapel building to form a single dwelling.
- The conversion of the former kitchen/canteen block to form three new dwellings.
- The demolition of all other buildings on the site, including the four separate prefabricated buildings which are currently located around the central square. It is then proposed to erect four pairs of new semi-detached dwellings generally in the position of these buildings, following their demolition.
- Other buildings on the site would be demolished, including the former covered swimming pool building and the elongated building close to the adjacent road which is in a very poor and dilapidated condition. A more substantial brick-built building on the southern edge of the development will also be demolished and will not be replaced.

With reference to the new build semi-detached dwellings, the submitted amended details indicate that these dwellings will be single-storey only, with a maximum ridge height of 7 metres. The footprint of a typical semi-detached block would be 9.4m by 18.8m. No clear indication has been given regarding proposed materials, but this can be 'reserved' by condition should the application be approved.

The site layout indicates that both existing accesses would be utilised, and a total of 34 car parking spaces are shown to be provided in four separate locations within the site. The central square feature is shown to be retained.

PLANNING HISTORY

99/00583/FUL – For the change of use of the site to a residential care home. Withdrawn.

89/01108/OUT – For residential development on a nearby site was refused by the former Vale of Glamorgan Borough Council in December 1989 and was subsequently dismissed on appeal to the Welsh Office.

CONSULTATIONS

St. Athan Community Council – In response to the most recent set of amended plans (dated 9th March, 2005) the Community Council has made extensive comments which are set out at Appendix A to this report.

Glamorgan Gwent Archaeology Trust – “It is not likely that archaeological features would be disturbed and therefore we have no objection to the determination of this application”.

The Director of Legal and Regulatory Services, (Pollution Section, Environmental Health) – “I can confirm that in the past there have been complaints by nearby residents of dust from the two works as well as odours from the power station. Admittedly these complaints have been from residents who live downwind of the prevailing wind. It is very likely that this development will be subject to the same on occasions and thus will lend to an increasing number of complaints. For this reason, I object to the development”.

The Head of Visible Services (Highway Engineers) – Comments as follows:

“It is proposed to serve twelve residential units from two separate private drives located at the northern and southern boundary's of the development site. However, the maximum number of dwellings that the Highway Authority will allow from a single private drive is five.

The existing access road to the development site from the B4265 does not allow two vehicles to pass each other side-by-side due to limited carriageway widths. Additionally, there are no street lighting or pedestrian facilities along the access road leading to the development site.

As the development proposals will increase existing vehicle and pedestrian traffic generation along the existing access road, it is considered the above proposal will be detrimental to highway safety.

However, in order to overcome an objection to the development proposals the following highway improvements will be required to be undertaken and implemented before beneficial occupation of any part of the development site. These details, listed below, should be made conditional to the planning approval, or be included in a Section 106 Agreement at the developers expense, to the satisfaction of the Highway Authority:

1. The number of dwellings served from a single private drive will be required to be reduced to five units. Any private drive will be required to be constructed the Highway Authorities requirements or to adoptable standards. Alternately, a single point of access, constructed to the Highway Authorities adoptable standards would be considered acceptable to serve the proposal of twelve dwellings.
2. No gate will be permitted to be erected at any point of access adjoining the public highway. Reason: In the interest of highway safety.
3. Visibility splays, from each point of access are to be provided in accordance with Technical Advice Note 18. Within the visibility envelope(s), no obstructions e.g. boundary walls, fencing shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height. Reason: In the interest of highway safety.
4. The existing carriageway will be required to be widened to a minimum of 5.5m along the frontage of the development site to allow two vehicles to pass each other side-by-side. Reason: In the interest of highway safety.
5. A pedestrian footway or verge and Street lighting is required to be provided along the existing access road, along the frontage of the development site. Reason: In the interest of highway safety.
6. Parking within the proposed development will be in accordance with the Council's Parking Guidelines and provide the minimum number of parking spaces within the boundary of the development site. An area will be set aside to allow vehicles to manoeuvre into and out of the development in forward gear. The proposed parking and manoeuvring areas shall be laid out in accordance with the Highway Authorities approved details before the development is brought into beneficial use and be therefore maintained and retained at all times for those purpose in association with the development.
7. Full design details in accordance with the Vale of Glamorgan design standards are required to be submitted and agreed in writing by the Highway Authority before commencement of work on the development site.
8. A condition is required preventing beneficial occupation of the development until all on highway works associated with the development have been completed. Reason: To make adequate provision for the safe accommodation of vehicular and pedestrian traffic."

REPRESENTATIONS

The application was advertised as a departure in January 2001. In addition, several local residents were notified of the receipt of amended plans on 30th March, 2005. To date, three letters of representation have been received, and these are all attached at Appendix B to this report. A letter in support of the application (as amended) from the applicants agent is attached at Appendix C.

REPORT

This proposal involves the conversion of existing buildings on the site and will also entail the construction of eight new dwelling within the central part of the site. The relevant development plan against which this proposal should be assessed is the adopted Vale of Glamorgan Unitary Development Plan 2005. The following policies are considered to be the most relevant in the circumstances of this case.

POLICY ENV 1 – 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 ADAPTION OF EXISTING BUILDINGS PARTICULARLY TO ASSIST THE DIVERSIFICATION OF THE RURAL ECONOMY;
- (iv) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

Policy HOUS3 is also relevant, given that the site is located outside any settlement boundary.

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 site is not located within the Heritage Coast but does lie within the East Vale Coast Zone.

The following Policy is therefore relevant:

POLICY ENV5 – EAST VALE COAST

OUTSIDE THE GLAMORGAN HERITAGE COAST DEVELOPMENT WITHIN THE UNDEVELOPED COASTAL ZONE WILL BE PERMITTED IF:

- (i) A COASTAL LOCATION IS NECESSARY FOR THE DEVELOPMENT AND
- (ii) THE PROPOSAL WOULD NOT CAUSE UNACCEPTABLE ENVIRONMENTAL EFFECT BY WAY OF:
 - VISUAL OR NOISE INTRUSION;
 - IMPACT ON AREAS OF LANDSCAPE IMPORTANCE;
 - AIR, LAND OR WATER POLLUTION;

- EXACERBATION OF FLOODING OR EROSION RISK;
- HAZARDOUS OPERATIONS, OR
- IMPACT ON ECOLOGY OR FEATURES OF GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE.

IN AREAS OF EXISTING OR ALLOCATED DEVELOPMENT WITHIN THE COASTAL ZONE, ANY NEW PROPOSAL SHOULD BE DESIGNED WITH RESPECT TO ITS LOCAL CONTEXT AND SENSITIVE TO ITS COASTAL SETTING.

Because the proposal includes the conversion of two existing buildings on the site (the former chapel building and the kitchen/dining block), Policy ENV7 is also considered to be relevant. This is a criteria based Policy and it is considered that the conversion aspect of this scheme (involving the creation of four new dwellings) would be acceptable in principle.

In this context it should be noted that the Inspector's report on the Draft Unitary Development Plan responded to a representation that this site should be allocated for housing, under HOUS1. The inspector concluded that the site.... "is clearly unrelated to any existing settlement and community facilities or public transport facilities. I consider, as did a previous inspector in 1990, that its proposed use for housing would have the effect of consolidating an existing pocket of development within what is still open countryside". He therefore recommended that no modification be made to the plan.

However, in his concluding comments on this representation, the inspector stated as follows:

"In reaching this conclusion I am mindful that the site is of a brownfield nature and that the policies of the plan do not specifically accommodate the redevelopment of such isolated sites for housing outside the Waterfront Strip. Whilst I accept that such a strategy is appropriate I consider that the efficient use of building resources must allow, exceptionally, for the change of use or conversion of buildings of the type existing on the objection site for other uses."

The primary issue of concern, therefore, in this proposal is the intended creation of eight new dwellings on a site which would usually be contrary to Policy. However, whilst the determination of planning applications must primarily be made against the relevant provisions of the development plan, other "material considerations" can also be taken into account.

The most notable such consideration in this case is that the former St. Athan Boys Village facility is a long-established complex in this area, although it has not been used, as originally intended, for several years. The site therefore currently has a 'built-up' appearance with several buildings on the site mostly located around the formal central square feature of the site which is crossed by pathways and is mainly laid to grass. However, because the site has not been actively used for many years, there is now an appearance of sad neglect and dilapidation. Indeed, some of the buildings on the site (particularly the large building near the adjacent road) are in an extremely poor state of repair to the extent that the site now detracts from the general appearance and amenity of the surrounding area.

Whilst the site is located within the countryside, the environs of the site currently include other forms of development. Most notably, the Aberthaw cement works are located a short distance away to the east and the Power Station is also located less than a mile to the south. There are other dwellings in the locality, including a property known as West Hall which fairly recently has had planning consent for conversion and extensions to form eight separate units of accommodation.

The issue of sustainability is also a matter which should be considered. The site is located outside a recognised settlement but, nevertheless, is within a reasonable walking distance from the B4265 which is a recognised bus route. There are two existing access points within the site and there are some buildings on the site which can be put to further beneficial use.

Nevertheless, given that the site is located within an area where new residential development would not normally be approved, discussions have taken place with the developers with regard to the possible payment of a financial contribution, to be linked to future improvements in the local public transportation network (mainly bus facilities) in the area. For example, the existing 'Boys Village' bus shelter on the Llantwit Major – Barry Road could be improved, and consideration could also be given to the provision of a new shelter on the opposite side of the road. It should be noted that there are currently three separate bus services which use this particular stretch of road on a daily basis. It has been tentatively agreed that a sum of £15,000 would be a reasonable payment in this respect.

It should be noted that this scheme seeks to retain the best features at the site (two of the better buildings and the central square) and would also involve the demolition and removal of the visually poorest buildings. The proposed new dwellings are also shown to be located approximately in the same location as the four former dormitory blocks, next to the square, which are to be demolished. The main consideration, therefore, in the assessment of this proposal is whether or not the possible visual improvement of this site, including the extensive demolition of many existing buildings on the site, would outweigh the clear policy presumption against residential development which would normally apply in such circumstances. Given that the site has a brown-field status, with a long history of what could be considered 'quasi residential' usage, it is considered that an exception could possibly be made in the circumstances of this case. If Committee agree with this rationale, then it is considered that the application could be approved, subject to the conditions set out below, and also on the basis of a Section 106 agreement as described above.

Consideration of this application was deferred at the previous Committee meeting to enable Committee Members to inspect the site. It is currently anticipated that this site inspection will take place on 19th October, 2005.

02541

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement for the payment of a financial contribution towards improvements to local public transportation facilities, the application be approved subject to the following conditions.

Subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of development on the site, a detailed method statement and scheme for the demolition of all the buildings on the site (other than the two buildings to be converted and the existing caretakers bungalow), and the clearance and removal of all resulting materials from such demolition and the phasing of all demolition works, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also include full details for the treatment and restoration of all the areas where demolition works have taken place. All the demolition works as may be agreed shall be completed prior to the first occupation of any of the new or converted dwelling units hereby approved.
3. The number of new dwellings to be constructed on the site shall not exceed eight units in total, and the external footprint of these new dwellings shall not exceed that as shown on Drawing No. L(90) 04 received on 9th March, 2005.
4. The new dwellings to be constructed (as referred to in Condition No. 3 above) shall be single-storey dwelling units only.
5. The detailed plans for the twelve dwelling units hereby approved shall include full details of the areas of amenity space and curtilage to be provided for each unit.
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 dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
8. Notwithstanding the submitted plans, full details of the external appearance, design and finishing materials of all the new dwelling units on the site (new construction and converted units) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
11. The detailed plans for the redevelopment of the site shall make provision for the retention and maintenance of the central square and monument. A management plan for the retention, landscaping and future maintenance of these features in the centre of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and these features shall thereafter be retained and maintained in accordance with the details of any such scheme as may be agreed.
12. 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.
13. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
14. The existing road carriageway along the western boundary of the site shall be widened to a minimum of 5.5m along the full frontage of the application site in accordance with a fully detailed scheme which shall first be submitted to and approved in writing by the Local Planning Authority. Such scheme as may be approved shall be fully implemented prior to the occupation of any of the new dwelling units hereby approved.
15. Visibility splays, from each point of access are to be provided in accordance with Technical Advice Note 18. Within the visibility envelope(s), no obstructions e.g. boundary walls, fencing shall be greater than 900mm in height above the carriageway channel edge and any planting will be located at the rear of visibility envelope and shall not be greater than 600mm in height. Such splays shall be provided prior to the first occupation of any of the new units hereby approved in accordance with the details of a scheme which shall have first been submitted to and approved in writing by, the Local Planning Authority.

16. Notwithstanding the submitted parking and layout details, parking within the proposed development will be in accordance with the Council's Parking Guidelines and shall provide the minimum number of parking spaces within the boundary of the development site. An area will be set aside to allow vehicles to manoeuvre into and out of the development in forward gear. The proposed parking and manoeuvring areas shall be laid out in accordance with the Highway Authority's approved details before the development is brought into beneficial use and be therefore maintained and retained at all times for those purpose in association with the development.
17. No gates or additional points of access to and from the site (other than the two access points as shown) shall be permitted to be constructed along the frontage to the public highway.
18. Together with the requirements of Condition No. 14 above, a fully detailed scheme for the provision of a pedestrian footway and street lighting along the access road frontage of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme as may be approved shall be fully implemented prior to the occupation of any of the dwelling units hereby approved.
19. This approval shall relate only to the amended plans and elevations received on 9th May, 2005 and the amended site plan received on 21st April, 2005.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity and to resume a satisfactory form of development.
3. In the interests of visual amenity and to limit the size of new dwellings on this site in a countryside location.
4. In the interests of visual amenity and to limit the size of new buildings on this site in a countryside location.
5. In the interests of the privacy of amenity of the future occupiers of these dwelling units.
6. To enable the Local Planning Authority to control the scale of development.
7. To enable the Local Planning Authority to control the scale of development.
8. In the interests of visual amenity and to ensure a satisfactory form of development.
9. To safeguard local visual amenities.
10. To ensure satisfactory maintenance of the landscaped area.

11. In the interests of visual amenity and the previous historical heritage of this site.
12. To ensure the satisfactory drainage of the site.
13. To safeguard local visual amenities.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. For the avoidance of doubt as to the approved plans.

NOTE:

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

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

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

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

Mr. Mike Pellegrotti, C/o The Star Inn, Eweny Road, Wick, Vale of Glamorgan.
CF71 7QA
(Martin Healer Dev. Services, Nodor House, South Road, Bridgend Ind. Estate,
Bridgend CF31 3SY)

LAND ADJACENT TO THE STAR INN, EWENY ROAD, WICK

Retention of construction of a 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 an application which seeks 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, reference 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.

PLANNING HISTORY

99/00382/FUL – Change of use of public house to three dwellings. Refused 18th 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 26th July, 2000 on the grounds of loss of community facility and inadequate amenity space.

99/00869/OUT – Two new starter houses. Approved 9th 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 5th 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 2nd 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 dwelling house 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 2nd 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 dwelling house hereby permitted, as indicated on Drawing No. MP(R)01, received 2nd 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 dwelling house.
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 dwelling house.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.
8. 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 elevations(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 dwelling-house curtilage shall be in accordance with the approved plans and details, as indicated on Drawing No. MP(R)03, received 2nd February, 2004, and the applicant's agent's letter of 5th January, 2004, and shall be implemented before the first beneficial occupation of the dwelling hereby permitted.

CONSULTATIONS

Wick Community Council – “Further to my telephone conversation with a member of the Planning Office staff regarding the above application. Firstly I wish to thank the lady who was courteous and very kind, taking the time to explain to me the reasons Wick Community Councillors have received another application and plans dated 2nd July, 2004 and 28th July, 2004 requesting our observations. I discussed it with the other Councillors and they have asked me to reply conveying their views.

When Planning Application 03/00714/FUL was received by Wick Community Council our observations at that time were that the Vale of Glamorgan Planning Officer should adhere to the views of the Planning Inspectorate, Crown Buildings, Cathays Park. In his report following an appeal by the then owner of the public house, the Inspector stated that in his view there was not enough land to the rear of the Star Inn to accommodate housing and car parking. However, dismissing the Inspectors view, outline planning for 2 No. new Starter Homes was granted by the Vale of Glamorgan. The question being asked is ‘How did we get from 2 No. Starter Homes that would have blended in to 1 No. very large modern house’?

The Community welcomed the purchase of the Star Inn by Mr. Pellegrotti who renovated it and seemed to make a going concern of it. When he sold the business and applied to build a house in the rear leaving room for car parking and a rear access to the public house, we bent to your superior knowledge and experience, trusting that the development would be inspected and controlled. Can you please tell the Community Council if there has ever been a site visit? Continually members of the community complained to the Council but we still had faith in the Vale of Glamorgan Planning Officer.

Now we have received the additional planning application ref: 04/01271/FUL which we believe is retrospective planning in order to cover up the enormous building which now covers most of the land to the rear of the Star Inn. It is a very modern building, which imposes itself between an ex-Council residence, and the Star Inn which is Centuries old. The reason the Community Council fought to keep it in the first place was to maintain the old traditional style public house. Now it has to the rear a house, which towers over in height and is completely out of character. The Wick Community Council does not feel there is any point in offering you our observations as they are obviously never taken into account. My comments are purely our joint view of a very bad situation.

Also Mr. Pellegrotti has stated to a number of residents that he now intends to close the access to the rear off Ewenny Road in order for the house to have a private garden. If the Star Inn is not to have any rear parking and no rear access then surely all of the Health and Safety Regulations on the public buildings are contravened.

The residents of Ewenny Road who had no previous problems living in the vicinity of the public house now find themselves surrounded by the cars belonging to it's patrons. The length of Ewenny Road now is the parking area for the public house. It has become a 'black spot' and is an accident waiting to happen. Also with the government introducing longer licensing hours, car door slamming has created complaints of nuisance and noise in the early hours. The new tenant is caught in the middle of this development and it cannot be good for his business, boding future problems for this Community Council if his business is not allowed to develop and succeed.

We believe that the whole situation is a mess. I trust that from this letter you will understand that Wick Community Council is very disillusioned with the service we are receiving and once back in session in September intend to seek some sort of redress unless the situation is remedied. If the Planning problems in this small village are multiplied across the Vale of Glamorgan then I am very concerned for the future of the Rural Vale."

Environment Agency – Have submitted their 'Standard Advise' Guidance Note for Developers only.

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

Sewerage

Conditions

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

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

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

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

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

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

Advisory Notes

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 23rd August, 2004.

The occupiers of "The Old School House", No. 2 Ewenny Road, have submitted strong objections. Whilst the letter is reproduced in full at Appendix A for Committee Members inspection, in summary the main points of objection relate to the development being an out of place eyesore; the lack of public house car parking and highway safety; failure to build retaining wall on boundary; siting of mobile home; and lack of action by planning department.

REPORT

Members will note from the planning history that permission has been granted for a detached dwelling house on the site on 5th March, 2004 subject to conditions. However work commenced on the proposed dwelling without compliance with a number of conditions, and the building has not been constructed in accordance with the approved plans.

It is noted that in policy terms 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 emerging 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 recently adopted Vale of Glamorgan Unitary Development Plan 2005, and relevant policies still include Policy HOUS9 which outlines the residential development criteria for new housing and Policy ENV25 which relates to the design of new development and again is a criteria based policy that requires that new development such have full regard to the context of the local natural and built environment and its special features.

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 included, Condition No. 3 – full details of the revised access arrangements off the St. Brides Road cul-de-sac; Condition No. 4 – the public house car park and access works, including the stopping-up of the highway as indicated on the approved plans to be undertaken and completed; and Condition No 10 - details of drainage. None of these works were undertaken prior to commencement, and whilst it is noted that certain works have progressed thereafter, the stopping-up of the highway and car park to the public house, have not been completed.

The Council's Highway Engineer has commented on the current application to regularise the currently unauthorised development and confirmed that the conditions attached to planning consent reference 03/00714/FUL must be satisfied. It is noted that since permission was granted in March 2004 the ownership of the public house has changed hands. The applicant's agent has indicated that his client has retained legal rights in connection with the provision of the public house car park but, to date, no evidence to confirm this has been forthcoming.

On the issue of the details of the design of the building it is noted that in assessing the earlier application lengthy negotiations were undertaken to reduce the size of the proposed dwelling and its impact on the street scene. The dwelling currently on site has not been constructed in accordance with these plans. Unauthorised changes include an increase in the ridge and eaves height of the two-storey garage and bedroom element positioned on the side adjacent to the public house. These changes along with the greater width and prominence of the unauthorised balcony all serve to increase overall bulk and massing of the building to the detriment of the street scene.

It is noted that both the local Wick Community Council and the neighbouring occupiers of Old School House are very unhappy with the present situation. The Council received the application to regularise the position on 4th August, 2004 and have deferred any determination on the basis that further information would be submitted. This has not been forthcoming to date and it is now over a year since the application was lodged. It is considered that this is more than sufficient time for information to be submitted on the necessary works undertaken.

It is concluded that as the necessary car parking and highway works have not been constructed and the Council's Highway Engineer has maintained that these are still necessary then there is a highway objection to the development on the grounds that insufficient on-site car parking is provided to serve the public house, to the detriment of highway safety. In addition, the alterations to the design of the house itself have served to increase the overall bulk and massing of the building thereby making it a more prominent feature in the street scene appearing out of keeping with the surrounding development. The development therefore fails to meet the criteria laid down in both Policies HOUS9 and ENV25 of the Unitary Development Plan in particular the scale of the development fail to enhance the local character and the provision of car parking is sub-standard and will exacerbate parking problems in the area.

In view of the above the following recommendation is made.

04091

RECOMMENDATION (W.R.)

In the event that Committee agree to the recommendation for refusal of 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 that:

- (i) The unauthorised dwelling and all associated works are removed from the site and the land returned to its former use as part of the car park and servicing area for the Star Inn Public House.

REFUSE

Reason(s):

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.

05/00494/FUL

Received on 29th March, 2005

Mr. Paul Chalmers, 9, Taylor Road, Litchard, Bridgend, Mid Glamorgan. CF31 1PP
(Mr. Paul Chalmers, 9, Taylor Road, Litchard, Bridgend, Mid Glamorgan. CF31 1PP)

FIELD NO. 7700, GROESFAEN ROAD, PETERSTON SUPER ELY

Erect low level wooden sheds at rear of land to breed rabbits

SITE DESCRIPTION

The application site is presently an open field or paddock approximately 1.65 acres (0.65ha) in area. It is located on the east side of Groesfaen Road approximately one kilometre to the north of Peterston-Super-Ely village. The land slopes gently upwards from the Groesfaen Road frontage and all the boundaries are demarcated by deciduous hedgerows. There are a number of residential properties near the front part of the site, the nearest being a detached bungalow known as 'Sunnyside'. An existing access lane borders the entire length of the northern boundary of the site.

DESCRIPTION OF DEVELOPMENT

This application is for the erection of low level wooden breeding sheds to breed rabbits. The sheds are shown to be sited at the top (east) end of the field on a site area of approximately 0.14ha, and the site location plan shows two rows of sheds each approximately 40m long by 5.75m in depth and having a maximum height of approximately 2.4m. These sheds are to be of simple wooden construction with a dark brown painted finish. The site plan indicates that the access to the site will be directly off a lane at a point near the intended location of the sheds. A small area of storage and car parking is to be provided. A hedge, to be maintained at a height of approximately 3 metres is to be planted at the northern edge of the site to screen the proposed sheds.

PLANNING HISTORY

A previous application for similar sheds, but for the joint use of breeding rabbits and worms, was refused on 24th February, 2005 (application ref: 04/01322/FUL). The reason for refusal was as follows:

“As it is considered that the proposed mixed use development does not constitute an agricultural use or activity within the definition of agriculture provided within Section 336 of the Town and Country Planning Act 1990 (as amended), the proposal is considered to be contrary to Policy ENV3 of the South Glamorgan Structure Plan (Alteration No. 1) 1989 and also contrary to Policies ENV1 and EMP3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) as these policies carry a presumption against the location of commercial, non-agricultural activities in open countryside locations”.

CONSULTATIONS

Peterston-Super-Ely Community Council – Were notified on 14th April, 2005 but no comments have been received to date.

Environment Agency – Comments received only in the form of a general guidance note for applicants.

The Head of Visible Services (Highway Development) – “No objection in principle subject to the following:

A turning facility and parking provision in accordance with the South Wales Parking Guidelines shall be provided within the curtilage of the site and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear. It is noted that no alteration to the existing access or creation of a new access from the highway is required as part of the planning application.”

The Director of Legal and Regulatory Services (Environmental Health) – No comments received to date, but comments in respect of the previous (similar) application were as follows.

“This department does not object in principle, however I would inform you of the following:

1. This department receives numerous odour complaints against agricultural processes and specifically satisfy the recommendations set out in The Air Code (Code of Good Agricultural Practice) issued by the Department for Environment, Food and Rural Affairs in relation to the prevention of odour. Any manure stored in the open air shall be protected from rainwater (thus covered).
2. This department would recommend that no poultry and pig manure be used for the process as it gives rise to a strong odour that could potentially cause an odour nuisance.”

REPRESENTATIONS

A site notice was posted on 14th April, 2005 and separate notifications were also sent to neighbours who live in the vicinity of the site.

To date, eleven separate letters of objection have been received from the occupiers of Nos. 3 and 4 The Elms, Merrewinds, Tyn-y-Cae Cottage, Brynderyn Lodge, Gwn-y-Gaer Isat, White Lodge, Ty Cerrig and No. 11, Le Sor Hill and Woodside, No. 1 The Elms. Three such letters, being generally representative of the view expressed, are attached at Appendix A, but all letters are retained on file for the inspection of Members. The following, however, is a summary of the main points which have been raised.

- The proposal would result in a devaluation of property prices in the area.
- Unpleasant smells would be generated by the rabbit breeding and would therefore be unneighbourly.
- Additional traffic would be generated by the development and local minor roads would not cope with this and could cause traffic dangers.
- Storage of animal foodstuffs etc. could attract vermin and flies.
- Surface water run-off/slurry could be a problem.
- Animal rights campaigners/activists could be attracted to the area, and general concerns have also been raised in relation to animal welfare.

The applicant has also provided information in support of his proposal, which is copied at Appendix B to this report.

REPORT

This application is a resubmission following the refusal of the previous application (ref: 04/01322/FUL) which was for the use of the proposed sheds for rabbit breeding **and** vermiculture. The basis of the previous refusal was that the mixed use did not fully constitute an agricultural use mainly because the vermicultural element did not strictly fall within the definition of agriculture as set out in Section 336 of the Town and Country Planning Act (as amended) 1990. However, the applicant has now indicated that the proposal relates solely to the breeding of rabbits for the British food market (see Appendix B).

With regard to the adopted Vale of Glamorgan Unitary Development Plan 2005 the relevant Policies are considered to be 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 OF ADAPTATION OF EXISTING BUILDINGS PARTICULARLY TO ASSIST THE DIVERSIFICATION OF THE RURAL ECONOMY;
- (iv) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

With regard to the above Policy, it is considered that the proposal would need to satisfy criterion (i) to be acceptable in principle.

POLICY EMP 9 – AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT.

PROPOSALS FOR DEVELOPMENT ON AGRICULTURAL LAND WILL BE PERMITTED IF THE PROPOSAL:

- (i) IS NECESSARY FOR THE PURPOSE OF AGRICULTURE WITHIN THE AGRICULTURAL UNIT;
- (ii) IS DESIGNED SPECIFICALLY FOR AGRICULTURAL PURPOSES;
- (iii) IS COMPATIBLE WITH THE SURROUNDING LANDSCAPE, ADJACENT LAND USES, AND ANY EXISTING RELATED STRUCTURES IN TERMS OF APPEARANCE OF ANY NEW BUILDINGS; AND
- (iv) DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ECOLOGICAL, WILDLIFE, GEOLOGICAL AND GEOMORPHOLOGICAL, ARCHAEOLOGICAL OR LANDSCAPE IMPORTANCE.

It should also be noted the site is located within a Special Landscape Area (Ely Valley and Ridge Slopes) by virtue of Policy ENVXXX (i) of the Unitary Development Plan where new development should not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area. In this proposal it is noted that the proposed buildings would be no more than 2.4m high and would have a timber clad, rustic appearance. The applicant also indicates that a new hedge would be planted on the west side of the sheds, thus further screening the site from any views to the west. Whilst there could be some visual impact caused by the proposal, it is not considered that this, in itself, would be a reason to reject the application providing the proposal was justified.

The nearest dwelling (Sunnyside) is a bungalow which fronts Groesfaen Road and has a side elevation and site boundary which adjoins the application site. However, the area for the rabbit breeding activities are approximately 100 metres away from this dwelling and, therefore, even further away from other dwellings in this locality. It is not considered that noise would be an issue, but possibly odour and associated problems of vermin as suggested by some of the objections. For this reason, the Director of Legal and Regulatory Services (Environmental Health) has been consulted and it will be noted that he has not raised any objections in principle to the application.

It will be noted that the Highway Engineer has not objected to the proposal, and the applicant has indicated his willingness to open the access into the field at a point higher up the lane next to the intended location of the sheds.

Because of the agricultural nature of this proposal, the Council's agricultural consultant has been requested to provide his observations on the application, and his consultation response is attached in full as Appendix C to this report.

It will be seen from his comments that he considers and concludes that “there is insufficient agricultural justification for the proposal”, for reasons which are fully set out at Section 3 of his appraisal report. He advises that rabbit production is highly problematic and requires a high degree of expertise, as many new enterprises often fail. He also considers that the applicants’ 18 year old son, who would manage the enterprise, lives some 16 miles away from the site, and as such it is considered that such a distance would make management difficult and perhaps “unrealistic”, especially in relation to a brand new unit. The consultants concluding remarks at paragraph 3.9 of his report are of particular note, where he states:

“In our opinion, given that the proposed bespoke buildings would have no other realistic use, the enterprise is entirely new, being proposed by an applicant with little experience, in a high risk market, wholly reliant on a single buyer with no contract, with no plans for on-site management and no realistic contingency, there is a very real risk that the buildings could be left redundant in the open countryside. In any event, there would appear to be twice the size of buildings required for the proposed enterprise.”

Accordingly, whilst the proposed use is considered to be agricultural in nature, the consultant advises that there is insufficient agricultural justification for this new development in the open countryside. It is also highly material, on this ‘virgin’ site, to consider the likelihood of subsequent pressures for on-site management in the form of a dwelling, which would be both difficult to resist, and harmful to the established rural character of the countryside, which is designated for its special landscape value. In this respect it is notable that there are no specific locational reasons for this particular site being chosen for such a development. Accordingly, this application is therefore recommended for refusal.

03958

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority, insufficient agricultural justification has been provided for this new development on a ‘virgin’ site within the open countryside. Accordingly the proposal is considered to be contrary to Policies ENV1 and EMP9 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mr. P. Pook, Quorn, Craig Yr Eos Road, Ogmore By Sea, Vale of Glam.
(Mr. P. Pook, Quorn, Craig Yr Eos Road, Ogmore By Sea, Vale of Glam.)

QUORN, CRAIG YR EOS ROAD, OGMORE BY SEA

Single storey and garage extension, loft conversion, demolish existing garage and conservatory

SITE DESCRIPTION

Quorn, Craig yr Eos Road is a semi-detached bungalow within a residential area of Ogmore-by-Sea. It is also located within the Glamorgan Heritage Coast. It has a render and tiled roof finish and some of the neighbouring properties are of similar design and exterior finish. The property is located within a well-screened garden, of high hedgerows and trees. There is an existing garage and driveway at the rear of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to construct a single storey kitchen and bathroom extension, a replacement garage and loft conversion following the demolition of the existing garage and conservatory.

The loft conversion will comprise of a dormer window on the front north elevation of the property. The external materials will match the existing. It will measure 2 metres in width with a height of 2.3 metres and a total depth of 2.7 metres.

Due to concerns regarding the original proposed detached garage, amended plans were received to attach the garage to the extension, but not integral to the property. A second set of amended plans have been received, reducing the width of the garage, to be in line with the new neighbouring garage. The new garage will now measure 2.7 metres in width, 4.9 metres in depth with a total height of 4 metres. The garage will project out 1.2 metres from the line of the property, a reduction of 0.8 metres from the first set of amended plans.

An extension will be built at the rear of the property. It will measure 2.5 metres in depth, 8.7 metres in width, which is the existing width of the house. It will accommodate a larger bedroom, bathroom and kitchen. Its total height will be 4.2 metres and will accommodate a new door and window on the rear elevation.

All external materials will match the existing.

PLANNING HISTORY

There have been no previous planning applications on this site.

CONSULTATIONS

St. Brides Major Community Council – Was originally consulted on 6th May, 2005. Representation was received on 14th June, 2005, indicating that the application should be refused, on the grounds of insufficient information and no details regarding the proposed access that is required with the new location of the garage and concerns regarding the horse-chestnut tree.

The Head of Visible Services (Highway Development) – Has indicated that he raises an objection to the application. Comments are attached at Appendix A.

St. Brides Major Community Council – Was re-consulted on the first set of amended plans on 1st September, 2005. No representation has been received to date.

The Head of Visible Services (Highway Development) – Was re-consulted on the first set of amended plans on 1st September, 2005. Representation was received on 7th September, 2005, indicating that they do not have sufficient details of the length of the driveway and details of the access off the adopted highway.

REPRESENTATIONS

St. Keverne, Windrush, The Darren, Sunray, Brynsirial, Lyncroft and Rockleigh were consulted on 6th June, 2005. Representation was received from Rockleigh, highlighting an objection to the application on the grounds of insufficient information, concerns regarding the horse-chestnut tree and the effect of the dormer on the character of the area.

St. Keverne, Windrush, The Darren, Sunray, Brynsirial, Lyncroft and Rockleigh were re-consulted on 1st September, 2005. A letter from the occupiers of Rockleigh objecting to the amended plans is attached at Appendix B.

REPORT

The dormer window will be located on the front, north facing elevation of the bungalow. It will be visible within the street scene, however due to its size and the use of matching external materials it is not considered to adversely affect the character of the street and wider Heritage Coast area. Due to the distance of over 20 metres from the property to the front garden boundary of the opposite property, it is not considered to affect the amenity of neighbouring and adjoining properties.

The new ground floor extension and garage will replace an existing garage and conservatory at the rear south facing side of the property. Due to its location within a well-screened garden, and the use of matching external materials it is not considered to adversely affect the character of the street and wider Heritage Coast area. The extension will be visible from the neighbouring property Sunray, however a garage is located on the boundary which will therefore screen the majority of the proposed extension.

In relation to concerns raised by the Head of Visible Services, the new proposed garage will be in line with the new neighbouring garage, and there will be the same distance from both garages to the highway. As a result, there will be two parking spaces on site. The proposed garage is also in a similar position and location as the existing garage, and as a result, it is not considered that it will adversely affect highway safety.

The applicant has confirmed that the horse-chestnut tree will be not felled as a result of this development.

On the basis of the above, it is recommended that the application be approved.

Consideration of this application was deferred at the previous Committee meeting to enable Committee Members to inspect the site. It is currently anticipated that this inspection will take place on 19th October, 2005.

03991

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The external finishes of the development hereby approved shall match those of the existing building.
3. The permission hereby granted shall relate to the amended plans, reference A and C received by the Local Planning Authority on 8th September and 12th September, 2005.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard local visual amenities.
3. For the avoidance of doubt.

NOTE:

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

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

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

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

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

ORCHARD RISE, 6, PENLAN ROAD, LLANDOUGH

Demolition of existing dormer bungalow and construction of two new dwellings

SITE DESCRIPTION

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

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

DESCRIPTION OF DEVELOPMENT

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

PLANNING HISTORY

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

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

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

CONSULTATIONS

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

1. Over-development on a restricted site.

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

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

Welsh Water - Were consulted and have requested that conditions and an advisory note shall be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site. They also state that the proposed development site is crossed by a public sewer. However from the attached plan which indicates the line of the sewer, it is clear that the sewer does not traverse the application site.

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

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

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

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

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

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

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

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

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

REPORT

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

The site falls within the designated residential settlement boundary of Llandough, where Policy HOUS2 of the adopted Vale of Glamorgan Unitary Development Plan 2005 supports housing infill, small-scale development and redevelopment within the settlement boundary, where the criteria listed in Policy HOUS9 are met.

Policy HOUS9, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

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

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

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

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

Also considered relevant is national planning policy guidance contained in Planning Policy Wales (March 2002).

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

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

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

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

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

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

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metre of amenity space per 1 square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. In view of the indicative nature of the outline application drawings, such an assessment cannot be made. However the requirements as set out in the amenity standards shall be imposed by way of condition as part of this approval.

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

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

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

04095

RECOMMENDATION

APPROVE subject to the following condition(s):

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

4. Plans and particulars of the reserved matters referred to in Condition No. 1 above, relating to access, siting, design, external appearance and landscaping, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
5. The detailed scheme shall be designed so that parking provision and garden areas for the proposed dwelling and the existing dwelling are designed to meet the Local Planning Authority's adopted Amenity Standards Supplementary Planning Guidance and the adopted Parking Guidelines.
6. The proposed dwelling(s) shall be designed so that no main windows of habitable rooms shall directly overlook the main windows of habitable rooms of other dwellings at a distance of less than 21.3 metres.
7. Details of the proposed finished floor levels in relation to the existing ground levels and finished levels of the site, including cross-sections shall be submitted to and agreed in writing with the Local Planning Authority before commencement of development and the development shall thereafter be constructed in full accordance with the agreed levels. The proposed levels shall pay particular regard to the residential amenities of neighbouring occupiers and the cross-sections shall clearly indicate the context and relationship of the development with regards to the adjacent dwellings, including sensitivity to design and height in relation to the adjacent dwellings.
8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The application was made for outline planning permission.
5. To ensure that the proposed development provides adequate car parking and amenity space for the existing and proposed dwelling.
6. To safeguard the privacy of adjoining occupiers.
7. To safeguard the amenities of neighbouring occupiers and ensure the development is sensitive to the surrounding area.

8. To safeguard local visual amenities.

NOTE:

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

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

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

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

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

05/00968/FUL

Received on 16th June, 2005

Mr. R. Gough, Hilton Farm, Colwinston, Vale of Glamorgan.
(Quorum Associates, 89, Eastgate, Cowbridge, Vale of Glamorgan. CF71 7AA)

HILTON FARM, COLWINSTON

Barn conversion to dwelling

The application was advertised on 21st July, 2005.

SITE DESCRIPTION

The site is situated in the open countryside to the south east of Colwinston.

DESCRIPTION OF DEVELOPMENT

A full application to convert a barn into a 5 bedroom dwelling. The proposal involves the following alterations:

- The floor within the building and the ground outside has been excavated to increase headroom within the building. This has involved significant underpinning to stabilise the walls of the barn.
- Part of the wall to the rear (north) elevation has been partly removed and infilled with concrete to strengthen the structure.
- The buildings would be re-roofed, and the roof to the single storey element would be raised at ridge level by approx. 0.5 metres. Three velux roof lights would be provided to the rear elevation of the two-storey part of the building.
- Various alterations to the window and door openings. Two new windows would be inserted to the end elevation facing the road and one to the rear. A window to the rear elevation would be closed up and a new doorway created at a lower level in the elevation. A window in the east end elevation would be closed up. Two windows and a door to the front (south) elevation and three windows to the rear would need to be re-positioned in the elevation to take account of the change in ground levels.

The property would be served by an existing vehicular access, which is currently fenced from the road. A parking area is proposed to the rear of the building and an area of land to the rear would provide garden area.

PLANNING HISTORY

02/01121/FUL – Application to convert barn to dwelling was withdrawn in March 2003.

98/945 – Planning permission was refused in October 1998 to remove a condition attached to planning permission 89/00990/FUL which stated that “the development hereby approved shall be used as holiday accommodation only and for no other purpose whatsoever”. A subsequent appeal was dismissed by the Welsh Office in February 1999.

93/1063/FUL – Alterations to previous conversion scheme of barns for holiday accommodation. Withdrawn.

93/629/FUL – Conversion to dwelling. Withdrawn.

93/00188/FUL - Planning permission was refused in May 1993 for the refurbishment of existing barn buildings and conversion to two houses for the reasons that the conversion would be unacceptably damaging to the character of the countryside, contrary to the Council's policy on the conversion of rural buildings and the proposal involved new buildings and extensions and other alterations considered damaging to the character of the buildings and the locality.

89/00990/FUL - Planning permission was approved in October 1989 for the change of use of 2 redundant buildings to holiday chalets. Only the two-storey barn has been converted to date.

84/00259/FUL – Planning permission refused in June 1984 for the conversion of the two storey barn to a domestic dwelling to be occupied by member of applicants' family for reasons that there was no agricultural justification for the proposal and so was contrary to the Council's policies and that the sporadic siting of a new dwelling would lead to a despoliation of the countryside.

82/00523/FUL – Planning permission refused in June 1982 for the conversion of the two-storey barn to a dwelling. An appeal to the Welsh Office was dismissed in February 1983

CONSULTATIONS

Colwinston Community Council - Has been consulted. No comments have been received to date.

The Head of Visible Services (Highways Development) - Has no objection subject to adequate visibility and completion of the parking facilities.

Building Control has stated that due to the underpinning work that has been implemented, the buildings are structurally sound and capable of conversion without detriment to their stability.

Environment Agency - Has no objection.

Dwr Cymru/Welsh Water - Has no objection.

REPRESENTATIONS

A notice has been posted at the site. No comments have been received to date.

REPORT

The development plan for the site comprises the adopted Vale of Glamorgan Unitary Development Plan 2005. The site is situated within the open countryside approximately midway between the two small villages of Colwinston and Llysworney.

Applications for barn conversions are assessed with regard to Policy ENV7 of the Unitary Development Plan, which states that proposals which involve small-scale conversions of rural buildings to new uses will be permitted subject to a number of criteria. The application has also been assessed with regard to the Council's Supplementary Planning Guidance 'The Conversion of Rural Buildings' approved in May 2005.

The barn subject of this application has previously had approval as holiday accommodation (89/00990), together with a two-storey barn situated nearby to the southeast. However, only the two-storey barn has been converted to date.

A previous application to convert the building to a dwelling was refused in May 1993 (93/00188/FUL). More recently, an application (98/00945/FUL) to remove a condition attached to planning permission 89/00990/FUL, which required that the barns be used solely as holiday accommodation was refused by the Council in 1998 as it was considered to be tantamount to the creation of a residential property in the open countryside contrary to policy. It was considered that the conversion of the building to residential use would not be acceptable at this location as it does not form part of a rural settlement defined as a significant group of buildings in residential use.

An appeal against the decision was dismissed. The Inspector stated that permanent residential use as opposed holiday lets:

“could give rise to an entirely different pattern of living because holidaymakers would not expect to send their children to school locally or undergo routine hospital treatment; nor would they expect shopping provision equal to that at their permanent home. They might also be prepared to accept lesser standards of access, parking and amenity space. Permanent residents, on the other hand, might be less tolerant and could place undue pressure on local services and their lifestyle would be likely to lead to increased domestic activity; travel to work, school or leisure facilities; casual visitors and service vehicles. These factors, coupled with the harmful effects of creating a new residential curtilage around the converted building, would, in my view, materially detract from the appearance of the countryside hereabouts and thus harm its unspoiled rural character.”

The Inspector went on to say:

“although the issue of precedent is not raised by the Council, I must also bear in mind that as the approved conversion was commenced within the five year time limit, the remaining units could be developed at any time. They might prove attractive to the increasing numbers of single person households (especially if two units were combined) and it would be difficult for the Council to resist any future applications for their permanent occupation.

My conclusions, therefore, on the main issue are that the disputed condition is necessary to achieve the objectives of SGSP Policy H10 and limit new houses in the open countryside for which no agricultural or forestry need has been demonstrated; protect the countryside for its own sake, and; maintain or enhance the local environment.”

The scheme as part of this current application involves a reduction of internal floor levels and external ground levels around the building in order to achieve the necessary headroom within the building to provide first floor accommodation. This has required significant underpinning works. These works are now complete and were very evident at the time of the officer's site visit. Whilst no structural survey has been submitted with the application (as is normally required with such applications), given the strengthening works that have been implemented, it is considered likely that the structural stability of the barn can be assured.

However, there are concerns regarding the degree of alteration to the building that is involved with this scheme. These alterations would be over and above that previously approved (89/00990/FUL) as part of the scheme to provide tourist accommodation, which proposed to utilise the building in its former single storey condition and proposed to convert the building utilising its existing structure and openings. As stated above, the current scheme involves significant structural works which, it is considered, go beyond simple repair and maintenance. In fact, part of the rear elevation of the building has been re-built and a number of new window and door openings are proposed. In addition, a number of existing openings would have to be re-positioned to take account of the change in ground levels. It is considered that the extent of alterations proposed to achieve the conversion would be detrimental to the character of the building.

Furthermore, it is considered that the conversion would result in an undue incursion into the rural landscape by virtue of the provision of amenity space to the rear of the building. The curtilage and extent of amenity space serving the building has been established as part of planning permission 89/00990 which granted consent for tourist accommodation in the building. The area of land is already defined by a block work wall (date of construction unknown) and is heavily overgrown. The curtilage is very large, with an area of approx. 700 sq. metres, which together with the barn, would be clearly visible from the adjoining highway as the site is approached from Colwinston. The scheme also proposes to construct a turning and parking area within this area that would be prominently sited to the side/rear of the building. The proposed conversion would result in an increased domestication of the site, not least because permanent residential occupation of the site is more likely to result in the introduction of more permanent domestic paraphernalia such as sheds, barbecues, patios etc., which would materially detract from the appearance and rural character of the countryside.

It is therefore considered that the proposals do not accord with the aims and objectives of the Council's barn conversion guidelines. Policy ENV7 of the Unitary Development Plan states that barn conversions should be undertaken "without substantial reconstruction of the external walls" and "without unacceptably altering the appearance and rural character of the building." It also states that amenity space should be provided without undue incursion into the rural landscape.

Planning Policy Wales 2002 states 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."

The proposal, therefore, by reason of its location represents an unacceptable form of development that would be tantamount to the creation of a new dwelling in the open countryside. The proposal is therefore unacceptable in principle, being contrary to the guidance contained in Planning Policy Wales 2002 and to Policies ENV1 and HOUS3 of the Unitary Development Plan, which presume against new development, unless it can be justified in the interests of agriculture or forestry.

As recognised by the Inspector in the appeal relating to 98/00945/FUL discussed above, the site is located in the open countryside away from local services. The proposed new dwelling would therefore represent an unsustainable form of development, which would be contrary to guidance in Planning Policy Wales 2002 which seeks to promote sustainable patterns of development. The proposal would also not accord with Policy 2 of the Unitary Development Plan which encourages sustainable practices.

A report on a survey for bat and barn owl roost sites was submitted with the application which found that there are no owls or bats roosting in the barn. It is therefore recommended in the report that should planning permission be granted, works should be carried out in winter months and all works should cease and the Countryside Council for Wales consulted if any protected species are found.

04088

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed conversion fails to accord with Policy ENV7 of the adopted Vale of Glamorgan Unitary Development Plan 2005 due to the adverse impact that the building as adapted and the resulting residential curtilage would have on the rural character of the surrounding landscape. The development would therefore amount to the creation of a new dwelling in the open countryside, contrary to Policies ENV1 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005, the Council's Supplementary Planning Guidance 'The Conversion of Rural Buildings' and Planning Policy Wales March 2002.
2. By reason of the location of the site in the open countryside, away from local services, the proposed new dwelling would represent an unsustainable form of development, contrary to guidance in Planning Policy Wales 2002 and Policy 2 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

05/01009/OUT

Received on 23rd June, 2005

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

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

Residential development

SITE DESCRIPTION

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

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

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

DESCRIPTION OF DEVELOPMENT

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

PLANNING HISTORY

None since 1978.

CONSULTATIONS

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

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

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

Dwr Cymru/Welsh Water - Were consulted on 7th July, 2005. "We would request that if you are minded to grant Planning Consent for the above development that the conditions and advisory notes listed below are included within the consent to ensure no detriment to existing residents of the environment and to Dwr Cymru Welsh Water's assets."

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

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

REPRESENTATIONS

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

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

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

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

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

1. The application as such gives no clear indication as to what the developer is actually planning.
2. We would have no objection to a conversion of the existing property to residential dwellings, providing it is in keeping with the surrounding area.
3. We would strongly request the provision of off-road parking.

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

REPORT

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

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

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

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

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

Consideration of this application was deferred at the previous Committee meeting (on 28th September, 2005) to enable the Local Planning Authority to ascertain whether or not the proposal involved the demolition of the school building. The application form suggested that the application did not involve any demolition but the agent has since confirmed that the building will be demolished as it is not suitable for conversion (see letter attached as Appendix B).

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

04053

RECOMMENDATION

APPROVE subject to the following condition(s):

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

4. A vehicle parking area shall be laid out and surfaced, in accordance with details to be agreed in writing with the Local Planning Authority, before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
8. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason(s):

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

8. To ensure satisfactory drainage of the site.

NOTE:

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

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

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

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

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

05/01041/FUL

Received on 28th June, 2005

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

LAND ADJACENT TO LLANGAN PRIMARY SCHOOL, LLANGAN

Conversion of redundant stables to office and construction of new access driveway

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 unfilled 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 the construction of a new access and driveway.

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 a new access and tarmac driveway. The proposed new access will be located some 25 metres from the main junction and will necessitate the removal of the existing hedgerow, the widening of the lane, the creation of a grass verge and a set back visibility splay. A splayed hedgerow is shown to be replanted behind the line of visibility splay, which is set back 4.5 metres from the edge of the highway. The proposed access from the highway will lead to inward opening timber gates with stone pillars and beyond that a 4.8 metres wide by 26 metre long tarmac driveway which will fork off into the 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 of the barn is shown to be grassed and will be supplemented by perimeter planting.

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

PLANNING HISTORY

05/01348/FUL – Construction of a new access driveway and car parking area, on land between the barn and Llangan Primary School. Application not yet determined.

CONSULTATIONS

Dwr Cymru/Welsh Water – Were consulted on the application and have no comments to make as the applicant intends to utilize private drainage facilities.

Environment Agency – Were consulted and responded with a standard guidance note for developers.

The Head of Visible Services (Highways Department) – Has raised no objection in principle, provided that the developer submits the required details for approval and subsequently provides the measures prior to beneficial occupation of the development. These details, listed below, should be made conditional to the planning approval.

1. The clear unobstructed manoeuvring area behind individual parking bays shall be increased to 6.0m.
2. The proposed turning area located at the end of the development access road will be designed to allow service vehicles to enter and exit the development site in forward gear.
3. The proposed parking and manoeuvring areas shall be laid out in accordance with the Highway Authorities approved details before the development is brought into beneficial use and be therefore maintained and retained at all times for those purpose in association with the development.
4. Visibility from the proposed access will be provided at 2.4m x 70.0m to the west and 2.4 x 30m to the east. No obstructions e.g. boundary walls, fencing etc. shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.
5. The proposed access will have a hard surface of concrete or bituminous material for a minimum distance of 10.0m from the highway boundary into the development site.
6. Any gates shall not be erected within 6.0m of the highway boundary and shall open inwards towards the development site.
7. No surface water from the site shall discharge onto the adopted highway.

The Council's 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 application proposes to create a new access which would require removal of a section of hedgerow. The hedgerow at this location is well established, dense, continuous, with no gaps. There is an associated high hedge bank indicative of an ancient origin and a parallel hedgerow exists on the other side of the lane. The hedgerow is ecologically species-rich and the dominant woody species is Hazel. The hedgerow may qualify as “important” under the Hedgerow Regulations 1997 and could potentially provide suitable habitat for dormouse (European protected species).

Should there be a highways requirement for removal of a large section of hedgerow for the purposes of visibility splay there would be ecological concerns. The Council’s Ecologist would therefore like to be consulted on this application again once the details of any proposed hedgerow removal are known.

The Director of Legal and Regulatory Services (Environmental Health (Pollution Section)) – Was consulted and raised no objection to the application but has requested the following condition:

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

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

REPRESENTATIONS

Adjacent occupiers were notified on 19th July, 2005 and to date no letters of representations have been received.

REPORT

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 ENV7 which relates to Small Scale Rural Conversions contained in the adopted Vale of Glamorgan Unitary Development Plan 2005.

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 UDP 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.

The 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, driveway and parking/turning area on the surrounding countryside.

In terms of the conversion of the building, 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 the character of the building as it 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 scheme proposes to use the existing and enclosed stable yard to provide a parking area for 3 cars and turning area. 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.

Notwithstanding the above, the barn will be served by a new access and extensive length of driveway. The proposed new access will be provided off the secondary road to Llangan and will require the removal of some 50 metres of hedgerow in order to provide the necessary widening of the carriageway and a set back visibility which is shown as being set back 4.5 metres from the edge of the carriageway. Whilst the highway engineer has not objected in principle to the proposed new access (subject to the submission of additional details) the alterations made to the lane as a whole would be detrimental to the rural character of the area and would not be in keeping with the simple agricultural field accesses found in the locality.

Furthermore, the provision of a set of timber gates with stone pillars would further introduce an unduly domestic feature into the rural landscape, more typical of a residential use of the building as opposed to a commercial use. The provision of the 26 metre long tarmac drive would be sited outside of the original enclosure and would itself result in an unjustified intrusion into the adjacent agricultural field, detrimental to the rural character of the area as a whole. The creation of the tarmac drive will also enclose the corner part of the field which is shown on the plan to be used as a grassed area with perimeter landscaping. As such this piece of land would no longer have a viable agricultural use and as such would be used as an ancillary amenity area in connection with the commercial use of the barn, itself unduly increasing the visual impact 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 870 square metres, extending well beyond the logical boundaries and enclosures of the site.

Whilst the proposal relates to a commercial conversion, the introduction of the additional features (new access, driveway, parking/turning areas, amenity areas and landscaping) into the rural landscape, would have similar impact as if the barn were to be converted to a residential use. Policy ENV7 states that the provision of vehicular access should be provided without any unacceptable effect on the appearance of the countryside and amenity space shall be provided without undue incursion into the rural landscape.

Furthermore, the Council's Ecologist has stated that the proposed hedgerow to be removed is well established, dense, continuous, with no gaps and that the high hedge bank is indicative of an ancient origin where a parallel hedgerow exists on the other side of the lane. The hedgerow is ecologically species-rich and the dominant woody species is Hazel. The hedgerow may qualify as "important" under the Hedgerow Regulations 1997 and could potentially provide suitable habitat for dormouse (European Protected Species).

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 ENV7 of the adopted Vale of Glamorgan Unitary Development Plan 2005. The loss of the hedgerow would also result in the loss of an important natural landscape feature contrary to the aims and objectives of Policy ENV10 (Protection of Landscape Features) contained in the above referenced adopted plan.

Furthermore it is not considered that there are any conditions or limitations which could be imposed on the grant of any planning permission to override the significant harm caused by this proposal. The following recommendation is therefore made.

04096

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

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.

05/01050/FUL

Received on 29th June, 2005

Mr. Neil Fox, C/o Agent.

(Tony King Architects, Colum Buildings, 13, Mount Stuart Square, Cardiff Bay, Cardiff. CF1 6EE)

FOXY'S DELI, 7, ROYAL BUILDINGS, PENARTH

Rear extension and basement conversion to provide additional seating and kitchen/preparation area, storage and office area

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

The application was advertised on 19th July, 2005.

SITE DESCRIPTION

The application site relates to the ground floor and basement of the existing delicatessen at No. 7 Royal Buildings, in Penarth. The shop is located directly opposite the Station Approach and Railway station in Penarth and lies a short distance away from the Paget Rooms. The site lies within a row of existing shops and commercial properties.

DESCRIPTION OF DEVELOPMENT

This proposal seeks permission for a rear extension and basement conversion to provide a larger seating area at the back of the premises, as well as improved kitchen/preparation area space and storage. The new extension would project approximately 4.85 metres from the existing rear elevation. It would have a maximum width of 6 metres but tapers to a narrower width of approximately 3 metres at the narrowest point. The elevations would be predominantly glazed, with red facing brickwork to the external walls and a flat roof with a raised feature rooflight.

PLANNING HISTORY

04/01999/FUL – A similar proposal to the current application was withdrawn on 11th April, 2005.

04/01047/FUL – For the retention of a small seating facility (A3 Use) and coffee shop area to the rear ground floor of the delicatessen. Approved 27th August, 2004 subject to the following conditions:

1. The permission for a Café use ancillary to the use of the shop hereby granted shall relate to the area of the premises indicated in green on drawing number L229 A 001 registered by the Local Planning Authority on the 25th June, 2004 attached to this consent and at no time shall the yard or any other part of the shop be used for the purpose of a café.
2. The area outlined in green on the plan attached to this consent shall be used as a café, ancillary to the main A3 Use of the ground floor and shall not be used for any other use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting that Order.
3. The use hereby permitted shall only be open to customers or for trading or servicing or collection purposes between the hours of 8.30 a.m. to 6.00 p.m. weekdays and Saturdays and 10.00 a.m. to 2.00 p.m. on Sundays.

98/00709/FUL – For the change of use of the premises to a hot food takeaway/restaurant, opening from 5.00 p.m. to 11.30 p.m. for 7 days a week. Refused consent on September 1998 for the following reason:

1. In the opinion of the Local Planning Authority the proposed use and times of operation would have an adverse affect upon the amenity of existing residents by virtue of the likely noise, disturbance and smells which will be created by a Class A3 Use in this location.

CONSULTATIONS

Penarth Town Council – Comment as follows:

“THAT the application should be approved subject to the Vale of Glamorgan Council giving consideration to the following comments:

1. If possible, any permission should be conditioned to restrict the proposed A3 Use to the current application having regard to the nature of the A3 Use associated with the current business and to control any possibility of alternative A3 Uses in the future.
2. Consideration needs to be given to the arrangements for waste storage associated with the application site given the limited space available to accommodate trade refuse bins and the inappropriateness of using the access lane to the rear of the site for this purpose.”

Director of Legal and Regulatory Services (Environmental Health) – Comment as follows:

“I refer to your memorandum received by this department on 20th July, 2005, this department has comments to make regarding the above application. The comments below apply if the application is deemed to be a conversion to A3 Use. If hot food is not to be prepared then no objections are raised apart from observations made by our Food and Safety Team.

1. In order to mitigate odours arising from hot food preparation (A3 Use) considerable odour abatement and or odour dispersion would be essential. As A3 Use can contain a range of food preparation methods and menus a comprehensive odour control system would be required to meet all potentials.
2. Given the enclosed residential environment within the vicinity of the premises the level of abatement or dispersion required to protect residential amenity, would be extremely significant and difficult to guarantee.
3. Dispersion would only be effective if taken above roof ridge after treatment. Ducting of such air can have noise implications that could also impact adversely upon residential amenity. Visually this would also be significant.
4. Even if such an odour control system were to be approved, extreme reliance on maintenance would be required to prevent adverse odour or noise impact upon amenity.

In consideration of the above we would advise the premises is inappropriate for A3 Use on grounds that residential amenity could not be protected due to adverse impacts of odour (and potential noise from associated fume handling)."

REPRESENTATIONS

Because the site is located within the Penarth Conservation Area, the site has been advertised by means of a site notice, and in the local press, on 19th July, 2005. No representations have been received.

However, it should be noted that when the application was submitted by the applicant, he enclosed with his submission letters of support from Lorraine Barrett A.M. (Appendix A) and Alun Michael M.P. (Appendix B). A letter of support from the East Vale Community Mental Health Team (based at No. 19 Stanwell Road) is also attached at Appendix C.

Finally, a petition signed by 391 residents in support of the proposal has also been submitted. This petition is available for inspection with the application file, and is prefaced with the following comments:

"We the undersigned wholeheartedly support the development of Foxy's Café. Foxy's has transformed this previously neglected area of Penarth in the last 3 years. We can see no reasonable objection for this development, which can only enhance Penarth and this area further."

REPORT

It will be noted from the planning history outlined above that a recent application for a similar proposal (application ref: 04/01999/FUL) was withdrawn earlier this year. The main reason for the withdrawal was that the application was likely to be recommended for refusal on the basis of an objection from the Environmental Health Division of the Directorate of Legal and Regulatory Services. Whilst discussions at that time did take place between the applicants and the Environmental Health Officers, the environmental health objections remained and hence the application was withdrawn.

This current application is very similar to the previously withdrawn scheme, and it will also be noted that the Environmental Health Officer has maintained an objection to the proposal, although he has indicated that "If hot food is not to be prepared then no objections are raised". The reason for the Environmental Health Officers' concern is that the business is located within a parade of shops which have residential flat units above. An intensive hot food/restaurant use would therefore be very likely to have an adverse impact on residential amenities – hence the refusal of such a proposal in September, 1998 (ref: 98/00709/FUL).

However, in this case the applicants are eager to point out that the primary use of the property is intended as a delicatessen and that therefore the majority of food to be served will be cold food from the deli counter. For sit-down meals in the proposed enlarged seating area, the majority of food to be served is more likely to be cold rather than hot. The applicant's agent has forwarded the following comments regarding the nature of the proposed use in support of the application:

"Following our recent discussions and earlier correspondence I write on my clients behalf to confirm that he would be happy to receive a personal consent with conditions, for the above proposals in order to give the Planning Department appropriate control over the business activities at this address, to avoid a more intensive use in the future.

I list below the points we discussed:

1. That the delicatessen is the prime use with the extended seating area ancillary to this.
2. That the majority of the food served is from the deli counter.
3. That the proposed extended seating area forms less than 50% of the floor space and less than 50% of the turnover of the business substantiating its ancillary use.
4. That the hours of business remain unchanged from the previous consent.
5. That the improved food preparation/kitchen installation will only contain modest appliances such as microwave, sandwich toaster, domestic size warming oven and hob. My client does not require any deep fat frying apparatus.
6. That the improved food preparation/kitchen area will incorporate a good quality fume extractor unit, appropriate to the limited range of cooked food. This will terminate at the farthest horizontal distance away from the building, thus removing the need for a unsightly duct running up the outside of the building. We agree that this item can be conditioned in order to control the final specification."

Following further discussions with the Environmental Health Division, it appears that their primary concern is that the approval of this proposal could inevitably lead to another type of A3 Use which could be potentially much more un-neighbourly than the low-level of A3 Use which is currently proposed. This concern is perfectly understandable, and it would appear that the only way to overcome this fear would be to impose such conditions on any approval such that the premises could not be easily transferable to another A3 Use of a more intensive nature. In this context, the letter from the applicant's agent is considered to be helpful.

In terms of relevant Policies, the most relevant Policy in the adopted Vale of Glamorgan Unitary Development Plan 2005 is considered to be the following:

POLICY ENV27 – PROTECTION OF ENVIRONMENTAL QUALITY

DEVELOPMENT WILL NOT BE PERMITTED IF IT WOULD BE LIABLE TO HAVE AN UNACCEPTABLE EFFECT ON EITHER PEOPLE'S HEALTH AND SAFETY OR THE ENVIRONMENT:

- (i) BY RELEASING POLLUTANTS INTO WATER, SOIL OR AIR, EITHER ON OR OF SITE;
OR
- (ii) FROM THE SMOKE, FUMES, GASES, DUST, SMELL, NOISE VIBRATION, LIGHT OR OTHER POLLUTING EMISSIONS.

Taking all the above issues into account, it is considered that the proposal for an extended seating area to the existing business use should not, in itself, cause any health or nuisance problems to the local residents. Indeed, this is borne out by the lack of a single objection to the proposal and the strong local support expressed through the petition and other representations as described above. Accordingly, it would seem that the best solution, in planning terms, would be to condition any consent such that it would be restricted to the specific usage of the business which the applicant wishes to carry on. This could also mean that any future use of the property for another type of A3 Use would require a further, formal consent. On the basis of the above, a conditional consent is recommended.

04090

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission shall enure only for the benefit of the applicant Mr. Neil Fox and for his dependants.
3. The mixed use of the property hereby permitted shall only be open to customers or for trading or servicing or collection purposes between the hours of 8.30 a.m. and 6.00p.m. weekdays and Saturdays and 10.00 a.m. to 2.00 p.m. on Sundays.

4. The seating area for the proposed cafe use shall be restricted to that area marked in green on the proposed ground floor Drawing No. L229/A/007/B and the seating area shall not be extended outside this designated area without first obtaining the formal consent of the Local Planning Authority.
5. All fumes and odours resulting from the preparation, cooking and serving of food shall be mechanically extracted and exhausted at a point to be agreed in writing with the Local Planning Authority. All fans and pumps used shall be of a type and so mounted as to give rise to no noise nuisance. The mechanical extraction system will be provided with an efficient odour filtration and odour absorption device which will be capable of being properly serviced and periodically renewed.
6. The scheme for the mechanical extraction system referred to in Condition No. 5 above shall be submitted to and agreed in writing by the Local Planning Authority, which scheme shall be fully implemented prior to the beneficial use of the development hereby approved.
7. The use hereby approved shall be carried out in accordance with the details as submitted in the applicants' agents letter dated 26th September, 2005 and the use shall not incorporate any deep fat frying apparatus as confirmed in that letter.
8. The external finishes of the development hereby approved shall match those of the existing building.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To control the future use of the property.
3. To safeguard local amenities.
4. To safeguard local residential amenities and to define the extent of this permission.
5. To ensure the amenities of adjoining occupiers are protected.
6. To ensure the amenities of adjoining occupiers are protected.
7. For the avoidance of doubt as to the nature and extent of this permission and to safeguard local residential amenities.
8. To safeguard local visual amenities.

NOTE:

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

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

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

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

05/01120/FUL

Received on 13th July, 2005

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

17, MELIDEN ROAD, PENARTH

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

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

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

PLANNING HISTORY

04/00199/FUL – Single storey extension to side and rear. Approved.

CONSULTATIONS

Penarth Town Council – Application should be approved subject to the external finishes matching the existing dwelling.

Welsh Water – See Appendix A.

REPRESENTATIONS

The adjoining properties have been notified and letters of representation have been received. Comments are attached as Appendix B.

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

REPORT

The development relates to an amendment to an application for single storey development to the side and rear approved under application ref: 04/00199/FUL. The details of that element of the scheme have not changed however it is now proposed to erect two bedrooms over the garage.

The development has been designed so that the front elevation at first floor is set back 0.5m and the ridgeline set down by approximately 0.3m from that of the main dwelling. The extension also has a hipped roof to reflect that of the original dwelling.

It is considered that the development will not materially affect the amenities of the adjacent property as although it will be built up to the boundary the neighbour has the width of a driveway between the extension and their property. The subject property is situated to the west of that property. Whilst there is one example of development over the side drive in the street this appears to be of some age and poorly designed.

The design and detailing of the current proposal does not adversely affect the amenities of the street scene. Similarly, it is not considered to adversely affect the neighbouring amenities to any degree to warrant refusal.

The neighbours' comments have been fully considered but there appears no reason to refuse the single storey development which has an extant consent. Issues of Party Wall and access onto neighbouring property is not a planning matter.

Having regard to Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 the following recommendation is made.

Consideration of this application was deferred at the previous Committee meeting to enable Committee Members to inspect the site. It is currently anticipated that this inspection will take place on 19th October, 2005.

04047

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
3. The external finishes of the development hereby approved shall match those of the existing building.
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 the garage hereby approved shall not be physically altered and shall remain available for the parking of vehicles associated with the residential use of No. 17 Meliden Road.

Reason(s):

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

NOTE:

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

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

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

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

05/01196/FUL

Received on 27th July, 2005

W. C. Bassett, Brook Farm, Llanmaes, Llantwit Major, Vale of Glam. CF61 2XR
(S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea. SA1
5TN)

LAND ADJACENT TO BROOK FARM, LLANMAES, LLANTWIT MAJOR

Erection of one detached dwelling

The development is situated within the Llanmaes Conservation Area.

The application is for demolition within the Llanmaes Conservation Area.

The application was advertised on 9th August, 2005.

SITE DESCRIPTION

The application site comprises part of an existing farm yard and agricultural land located at the northern end of the village of Llanmaes.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of a detached two-storey pitched roof dwellinghouse. Whilst the application forms indicate that no demolition is involved, nevertheless the submitted plans clearly show that the development will require the removal of existing agricultural outbuildings. The proposed four-bed dwellinghouse will be sited approximately 12.4m back from the adjacent highway, with its frontage facing that road. The dwelling will have a footprint of 11.02m x 7.04m with a single storey, pitched roof utility room on the south side elevation 2.96m x 4.18m, and a porch on the front elevation measuring 1.23m x 2.56m.

The proposed dwelling will have a traditional design and be finished externally in roughcast render with natural slate and natural stone to porch, utility room and external chimneystack.

Vehicular access will be via a new entrance created onto the adjoining highway. A new hedgerow will be planted behind the new vision splays.

PLANNING HISTORY

94/00490/FUL – Demolition of existing farm buildings, conversion of existing stone barn to dwelling and construction of two new detached dwellings. Approved 31st January, 1995 subject to conditions.

99/01057/FUL – Renewal of application 94/00490/FUL. Two dwellings and a barn conversion. Approved 18th November, 1999 subject to conditions including samples of materials, landscaping, full details of access, drainage, means of enclosure, retention of the north eastern hedgerow, demolition of all existing buildings apart from the stone barn, removal of permitted development rights, finished floor levels and planting of a new hedge or stone wall along the defined boundaries of the site.

01/00940/FUL – Renewal of 99/01057/FUL. Two dwellings and a barn conversion. Approved 23rd November, 2001 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. Samples of the materials to be used in the construction of the proposal shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. Full details of the proposed access construction to the public highway shall be submitted to and approved in writing by the Local Planning Authority, and shall include full details of any excavations, earthworks and finished levels for the access road, prior to the commencement of development.
6. Prior to the commencement of the development full details shall include a scheme for the provision and implementation of a surface water regulation system which shall be implemented before the construction of any impermeable surfaces draining to the system.
7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
8. The existing hedge and bank along the north eastern boundary of the site north of the existing barn shall be retained at all times and shall be protected in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall thereafter be maintained for the duration of construction works on site.
9. All existing buildings on the site, except for the stone built barn, shall be completely demolished and all materials resulting from the works of demolition shall be removed from the site prior to the first occupation of the dwellinghouse and barn conversion hereby approved.
10. The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the barn conversion hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling house shall be constructed, erected or placed within the curtilage of the converted barn or the dwellings hereby approved without the prior consent of the Local Planning Authority.
13. The permission hereby granted shall relate to the plans received by the Local Planning Authority on the 16th December, 1994 and the garage details submitted on the 23rd January, 1995, both as part of application 94/00490/FUL.
14. No part of the building shall be taken down and/or rebuilt except where indicated on the approved plan or as otherwise may be agreed in writing by the Local Planning Authority.
15. The barn conversion hereby approved shall relate to the details contained within the structural report received by the Local Planning Authority on the 5th August, 1994 as part of application 94/00490/FUL, and no other alterations shall be made without the prior approval of the Local Planning Authority in writing.
16. This consent shall not relate to the possible site for the new farm buildings as indicated on the site plan.
17. Details of proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and agreed in writing with the Planning Authority before development commences, and the development shall be completed in accordance with the details hereby approved.
18. The landscaping details to be submitted shall make provision for the planting of a new hedge or the construction of a natural stone wall along the boundaries marked in "yellow" on the plan approved under application 94/00490/FUL, and any planting scheme as may be agreed shall be fully implemented in the first planting season following the commencement of development.
19. Details in pursuance of Condition No. 6 shall include a scheme for the provision and implementation of a surface water regulation system which shall be implemented before the construction of any impermeable surfaces draining to the system.

CONSULTATIONS

Llanmaes Community Council – "Objection on the following grounds:

There is one access point to the site, which is a very short distance from a junction which is a blind corner and can be hazardous for traffic.

The amount of surface water, which runs off the land and onto the road at this point. There is a fully in the vicinity which is functioning at fully capacity and further development can only exacerbate the problem as the area is already prone to flooding.”

Environment Agency – “An acceptable method of foul drainage would be connection to the foul sewer. Consultation should be undertaken with the sewerage undertaker.

Dwr Cymru/Welsh Water – “Further to the above consultation we would provide the following comments:

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

Sewerage

Conditions

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

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

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

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

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

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

Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water’s Network Development Consultants on Tel: 01443 331155.”

Glamorgan Gwent Archaeological Trust – Were notified on 3rd September, 2005. No representations received to date.

Vale of Glamorgan Conservation Area Advisory Group: - RECOMMENDED – REFUSAL – the group recommended that the application should be refused on the following grounds:

“The form, scale and design of the proposal would affect the setting of existing stone barns and would be harmful to the character and appearance of the Conservation Area.”

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 5th August, 2005. No representations have been received to date.

The applicant's agent has submitted a letter in support of the application. This is reproduced at Appendix A.

REPORT

The site is located partly within the Llanmaes Conservation Area and partly within the residential settlement boundary as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005. The following policies are considered relevant to the assessment of the application.

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV15 refers to the Protection of the Built and Historic Environment and states:

THE ENVIRONMENTAL QUALITIES OF THE BUILT AND HISTORIC ENVIRONMENT WILL BE PROTECTED. DEVELOPMENT WHICH HAS A DETRIMENTAL EFFECT ON THE SPECIAL CHARACTER, APPEARANCE OR SETTING OF:

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURE OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS.
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST.
- (iii) DESIGNATED LANDSCAPES, PARK OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE;

WILL NOT BE PERMITTED.

Policy ENV18 relates to Development in Conservation Areas and states:

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

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

- (iv) IMPORTANT TREES AND HEDGEROWS, AND
- (v) PONDS AND STREAMS.

Policy ENV19 seeks to control the demolition of buildings in Conservation Areas.

Policy ENV25 looks at the Design of New Development and is a criteria based policy that requires new development must have full regard to the context of the local natural and built environment and its special features.

As the proposal is for a new dwellinghouse Policy HOUS9 is also relevant referring to Residential Development Criteria. The policy states:

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

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

In addition to the above the Council also has Supplementary Planning Guidance on Conservation Areas in the Rural Vale. The guidance recognises that there is a close relationship between buildings in the village and the surrounding countryside, with open fields providing a foil to the built environment. Paragraph 3.10 of the Supplementary Planning Guidance refers to village boundaries and states:

"To enhance the view of the village from without new development will give a high priority to the treatment of boundaries and settlement edges."

There is also Supplementary Planning Guidance on Amenity Standards which not only provides guidance on the quantity and quality of amenity space but also contains policies relating to privacy, daylight and visual amenity.

National guidance is contained within Planning Policy Wales March 2002 and TAN12 – Design. The importance of the historic environment is recognised as a resource for future generations and supports the objective of preserving or enhancing the character or appearance of a Conservation Area, or its setting.

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

It will be noted from the planning history that there is an extant permission for the redevelopment of the existing farm yard, which entails the conversion of the existing stone outbuilding to residential plus the construction of two new dwellings. That permission, reference 01/00940/FUL, is the second renewal of the original consent that dates back to January 1995. Conditions were imposed requiring the demolition and removal of the agricultural buildings on the northern edge of the farm yard and the clear demarcation of the newly defined northern boundary of the site from the agricultural land beyond by a new hedgerow or stone wall. A further condition requires the retention and protection of the existing hedge and bank along the north-eastern boundary of the site, north of the stone barn to be converted. When these earlier applications were determined by the Council the farmyard was located outside of the settlement boundary for Llanmaes, but Policy H16 of the former South Glamorgan Structure Plan allowed for infill and “rounding-off”, nevertheless the importance of the rural setting of the village was recognised in the conditions imposed.

The residential settlement boundary has now been formally amended within the adopted Unitary Development Plan to include the farmyard. However, it does not include the northern section of the current application site which lies beyond the line of the existing building. It is noted that the agent’s supporting statement appears to imply that as the land is ‘currently used land’ the new dwelling would then be ‘brown field’ development. However Planning Policy Wales excludes land and buildings currently in use for agriculture from the definition of previously developed land.

The applicant’s agent also contends that the proposal will comply with Policy HOUS9 of the Unitary Development Plan. However the first criteria of that policy requires that the scale, form and character of the proposed development is sympathetic to the environs of the site, whilst criterion (3) seeks to ensure that the proposal does not have an unacceptable impact on areas such as attractive landscape on high quality townscape and area of historical importance. The applicant’s agent makes no reference to the impact the proposal may have on the Conservation Area other than to question the need for Conservation Area consent for demolition. It is considered that the primary issue in the determination of the application is the impact the development will have on the setting of the village and whether it will preserve or enhance the character and appearance of the Llanmaes Conservation Area.

It is noted that the existing permission will provide for the removal of unsightly agricultural sheds and allow for a clearly defined boundary between the residential use and agricultural land beyond. In visual terms it will allow for the existing stone barn to be the prominent building thus defining the edge of the village in built form and preserving its rural setting. In contrast it is considered that the current proposal will significantly detract from this rural setting by introducing a further domestic property which will intrude into the rural landscape. The proposal will also entail the removal of the existing hedgerow and bank to allow for a new vehicular access which will further erode the rural landscape character of the northern edge of the village. On the issue of highways it is noted that the Council’s Highway Engineer has no highway objections in principle subject to improved vision splays of 2m x 70m and additional on-site parking and manoeuvring space.

In conclusion, it is considered that whilst the site could allow for a dwelling that meets the Council's parking and amenity space standards, nevertheless the introduction of a new dwelling on this edge of village location, which is a prominent one on the approach to Llanmaes from the north, would detract from its rural setting and would neither preserve nor enhance the appearance and character of this part of the Llanmaes Conservation Area.

In view of the above the following recommendation is made.

04037

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal does not constitute an acceptable form of "rounding off" of this northern edge of the village of Llanmaes. Instead the proposal is considered to represent an intrusion into the countryside which would detract from the rural setting of the village and neither preserve nor enhance the character and appearance of this part of the Llanmaes Conservation Area contrary to Policies ENV1, ENV15, ENV18, ENV25, HOUS2 and HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Conservation Areas in the Rural Vale; and national guidance contained in Planning Policy Wales March 2002 and TAN 12 - Design.

05/01230/FUL

Received on 2nd August, 2005

A. N. & M. J. Quick, C/o Agent.
(White Young Green, 21, Park Place, Cardiff. CF10 3DQ)

THE GREENDOWN INN, ST. GEORGES SUPER ELY

Conversion and alteration of existing buildings to create five dwellings

The property is situated within the St. Georges-Super-Ely Conservation Area.

The application is for demolition within the St. Georges-Super-Ely Conservation Area.

The application was advertised on 9th August, 2005.

SITE DESCRIPTION

The application site comprises an existing public house, restaurant and hotel accommodation located in the countryside to the west of Cardiff. The property is located within the St. Georges Conservation Area and within the vicinity of the listed St. Georges Church.

DESCRIPTION OF DEVELOPMENT

This is a detailed application for the conversion and alteration of the existing buildings to create five dwellings. The proposal entails:

- (a) Demolition works, including the front entrance porch and projecting bay windows, part of the front elevation of the dining room, the central portion of the kitchen, bar and toilet areas, the first floor of the rear pitched roof annexe, the rear entrance lobby and section of toilets, a section of the front elevation of the detached annexe accommodation, plus additional internal wall demolition to provide accommodation within the proposed dwellings.
- (b) New build works, including new external walls to Plot 1 to 4, additional first floor extensions to Plot 1 to Plot 3 with a number of new pitched roofs, and extensions to the detached annexe, including new two storey pitched roof projecting gable on the front elevation and lean to dormer to the rear.
- (c) Subdivision of the existing open yard, car parking and associated grounds to provide enclosed private courtyards and gardens.
- (d) Vehicular access will be via the existing entrances, with Plot 1 utilising the southern access point and Plots 2 to 4 the more northerly access.

Landscaping details are provided and the application is accompanied by a design statement. A copy of the design statement is reproduced at Appendix A.

PLANNING HISTORY

There is an extensive history of applications on the site. Of particular relevance to the current application are:

84/01212/FUL – Extension to provide 8 No. hotel bedrooms. Refused 12th March, 1985 with a subsequent appeal allowed on 14th October 1985.

90/00977/OUT – 30 No. bed motel and diner. Refused 20th November, 1990 on the grounds of being detrimental to the setting and amenities of the Conservation Area.

91/01225/FUL – Food preparation and storage unit. Refused 16th June, 1992 with a subsequent appeal allowed 9th December, 1992.

98/00026/FUL – Change of use, part of first floor and rear annexe to hotel use. Approved subject to conditions 6th March, 1998.

04/00834/FUL – Extensions to the main hotel and annexe to provide an additional 27 No. beds. Refused 23rd September, 2004 on the grounds of an intrusive feature within the rural landscape that would detract from the character and appearance of the St. George's Conservation Area and the unspoilt countryside of the Ely Valley and Ridge Slopes Special Landscape Area.

CONSULTATIONS

St. George's and St. Brides-Super-Ely Community Council – Comment as follows:

“Council is disappointed at the potential loss of a village amenity, particularly regarding the lack of facilities in a small village, but its main concern is with the drainage and sewage disposal proposals in the application.

There is already considerable concern regarding the drainage of the Greendown Inn and Council understands the Vale is aware of these. It would seem that a proposal for five dwellings will necessitate at least the same, or more, disposal facilities and this has not been properly addressed in this application.

Council would also like confirmation that the proposal will be referred to the Conservation Area Committee for consideration.”

Environmental Agency - Were notified on 9th August, 2005. No representations have been received to date.

Dwr Cymru/Welsh Water – Further to the above consultation we would provide the following comments:

Sewerage

We advise that there are no public sewers in this area. It may be possible for the developer to requisition sewers from Dwr Cymru Welsh Water under Sections 98 to 101 of the Water Industry Act 1991.

Water Supply

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

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

Glamorgan Gwent Archaeological Trust - Were notified on 9th September, 2005. No representations have been received to date.

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

“I refer to your memorandum received by this department on 14th September, 2005, this department has the following comments to make regarding the above application.

Environmental Health

I have no issues of concern regarding this application.

Contaminated Land

Previous site use should not have resulted in land contamination within the current site boundaries and the site is not included in this departments Part IIA database. GIS records indicate that there is a section of Drope Farm landfill situated within 250m south of the development site.

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

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

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

“RECOMMENDED – REFUSAL. The Group recommended that the application should be refused on the following grounds:

The proposal would constitute an over development of the site and an excessive intrusion into the countryside to the detriment of the character and appearance of the Conservation Area.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 9th August, 2005. Letters in support of the application have been submitted by the occupiers of “Ty Ffonnon”, “Springfield”, “Hen Ysgol” “Church Cottages” and “Mornington”, Drope Road, and “Hawthorne” 8 Drope Terrace. A copy of the representations submitted by the occupiers of “Church Cottages” and “Mornington”, Drope Road are reproduced at Appendix B as being generally indicative of the supporting letters received.

A letter objecting to the proposal has been submitted by the occupiers of “Ty Llwyd”, Drope Road. This is reproduced at Appendix C for Committee Members inspection, however the main point of objection relates to the loss of the existing facilities.

The applicant's agents have submitted a letter in support of the scheme which is reproduced at Appendix D.

REPORT

The site is located in the countryside and within the boundaries of the St. George's Conservation Area. The adopted Vale of Glamorgan Unitary Development Plan 2005 also identifies the site as lying within the Ely Valley and Ridge Slopes 'Special Landscape Area'. As such the following Policy background is considered relevant to the assessment of the application.

Strategic Policy 1 of the adopted Vale of Glamorgan Unitary Development Plan 2005 states:

THE VALE OF GLAMORGAN'S DISTINCTIVE RURAL, URBAN AND COASTAL CHARACTER WILL BE PROTECTED AND ENHANCED. PARTICULAR EMHASIS WILL BE GIVEN TO CONSERVING AREAS OF IMPORTANCE FOR LANDSCAPE, ECOLOGY AND WILDLIFE, THE BEST AND MOST VERSATILE AGRICULTURAL LAND AND IMORTANT FEATURES OF THE BUILT HERITAGE. PROPOSALS WHICH ENHANCE THESE AREAS WILL BE FAVOURED.

Strategic Policy 6 states:-

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 ENV1 refers to development in the countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV7 relates to small scale rural conversions and states:

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

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING;
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS;
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALL, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE;
- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING;
- (v) WHERE RESIDENTIAL USE IS CONSIDERED ACCEPTABLE, AMENITY SPACE CAN BE PROVIDED WITHIN THE CURTILAGE OF THE SITE WITHOUT UNDUE INCURSION INTO THE RURAL LANDSCAPE;
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE;
- (vii) SATISFACTORY PARKING PROVISION CAN BE MADE WITHIN THE CURTILAGE OF THE SITE;

- (viii) IN THE CASE OF CONVERSION FOR SMALL SCALE COMMERCIAL, INDUSTRIAL, RECREATIONAL OR TOURISM USE THE PROPOSAL SHOULD NOT CREATE UNACCEPTABLE TRAFFIC OR OTHER ENVIRONMENTAL PROBLEMS;
- (ix) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL OR INDUSTRIAL USES ANY RETAIL SALE OF PRODUCTS SHOULD BE ANCILLARY TO THE MAIN USE;
- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND. APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP;
- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT;
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA;
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

Policy ENV15 relates to the protection of the built and historic environment and states:

THE ENVIRONMENTAL QUALITIES OF THE BUILT AND HISTORIC ENVIRONMENT WILL BE PROTECTED. DEVELOPMENT WHICH HAS A DETRIMENTAL EFFECT ON THE SPECIAL CHARACTER, APPEARANCE OR SETTING OF:

- (i) A BUILDING OR GROUP OF BUILDINGS, STRUCTURES OR SITE OF ARCHITECTURAL OR HISTORIC INTEREST, INCLUDING LISTED BUILDINGS AND CONSERVATION AREAS;
- (ii) SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL AND/OR HISTORIC INTEREST;
- (iii) DESIGNATED LANDSCAPES, PARK OR GARDENS OF HISTORIC, CULTURAL OR AESTHETIC IMPORTANCE

WILL NOT BE PERMITTED.

Policy ENV18 refers to development in Conservation Areas and states:-

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

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

Policy ENV25 seeks quality design in new development and is a criteria based Policy that requires development proposals to have full regard to the context of the local natural and built environment and its special features. The first criterion requires that new development should complement or enhance the local character of buildings and open spaces.

Policy ENVXXX relates to Special Landscape Areas and identifies the site as being within the Ely Valley and Ridge Slopes Special Landscape Area and requires that new development within or closely related to these areas can demonstrate that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area.

Policy COMMXXX seeks the retention of community facilities in rural settlements and villages.

Policy HOUS3 of the Unitary Development Plan relates to dwellings in the countryside and seeks to restrict new dwellings to those that can be justified in the interest of agriculture and forestry.

The Council also has Supplementary Planning Guidance relating to Conservation Areas in the Rural Vale and the Conversion of Rural Buildings.

National guidance is contained within Planning Policy Wales, March 2002, TAN12 Design, TAN13 Tourism. The guidance recognises the importance of protecting the historic environment as a resource for future generations as well as supporting tourism as an essential element in providing for a healthy, diverse, local and national economy which can also contribute to the provision and maintenance of facilities for the local community.

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

The proposal is presented as a conversion of the existing buildings which would enhance the appearance of the Conservation Area with a significant improvement in the quality of the architecture. The applicant's agents therefore contend that the proposal complies with Policy ENV1 criteria (iii) the re-use or adaptation of existing buildings; and (iv) development approved under other Policies of the plan; Policy ENV7 for small scale rural conversions, and Policy ENV18 for the preservation and enhancement of the Conservation Area. An examination of the submitted plans, however, shows that the scheme entails significant amounts of demolition and new build to the degree that it is considered the proposal is tantamount to the construction of new dwellings in the countryside.

Policy ENV7 in its strict sense is aimed at retention and protection of the character and appearance of agricultural buildings. Regardless of this as a building in a rural setting it is considered that the proposal fails to comply with all of the stated criteria. Supported by the Supplementary Planning Guidance, the policy views the conversion of rural buildings for residential use less favourably than business uses. The proposed works entail significant works of demolition and rebuild and will completely alter the appearance of the buildings. The provision of domestic garden space to serve the proposed dwellings will also serve to alter the appearance and the character of the site to the extent that the proposed new use would neither preserve nor enhance the setting or character of the St. George's Conservation Area.

There is no argument with the view that the proposed architectural detail is of greater quality than the architecture of the existing building. However, the character of a Conservation Area is made up of many elements and not just architectural detail. Other elements such as open spaces, landscape features are also important elements that contribute to the particular character of an area. St. George's is a small rural hamlet with the boundary of the Conservation Area being drawn to include not only the central core of the listed Church of St. George and the five existing households but also the Greendown Inn. It is considered that the introduction of five independent new dwelling houses and the loss of the commercial use and the vitality it offers the hamlet, will neither preserve nor enhance the character of the St. George's Conservation Area. The introduction of the new dwellings in the urban scale and form proposed would also adversely affect the unspoilt, undeveloped landscape setting of the Ely Valley and Ridge Slopes Special Landscape Area. As regards the poor quality of the existing buildings, it is considered that this in itself does not justify the current proposal particularly as refurbishment works could be undertaken to improve the appearance of the property.

Another issue in the determination of the application is considered to be the question of the loss of the existing tourism and community facility. The applicant's agent considers that Strategic Policy 6 of the Unitary Development Plan is not applicable in this case. This view is not concurred with, particularly as the Policy does not refer to "proposed" tourism developments as is quoted in the agent's supporting letter. As with the majority of the Strategic Policies in the Unitary Development Plan certain proposals are "favoured". The Council in favouring certain development would fail to support tourism, community facilities and other uses if they did not question the impact of their loss and justification for any alternative uses. Policy COMMXXX (Retention of Community Features) also refers.

It will be noted from the planning history that a recent application for the expansion of the hotel facility was refused in September last year. Contrary to the agent's supporting text this was not on the grounds of traffic, or residential amenity, but solely on the grounds of the scale and design of the extensions and the adverse impact on the character of the Conservation Area. Whilst it is noted that six local households have written to support the application, there is also a letter of objection which counters the argument that the Greendown Inn does not provide a community facility and meet a tourism need.

No evidence has been provided as to the viability of the existing business and the statement that there are several other public houses and restaurants in the locality, and that St. George's is on the doorstep of a major city with a wide range of facilities, does not adequately address whether the benefit of this particular business, such as its historical and special landscape countryside location, are available elsewhere.

The supporting text to the application indicates that Planning Policy Wales favours the reuse of previously used land. This may be the case but it is certainly not without justification. Reference is also made in the supporting text to Paragraph 9.2.18 of Planning Policy Wales which suggests that minor extensions to groups of houses in the countryside may be acceptable. However, as the guidance notes, this is dependent upon the character of the surroundings. In any case it is not considered that the proposal represents a “minor extension” to the existing hamlet as it represents a doubling of the existing private households in this small grouping.

On the highway issues it is noted that there are no objections in principle subject to provision of parking and the sole use of the northern access point only. As regards other infrastructure issues, whilst the Community Council have raised concerns over drainage it is noted that no objections have been received.

In conclusion, it is considered that the proposal represents the unjustified introduction of five new dwellings in this countryside location, with the loss of an established community and tourism facility, all of which would have an adverse impact on the surrounding rural landscape and the setting and character of the St. George's Conservation Area, contrary to the above policies and guidance.

In view of the above the following recommendation is made.

04038

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal represents the introduction of unjustified new dwellings in the countryside which would adversely affect the rural landscape setting of the Ely Valley and Ridge Slopes Special Landscape Area and would neither preserve nor enhance the character and appearance of St. Georges Conservation Area contrary to Strategic Policy No. 1, Policies ENV1, ENV7, ENV15, ENV18, ENV25, ENVXXX (Special Landscape Areas), and HOUS3 of the Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on The Conversion of Rural Buildings and Conservation Areas in the Rural Vale; and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.
2. In the absence of any supporting evidence to indicate to the contrary, it is the opinion of the Local Planning Authority that the proposal will result in the unjustified loss of an established tourism and community facility which would neither safeguard nor enhance the quality of the environment contrary to Strategic Policy No. 6, Policy ENV18, and Policy COMMXXX of the adopted Vale of Glamorgan Unitary Development 2005; and national guidance contained in Planning Policy Wales March 2002 and TAN13 - Tourism.

Mr. M. H. R. Reynolds, Beauville Farm, Wenvoe, Cardiff. CF5 6BD
(Philip Griffiths - Architect, 3, St. Johns Close, Cefn Coed, Merthyr Tydfil. CF48
2PE)

LAND AT GILBERT LANE, DINAS POWYS

Proposed temporary accommodation

SITE DESCRIPTION

The application site relates to land to the rear of two existing agricultural buildings, comprising of existing agricultural land of some 0.22 hectares in area. The application site is accessed by a single agricultural gate from Gilbert Lane, which links the A4231 Barry Docks Link Road with the Westra and Dinas Powys.

The application site itself is located some 300 metres to the east of the A4231 Barry Docks Link Road, on the eastern edge of Barry. The site is located in a highly visible and prominent location within the countryside overlooking Sully.

The existing yard is located to the north of the application site, comprising two 18mx9m covered cattle sheds and an open yard of 30mx18m.

DESCRIPTION OF DEVELOPMENT

Following refusal of application Ref. 05/0057/OUT for the construction of an agricultural dwelling with garage, it was also resolved at Planning Committee on 8th June, 2005 that that applicant should be advised that Committee would be minded to accept a proposal for a temporary form of accommodation.

Therefore this full application is to provide a temporary form of residential accommodation to support the agricultural unit. The form of accommodation proposed is a static caravan which will have an approximate footprint of 10 metres by 4 metres. The caravan is shown to be sited centrally within a curtilage 24 metres wide by a depth of 8 metres, where part of the boundary of the curtilage will be defined by an existing farm building within the control of the applicant.

PLANNING HISTORY

05/00057/OUT - Proposed farmhouse with garage. Application refused 9th June, 2005 for the following reason:

1. The applicant has failed to demonstrate an essential need for the proposed permanent agricultural dwelling and therefore the proposal relates to unjustified residential development in the countryside. The proposal would also cause serious harm due to the prominent and elevated siting of the proposed dwelling and visibility from the Public Footpath. As such the proposed development is considered contrary to Policies ENV1 (Development in the Countryside), HOUS3 (Dwellings in the Countryside), and HOUS5 (Agricultural or Forestry Dwellings) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the advice given in Planning Policy Wales (March 2002).

04/00350/OUT – Proposed farmhouse with garage. Application refused 11th November, 2004 for the following reasons:

1. The applicant has failed to demonstrate an essential need for the proposed agricultural dwelling and therefore the proposal relates to unjustified residential development in the countryside. The proposal would also cause serious harm due to the prominent and elevated siting of the proposed dwelling and visibility from the Public Footpath. As such the proposed development is considered contrary to Policies EV3 and H10 of the approved South Glamorgan Structure Plan (Proposals for Alterations No. 1) 1989 and Policies ENV1, HOUS3 and HOUS5 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and the advice given in Planning Policy Wales (March 2002).
2. The proposal would result in the intensification of the use of an existing narrow single track lane and substandard field access which lacks adequate visibility to serve the proposed development and would create traffic hazards to the detriment of highway and public safety, contrary to the objectives of Policies HOUS5 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).

03/01056/PNA – Extension to barn/storage. Prior approval not required 21st August, 2003.

CONSULTATIONS

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

The Head of Visible Services (Highways) - Was consulted on previous application ref. 05/00057/OUT where there was no objection in principle, subject to the applicant satisfying the following conditions:

1. A turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines shall be provided within the curtilage of the site/for each unit, and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear.
2. The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary. This is to prevent loose material being dragged onto the public highway to the detriment of highway safety. Gates, if provided will be set back a minimum of 6.0m from the highway boundary.

3. Visibility splays of 2.4m x 30.0m in both directions, measured from the centre line of the proposed access, shall be provided. Nothing, which may cause an obstruction to visibility shall be placed, erected or grown in this visibility splay.
4. No surface water from the site shall drain onto the adopted highway or into the Highway Authority drainage system. The applicant must make provision for the disposal of the surface water on site.
5. Soakaways and/or septic tanks shall be sited a minimum distance of 5.0m from the highway boundary. No herring-bone drainage shall be laid within 5.0m of the public highway.

The Council's Agricultural Consultant prepared an appraisal as part of application ref. 05/00057/OUT and is attached in full as Appendix A. In summary, he states that in his opinion there is sufficient evidence to satisfy the functional test, but insufficient evidence to satisfy the financial test. Further evidence may be required and therefore a temporary static caravan may be appropriate whilst the enterprise proves sustainability.

Environment Agency – Were consulted and have responded with a standard advisory note for developers.

Dwr Cymru/Welsh Water - Were consulted on the application and to date no comments have been received. However as in the previous applications, as the applicant intends to utilise private drainage facilities, Welsh Water would in any case not have any formal comments to make on this matter.

Glamorgan Gwent Archaeological Trust – Have stated that whilst there are a number of Bronze Age features in this area, including burial mounds, given that the application involves the temporary siting of a caravan it is not likely that the proposal will disturb any archaeological material. Therefore there is no objection to the positive determination of this application.

REPRESENTATIONS

A site notice was posted on 11th August, 2005 and to date no letters of representation have been received.

REPORT

Members will recall that application ref. 05/00057/OUT for a proposed agricultural farmhouse with garage was refused at Planning Committee on 9th June, 2005.

In assessing that application the Council's Agricultural Consultant was of the opinion that whilst there was sufficient evidence to satisfy the functional test for an agricultural dwelling, there was insufficient evidence to satisfy the financial test. On this basis he considered that further evidence should be required and therefore considered that a temporary static caravan may be appropriate whilst the enterprise proves sustainability.

In view of the above it was also resolved at Planning Committee on 8th June, 2005 that the applicant should be advised that Committee would be minded to accept a proposal for a temporary form of accommodation.

Therefore this application now relates to a temporary form of accommodation by way of a static caravan.

In terms of need and justification this has been fully considered under application ref. 05/00057/OUT, and given that it is only several months since the consideration of that application it is not considered that the scale and nature of the agricultural operations within the holding would have changed. Accordingly the agricultural assessment previously undertaken is still considered to be relevant to the assessment of this application.

The application site is clearly located within the countryside, well away from any settlement of any size, and as such the proposal must be judged against national guidance concerning the erection of new agricultural dwellings in the countryside. Planning Policy Wales (March 2002) states in paragraph 9.3.7 that the following matters, in particular, should be considered when determining planning applications for agricultural and forestry dwellings:

- a functional test to establish whether, for the proper functioning of the enterprise (in terms of both its current and likely future requirements), one or more workers needs to be readily available at most times; and
- a financial test to establish that the farming enterprise is economically viable, since if it is not, new permanent accommodation cannot be justified on agricultural grounds, and to provide evidence of the size of dwelling which the unit can sustain.

Furthermore, the following paragraphs are also of relevance:

(Para 9.3.8) It is important to establish that stated intentions to engage in agriculture or forestry are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period.

If it is considered that a new dwelling will be essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, but the case is not completely proven, the dwelling should normally for the first three years be a caravan, or a wooden structure which can be easily dismantled, or other temporary accommodation. Temporary agricultural dwellings should satisfy normal planning requirements, for example on site and access, and will have to be removed at the end of the period for which the permission was granted. Local Planning Authorities should not grant temporary planning permissions in locations where they would not permit a permanent dwelling.

(Para. 9.3.9) Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for this need. For this reason planning permission should be granted subject to an occupancy condition.

(Para. 9.3.10) Applications for agriculture and forestry dwellings will only be permitted if special justification is given to meet the functional and financial tests, and an occupancy condition applied.

With regards to the adopted development plan, the Vale of Glamorgan Unitary Development Plan Deposit Draft 2005 is now adopted and therefore the following Policy is of direct relevance to this application.

Policy HOUS5 states that the development of new dwellings beyond the identified settlement boundaries designated by Policy HOUS2 in association with agriculture or forestry, will be permitted if:

- (1) An essential need, based on a functional and where appropriate financial necessity is clearly demonstrated.

- (2) The scale, siting, design, landscape and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape; and
- (3) An acceptable access to the dwelling can be provided.

If these criteria are met a condition will be imposed on all new agriculture/forestry dwellings limiting the occupation of the dwelling to a person solely, or mainly, working, or last working in the locality, in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.

The application site is smaller than the previously refused application site, although the position of the access and track leading to the curtilage is the same as the previously refused applications.

As stated above the appraisal undertaken by the Agricultural Consultant was undertaken under the previous application, where an assessment must be made of the existing holding and the enterprise carried out at the holding and whether the operation of that holding would be of a sufficient size to fully employ a farm worker. Such an assessment is based on a functional and financial test.

Functional Test:

The functional test is required to show that there is a proven agricultural need for a farm worker to be present *on site most times out of necessity*. In this case, there is sufficient evidence to demonstrate that a need exists for attendance to calving and animal husbandry and that the need would be met in full by a worker being *on site*. However, the holding and enterprise is relatively small, with the only change in the enterprise (since the assessment last year) seemingly being that the entire beef progeny from last year is still on the farm, dramatically reducing the income from sales that will have been received, whilst certainly increasing the hours required to manage the stock.

At an expected 1.65 acres per cow and 1.60 stores per acre, at least 115 acres are required for the current stocking levels. This land is available and therefore we are satisfied that the holding can support the existing stock. There is sufficient evidence to show that the need is sufficient to require such a farm worker to be on site at *most times out of necessity*. By virtue of the size of the holding and the existing enterprise, there is sufficient evidence of a proven need to satisfy the functional test.

Financial Test:

From the accounts submitted it is accepted that the enterprise has shown profits in the previous three years, but none of the income from the previous year is from sales of stock. The income is instead entirely derived from subsidy payments from the retained animals and does not therefore demonstrate a sustainable income from the agricultural enterprise. Since the functional test has been satisfied, the financial test is significant, but there is insufficient evidence of a sustainable income from the enterprise, other than the subsidies themselves (e.g. from sales of stock).

Since it seems likely that a sustainable agricultural enterprise is reasonably likely to materialise, the consultant has advised that the Local Planning Authority may wish to consider temporary accommodation (a static caravan) whilst the financial sustainability of the enterprise is established and proven. It is recommended that given the fact that only one year ago there was insufficient security to satisfy the functional test, this period may need to be 2-3 years, although if the pattern of sales of stock resume at an appropriate level next year, sustainability may be shown earlier.

As previously stated in the assessment of planning application ref: 05/0057/OUT, the applicant lives about a mile to the north east of the site (2 miles by road), at Beauville Farm, owned by his brother. This dwelling however is not "within sight or sound" of the main yard and there are no dwellings on the holding. The consultant has made enquiries on the ownership of the nearby houses shown on the application plan and is satisfied that none are owned by a connected party and that none are readily available.

In his conclusion the consultant is of the view that there is sufficient evidence to satisfy the functional test, but insufficient evidence to satisfy the financial test. He considers that further evidence may be required in order to prove long term sustainability of the enterprise. Therefore in order to demonstrate long term sustainability and viability of the holding in order to satisfy the financial test, it is considered that there is justification to permit the siting of a caravan to be used by a farm worker in connection with the agricultural holding for period of three years.

With regard to the provision of an acceptable access to the dwelling, the comments received from the Head of Visible Services (Highways) in relation to the previous application can be considered as part of this application. No objection has been raised, subject to a satisfactory turning facility and parking provision and improvements to the access including visibility splays of 2.4m x 30.0m in both directions. It is however considered that the level of traffic generation to and from the holding would probably be reduced if the applicant were resident within the holding, as opposed to travelling to and from the holding. As such it is not considered reasonable to satisfy the visibility splays of 2.4m x 30.0m in both directions, which would result in the removal of substantial lengths of hedgerow, which itself would be detrimental to the rural character of the area.

The caravan is shown to be sited directly adjacent to the southern elevation of the existing farm buildings. Given the limited footprint of the caravan and its single storey height, the caravan would be screened from the main roads by the building and when viewed from the south would be viewed against the backdrop of the existing building.

The curtilage shown to be used in connection with the caravan is of a limited depth, being 8 metres. The curtilage has a width of some 24 metres, which would also have to accommodate a parking and vehicle turning area in connection with the residential use of the caravan. The curtilage proposed would not unduly impact on the character of the surrounding countryside subject to the boundary of the curtilage being defined by way of a post and rail fence.

To conclude, the Council considers that there is a functional need for a farm worker to live within the holding given that a sustainable agricultural enterprise is reasonably likely to materialise. On that basis, the siting of caravan to serve an agricultural worker in relation to the applicants holding should be permitted for a period of 3 years during which time the financial sustainability of the enterprise can be established and proven. After that period, the Local Planning Authority may then consider whether a permanent form of accommodation to serve an agricultural worker would be fruitful.

04087

RECOMMENDATIONS

APPROVE subject to the following condition(s):

1. The occupation of the static caravan hereby approved shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
2. Notwithstanding the submitted plans, a site layout plan to a scale of 1:200 detailing the siting of the caravan, any associated base, the means of enclosure around the site, and details of the access, turning area and parking area (including their means of construction), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be carried out in accordance with such agreed details and thereafter maintained at all times.
3. The proposed details of the access track required in Condition No. 2, shall include a hard surface either in concrete or bituminous material for a minimum distance of 6.0m from the highway boundary. Where gates are to be provided they shall be set back a minimum of 6.0m from the highway boundary.
4. Full details of means of both foul and surface water drainage shall be submitted to the Local Planning Authority for their approval in writing and the approved means of drainage shall be fully implemented prior to the first beneficial occupation of the caravan hereby approved.
5. The caravan shall be sited for a temporary period only and the caravan, any associated base, access, turning and parking areas and means of enclosure shall be removed from the land on or before 1st November, 2008 and the land shall thereafter be restored to its former condition, which shall include reseedling, where necessary within 2 months from the date of the removal of the caravan.
6. The Local Planning Authority shall be advised in writing within 1 week of the caravan being removed for the land.

Reason(s):

1. The site is not one which would be approved for residential development except in connection with the agricultural use of the land.

2. In the interests of visual amenity in this rural location.
3. In the interests of highway safety.
4. In order to provide satisfactory drainage to serve the development hereby approved.
5. The siting of the caravan is permitted for a temporary period in order to allow the applicant to demonstrate a need to reside within the holding and to prove the functional and financial viability of the enterprise in respect of a permanent form of accommodation in connection with the holding.
6. To ensure compliance with the temporary planning permission and the terms of Condition No. 5 above.

NOTE:

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

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

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

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

05/01269/FUL

Received on 9th August, 2005

Jeffrey Jones, Brocastle Farm, Brocastle, Bridgend. CF35 5AU
(Watts and Morgan, 81, High Street, Cowbridge, Vale of Glamorgan. CF71 7YN)

TY TYLA COCH HOUSE, NEWLANDS HILL, LLANGAN

Remove agricultural occupancy condition

SITE DESCRIPTION

The application site lies within the open countryside and relates to an agriculturally tied house at Ty Tyla Coch, Newlands Hill, Llangan. The site is approximately 1600m² and lies to the north of the Brocastle Barn complex and to the south-west of Llangan. The total size of the agricultural holding is 155.776 acres and there are four dwellings on the holding, namely Brocastle Farmhouse and Cottage, Crackhill Cottage and the application site.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to remove an agricultural occupancy condition imposed on the approval for the dwelling approved under application number 184/72 in July 1972.

PLANNING HISTORY

The most relevant applications are:

184/72 - Agricultural dwelling. Approved July 1972 with the following conditions:

1. The occupation of the proposed dwelling shall be limited to persons employed or last employed locally in agriculture as defined by Section 290 of the Town and Country Planning Act, 1971 or in forestry, or a dependant of such a person residing with him (not including a widow or widower of such a person).

CONSULTATIONS

Colwinston Community Council - Were consulted on 15th August, 2005. No representations have been received to date.

The Director of Legal and Regulatory (Environmental Health) – Was consulted on 17th August, 2005. “This department has no comment to make regarding the above application.”

The Operational Manager (Countryside and Environmental Projects) – Was consulted on 16th August, 2005. The property is not affected by any Public Rights of Way shown on the Definitive Map. The closest Public Footpath is No. 2 Colwinston which lies outside the existing perimeter boundary of the property. Consequently I have no objection to the consent being granted.

The Council’s Agricultural Consultant – Was consulted on 16th August, 2005. An appraisal was requested to assess the proposal in accordance with planning guidance and policy.

“The only evidence submitted to support the requirement that all efforts have been made to make the property available to qualifying workers, without success, is the letter from the letting agent dated 6th July 2005. We have sought further evidence, but none is available.

The applicant has knowingly let the property (and on a five year agreement) to a tenant who (by the admission of the agent) does not qualify under the condition and despite the fact that three qualifying individuals already occupy each of the other three houses on the holding, none of which have such a condition.

The application has been made by a professional firm on behalf of the applicant, with mention of only a letting campaign (no mention of any attempt to sell and this has not taken place) comprising only of advertisements in only the local press, of which no record has been kept, website advertisements, again with no records and on the agent's letting list, although no record has been kept of that either. The campaign did not in any event include any inclusion in the farming press, there were no boards erected, no brochures produced, no mail-shots and none of the other normal marketing methods were used to attract even a fraction of the prospective market of qualifying occupiers. Under such circumstances, it is perhaps surprising that the application has been submitted as there is no question that insufficient evidence has been provided.

In conclusion, the applicant has failed to demonstrate adequately that there is no demand for an agricultural worker's dwelling at this location."

A full copy of the appraisal has been included as Appendix 'A' to this report.

REPRESENTATIONS

The neighbouring occupier was notified on 16th August, 2005. No objections have been received to date.

The application has been referred to Committee by the local Member Councillor Colin Vaughan.

REPORT

The application seeks to remove the agricultural occupancy restriction that applies to the dwelling built in the mid 1970's. The applicant's agents have submitted supporting letters and copies of these letters are attached as Appendix B. The property is currently let on a 5-year lease. Prior to 1995, the house was occupied by the brother of the applicant (in compliance with the agricultural occupancy condition) but it became vacant and in 1996 the property was broken into and stripped of all fixtures and fittings. The agents were instructed to find an agricultural tenant in 1997 but the property remained empty for over 2 years. The agents have stated that due to the fact that they were unable to find an agricultural tenant and no insurance cover could be obtained in view of it being vacant, there was no alternative but to let it on the open market.

The site lies outside any identified Residential Settlement Boundaries and forms part of the open countryside.

The proposal can be assessed against Policies ENV1 – Development in the Countryside, HOUS3 – Dwellings in the Countryside, Policy HOUS5 – Agricultural or forestry dwellings and Policy HOUS6 – Agricultural occupancy conditions of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (March 2002). Also, in considering applications of this nature regard has to be paid to advice contained in Technical Advice Note (Wales) 6 “Agricultural and Rural Development” and in Welsh Office Circular 35/95 “Use of Conditions in Planning Permissions”.

Policy HOUS6 of the UDP states:

“Applications for the removal of agricultural occupancy conditions will be considered on the basis of realistic assessments of the continuing need for their retention.”

The dwelling would have been approved in this location in 1972 with an agricultural justification and therefore the question now to be considered is whether its removal can be considered acceptable in the light of the need in the locality for such dwellings. Advice in the relevant Circular indicates that “where a condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose”.

As can be seen from the correspondence submitted on behalf of the applicant and from the Council’s own agricultural consultants report the only evidence to support the requirement that all efforts have been made to make the property available to qualifying workers is the letter from the letting agent dated 6th July, 2005. The agricultural consultant has sought further evidence but none is available. The applicant has let the property with a five year lease to a tenant who does not qualify under the condition attached to the original consent and is now seeking to remove the condition to regularise the continued letting of this property outside the agricultural occupancy stipulation. The applicant has not at any point attempted to sell the property to an agricultural worker and the property has only been advertised for let in the local press, on the website and on the agent’s letting list. Despite the restricted advertising of the property in 1999 and 2000, no record has been kept by the agent.

The letting campaign did not include the farming press and none of the other normal marketing methods used to attract a fraction of the prospective market of qualifying occupiers. Consequently, the application and enclosures lead the Council’s agricultural advisor to the view that insufficient evidence has been submitted to indicate that there is no agricultural need for the dwelling. There are overriding policy objections to the removal of the agricultural occupancy condition as the applicant has failed to show that there is no agricultural need for this dwelling.

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

04093

RECOMMENDATION (W.R.)

In the event of Committee agreeing with the recommendation to refuse planning permission, 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:

- (i) The cessation of the occupation of the property concerned by person or persons who do not comply with the terms of Condition No. 1 of Planning Permission 184/72 dated 14th July, 1972.

REFUSE

Reason(s):

1. The application has provided insufficient evidence to demonstrate that there is no agricultural need for the dwelling in the locality, and therefore the removal of the agricultural occupancy condition would be contrary to Policies ENV1, HOUS3 and HOUS6 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the guidance provided in Planning Policy Wales and Technical Advice Note 6.

05/01280/FUL

Received on 10th August, 2005

Mr. & Mrs. Brett Norris, "Avalon", Beach Road, Swanbridge, Sully, Vale of Glamorgan.

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

AVALON HEALTH & LEISURE CENTRE, BEACH ROAD, SULLY

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

SITE DESCRIPTION

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

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

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

DESCRIPTION OF DEVELOPMENT

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

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

PLANNING HISTORY

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

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

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

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

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

CONSULTATIONS

Sully Community Council – Comments awaited.

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

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

Environment Agency – “Standard Advice Applies”.

Dwr Cymru/Welsh Water – Comments awaited.

Glamorgan Gwent Archaeological Trust – See Appendix A.

REPRESENTATIONS

Neighbours have been notified. No comments received to date.

REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

04092

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.
4. The integral garage hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage(s) shall be available at all times for the parking of private motor vehicles associated with the proposed dwellinghouse.
5. A vehicle parking area shall be laid out and surfaced, in accordance with details to be agreed in writing with the Local Planning Authority, before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.
6. No additional windows shall be inserted in the southern elevation of the development hereby approved without obtaining the prior written consent of the Local Planning Authority.
7. The site shall be enclosed in accordance with details to be submitted to and approved by the Local Planning Authority prior to the commencement of development and the approved scheme shall be carried out prior to the first beneficial occupation of the converted dwellinghouse hereby approved.

8. Notwithstanding the submitted plans, details and samples of the roof materials to be used in the dwelling conversion hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason(s):

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

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.

RWE N Power, Aberthaw Power Station, Aberthaw, Vale of Glamorgan, CF62 4ZW.

(M R Bailey (Consents Manager), RWE N Power, Windmill Hill Business Park, Swindon, Wilts, SN5 6PB.)

ABERTHAW POWER STATION, ABERTHAW

Variation of condition 11 of the deemed planning consent 03/01132/OBS to allow a variation in construction times of operation over part of the site

SITE DESCRIPTION

The application relates to most of the site of Aberthaw Power Station.

DESCRIPTION OF DEVELOPMENT

A full application for an amendment to Condition No. 11 of the deemed planning permission granted by the Secretary of State for Trade and Industry on 16th June, 2004 under Section 36 of the Electricity Act 1989 for the installation of flue gas desulphurisation plant, to permit the commencement of construction works on the majority of the site at 7.00 a.m. instead of 8.00 a.m. on Mondays to Saturdays.

PLANNING HISTORY

03/01132/OBS - Installation of flue gas desulphurisation plant. Deemed planning permission granted by Department of Trade and Industry 16th June, 2004.

There are numerous other planning permissions on the site, none of which are directly relevant to this application.

CONSULTATIONS

St. Athan Community Council - No objection.

Health and Safety Executive - Have made no comment as the proposal does not meet the agreed consultation criteria.

The Director of Legal and Regulatory Services (Pollution Control) - Have no objection in respect of the part of the site now applied for, but consider that exceptionally noisy activity such as piling must be subject to prior notification and approval. Comments attached as Appendix A.

REPRESENTATIONS

The occupiers of nineteen of the nearest residential properties were notified on 7th and 12th September, 2005. Two letters of objection have been received from residents of Beach Road, Gileston, to the west of the site, objecting on the grounds that 7.00 a.m. is an unreasonable start time and of loss of amenity. Their letters are attached as Appendices B and C.

REPORT

Condition No. 11 of the deemed planning permission states:

11. No construction work associated with the development shall take place on the site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday	0800-1800
Saturday	0800-1300

unless such work

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council; or
- (c) such works are without impact or tonal content and do not cause existing ambient background noise levels to be exceeded.

RWE Npower have now applied to vary that condition in respect of the majority of the site to permit a 7.00 a.m. start on Mondays to Saturdays. In support of the application, they state that the proposal relates only to those parts of the site that do not impact upon the Limpert Car Park area. The variation will allow an earlier start on site for personnel (including equipment start up and positioning) before deliveries to the site from 8.00 a.m. This will also 'smooth out vehicle movements in the Aberthaw area which tend to concentrate around 8.00 a.m.

The application relates to the majority of the power station site lying to the west of the River Thaw but excludes the area to the west of the main power station building, closest to the dwelling 'Limpert' and to the coastal car park, in the interests of residential amenity.

The original 8.00 a.m. start time was included in the condition following comments by the Council's Pollution Control Officers regarding the impact of earlier construction noise on residential amenity. The Pollution Control Officers have now reconsidered the position in the light of the reduced site area in the current planning application, and have no objection subject to exceptionally noisy activity such as piling being subject to notification and approval. Monitoring and mitigation of pile driving noise is covered separately by Condition No. 12 of the permission.

Approval of the proposal will also inevitably increase early morning activity in the temporary car park and contractor's compound to the north of the site, approved in July 2004 and currently under construction. However, there are no hours of operation restrictions on that permission and noise from that area is likely to be limited to the arrival of workers' cars.

The Flue Gas Desulphurisation project is essential to secure the future of the power station and it is concluded that with the exclusion of the part of the complex closest to the nearest dwelling from the application, and with the lack of objection from the Pollution Control Officers, the proposal appears justified and reasonable. The concerns of the two objectors have been considered, but as the closer of them lives some 320 metres from the closest part of the application site any increase in noise is unlikely to be unreasonable at this distance even accounting for the earlier start time requested.

Separately, the deemed planning permission requires (Condition Nos. 18 and 20) approval of schemes of monitoring construction and operational noise, and the maximum permitted levels, from the development. Schemes have been submitted and at the time of preparing this report are subject of consultation with the Pollution Control Officers. The decision on those schemes will have to reflect the proposed change in construction start time.

04098

RECOMMENDATION

APPROVE subject to the following condition(s):

Definitions:

1. In these conditions unless the context otherwise requires:

"abnormal load" means any load requiring authorisation under the Road Vehicles (Authorisation of Special Types) (General) Order 2003;

"B.S. 4142 1997" means British Standard 4142: 1997 - Method for rating industrial noise affecting mixed residential and industrial areas;

"Bank Holiday" means a day that is, or is to be observed as, a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;

"the commencement of the development" means the date on which the development shall be taken to be initiated in accordance with Section 56 of the Town and Country Planning Act 1990 (as amended);

"the commissioning of the development" means the date on which the first unit of the development comes into operation;

"the Company" means RWE Innogy plc and its assigns and successors;

"the Council" means the Vale of Glamorgan Council and its successors;

"creative conservation" means the establishment of areas which are capable of sustaining indigenous species of flora and fauna;

"the development" means the retrofitting of flue gas desulphurisation plant at the Aberthaw coal-fired generating station in the Vale of Glamorgan;

"emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;

"Environment Agency" means the Environment Agency and its successors ;

"heavy commercial vehicle" has the meaning given by Section 138 of the Road Traffic Regulation Act 1984;

"the main development" means the construction work commencing with the placing of the first concrete for the main plant foundations of the development;

"operating weight" in relation to a goods vehicle has the meaning given by Section 138 of the Road Traffic Act 1984;

"Permitted Preliminary Works" means:

- (i) landscaping and creative conservation, providing these do not require the delivery or removal of bulk filling materials to or from the site;
- (ii) installation and diversion of utility services within the site;

- (iii) surveys and geotechnical surveys;
- (iv) relocation of existing auxiliary plant and facilities on the site;
- (v) provision of wheel cleansing facilities required pursuant to Condition (4) ; and
- (vi) provision for temporary contractors ' facilities necessary for (i) to (v) above within the site;

"the site" means the area of land hatched red on the plan ref: 3.1 attached to this decision notice..

The Site:

- 2. The construction of the development shall only take place within the boundary of the site.

Time Limits:

- 3. The commencement of the development shall not be later than 15th June, 2009.

Suppression of Dust and Dirt:

- 4. Except for the Permitted Preliminary Works, the commencement of the development shall not take place until the scheme of wheel washing facilities for heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes approved by the Local Planning Authority on 21st April, 2005 has been installed. The approved facilities shall be maintained throughout the period of construction of the development unless any variation has been approved by the Local Planning Authority.
- 5. All heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes associated with the construction of the development leaving the site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition No. 4.
- 6. Except for the Permitted Preliminary Works, the commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a scheme employing all possible measures for the suppression of dust during the period of the construction of the development. The measures approved in the scheme shall be employed throughout the period of construction unless any variation has been approved in writing by the Council.
- 7. All open bodied heavy commercial vehicles carrying dry loose aggregate, cement or soil into and out of the site shall be sheeted.

Layout and Design:

8. Except for the Permitted Preliminary Works, the commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council a scheme which shall include provisions for the:
- (i) details of the siting, design, external appearance and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the development;
 - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
 - (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the site;
 - (iv) details of artificial lighting required during the operation of the development;
 - (v) details of all new or modified permanent fencing and gates required on the site; and
 - (vi) phasing of works included in the scheme.
9. The development shall proceed only in accordance with the scheme referred to in Condition No. 8 subject to any variation as may be approved in writing by the Council.

Construction:

10. All activities associated with the construction of the development shall be carried out in accordance with British Standard 5228, Parts 1 and 2 : 1997 and Part 4 ; 1992; Noise and Vibration Control on Construction and Open Sites.
11. (a) Except within the area hatched red on Plan Ref. UKP/ATB/0993/C received on 25th August, 2005, no construction work associated with the development shall take place on the site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:
- Monday to Friday 0800-1800
Saturday 0800-1300
- unless such work
- (i) is associated with an emergency; or
 - (ii) is carried out with the prior written approval of the Council; or
(Hi) such works are without impact or tonal content and do not cause existing ambient background noise levels to be exceeded.

- (b) Within the area hatched red on Plan Ref. UKP/ATB/0993/C received on 25th August, 2005, no construction work associated with the development shall take place on the site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 0700-1800
Saturday 0700-1300

unless such work

- (i) is associated with an emergency; or
 - (ii) is carried out with the prior written approval of the Council; or
 - (iii) such works are without impact or tonal content and do not cause existing ambient background noise levels to be exceeded.
12. No impact piling shall take place until a scheme for the monitoring and mitigation of the pile driving noise has been submitted to in writing by, and deposited with, the Council.
13. In any instance where a time limitation referred to in Condition No. 11 is exceeded because of an emergency the Company shall as soon as possible notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed. The Company shall also notify the residents of the house adjacent to the Limpert car park.

Construction Traffic:

14. No heavy commercial vehicle traffic, plant, machinery or earthmoving equipment associated with the construction of the development shall enter or leave the site at any time on any Sunday or Bank holiday nor on any other day except between the following times:

Monday to Friday 0800 - 1800
Saturday 0800 - 1300

Unless such movement

- (a) is associated with an emergency; or
 - (b) is carried out with the prior written approval of the Council.
15. The commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council, a scheme for the transport of construction staff to and from the site. The approved scheme shall be in full operation for the commencement of the development and shall remain in operation throughout the period of the construction of the development.

16. Except in an emergency all vehicles associated with the construction of the development shall be routed via the main entrance to the Aberthaw coal-fired generating station.
17. In any instance where a time limitation referred to in Condition No. 14 is exceeded or the route identified in Condition No. 16 is not adhered to because of an emergency the Company shall as soon as possible provide the Council with a written statement detailing the nature of the emergency and the reason why the time limitation or route could not be observed.

Construction Noise:

18. No work associated with the construction of the development shall take place on the site until there has been submitted to, approved in writing by, and deposited with, the Council a scheme for the monitoring of noise generated during the construction of the development. The approved scheme shall specify the locations from which noise will be monitored and the maximum permissible levels at each such monitoring position. The approved scheme shall make provision for such 'noise measurements to be taken as soon as possible following requests by the Council and such measurements shall be given to the Council as soon as they are available. At such measurement locations, noise levels shall not exceed the levels specified in the approved scheme, unless otherwise approved in writing by the Council or in an emergency.
19. In any instance where a noise level approved pursuant to Condition No. 18 is exceeded because of an emergency the Company shall as soon as possible, and at least within two working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation could not be observed. If the emergency period is expected to be for more than twenty- four hours then the Company shall inform those residents affected by the emergency of the reasons for the emergency and the expected duration.

Operational Noise:

20. The commissioning of the development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council a programme for the monitoring of noise generated by the normal commercial operation of the development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with B.S. 4142 1997) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the Council and such measurements shall be given to the Council as soon as they are available. At such measurement locations noise levels permitted under Condition No. 21 shall not exceed the levels specified in the approved programme, except in an emergency or with the prior written approval of the Council.

21. Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition No. 20 the noise generated by the normal commercial operation of the development shall not exceed the following when measured generally in accordance with B.S. 4142 1997 at the facades of the nearest residential properties, indicated on FIGURE 7.1, annexed hereto:

Point 1	Leg 1hr	=	42 dB (A)
Point 2	Leg 1hr	=	35 dB (A)
Point 3	Leg 1hr	=	37 dB (A)
Point 4	Leg 1hr	=	29 dB (A)

Such noise shall exhibit no tonal or impulse content at these properties in all weather conditions. These limitations as to noise level shall be adhered to at all times except in an emergency or in accordance with any lower noise level which may be approved by the Council pursuant to Condition No. 20.

22. In any instance where a noise level approved pursuant to Condition No. 20 or a noise limitation referred to in Condition No. 21 is exceeded because of an emergency the Company shall as soon as possible, and at least within two working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation could not be observed. If the emergency period is expected to be for more than twenty four hours then the Company shall inform those residents affected by the emergency of the reasons for the emergency and the expected duration.

Prevention of Contamination of Watercourses:

23. Except for the Permitted Preliminary Works, the commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the site. Such facilities shall be put in place in accordance with the approved scheme.
24. The scheme referred to in Condition No. 23 shall include:
- (i) measures to ensure that no leachate or any contaminated surface water from the site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
 - (ii) provision so as to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the site are not adversely affected;
 - (iii) provision for trapped gullies in car parks, hardstandings and roadways;
 - (iv) measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system;

- (v) provisions to distinguish between temporary and permanent parts of the works; and
 - (vi) phasing of works.
25. Any surface water contaminated by hydrocarbons which are used during the construction of the development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.
26. All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.
27. All bunded compound(s) referred to in Condition No. 26 in which acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.
28. Any storage facility to which Condition Nos. 26 or 27 refer shall be completed in accordance with the requirements of those conditions before being brought into use.

Default of Agreement:

29. Where any matter is required to be agreed or approved by the Local Planning Authority under any of the foregoing Conditions that matter shall in default of agreement or approval be determined by the Secretary of State for Trade and Industry.

Reasons:

1. For the avoidance of doubt.
2. To ensure that no construction takes place beyond the boundary of the area which is the subject of this planning permission.
3. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
4. To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.
5. To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.
6. To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.

7. To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.
8. To enable the Council to exercise reasonable and proper control over the design and appearance of the Development.
9. To enable the Council to exercise reasonable and proper control over the design and appearance of the Development.
10. To ensure reasonable and proper control to be exercised over the methods of construction of the development.
11. In the interests of amenity.
12. To ensure reasonable and proper control to be exercised over the methods of construction of the Development.
13. To ensure reasonable and proper control to be exercised over the methods of construction of the Development.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. For the safety of other road users and pedestrians and residents of Gileston.
18. To ensure the proper control of noise during the construction of the development.
19. To ensure the proper control of noise during the construction of the development.
20. To ensure the proper control of noise during the construction of the development.
21. To ensure the proper control of noise during the construction of the development.
22. To ensure the proper control of noise during the operation of the development.
23. To ensure proper drainage of the Site and that proper containment facilities are built.
24. To ensure proper drainage of the Site and that proper containment facilities are built.
25. To ensure proper drainage of the Site and that proper containment facilities are built.

26. To ensure proper drainage of the Site and that proper containment facilities are built.
27. To ensure proper drainage of the Site and that proper containment facilities are built.
28. To ensure proper drainage of the Site and that proper containment facilities are built.
29. For the avoidance of doubt as to the process for resolving disputes.

NOTE:

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

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

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

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

05/01376/FUL

Received on 26th August, 2005

Mr G Webb, Tynytranch Farm, Ystradowen, Vale of Glamorgan, CF71 7SZ.
(Mr G Webb, Tynytranch Farm, Ystradowen, Vale of Glamorgan, CF71 7SZ.)

TYNYTRANCH FARM, YSTRADOWEN, COWBRIDGE

Change of use from part stables and garage to holiday accomodation with disabled and equestrian facilities

SITE DESCRIPTION

The application site relates to an "L" shaped single storey stable block and garage to the north-east of Tynytranch Farm, Ystradowen.

The site is approximately 97m² and lies within the open countryside just outside a quarry buffer zone. The modern outbuilding includes three stables, a tack room and a double garage and backs onto open fields. The site is accessed via a long private driveway that is shared with Highfields.

DESCRIPTION OF DEVELOPMENT

The resubmitted application seeks planning permission to convert one of the three stables, the tack room and the double garage into two self-contained holiday units. The holiday units are intended as accommodation for owner riders and they have been specifically designed to cater for the disabled rider. The units will include a bedroom with en-suite, a living room, kitchen/dining room and a w.c. A smaller tack room is incorporated into the conversion and a mezzanine level is proposed above the former double garage. A number of new timber framed openings are proposed, particularly to the rear elevation that overlooks the fields as well as ramps to aid wheelchair access. There are no extensions proposed as part of the works to the outbuilding. The courtyard can accommodate at least 4 No. cars. The resubmitted application has been supplemented with a detailed business plan.

PLANNING HISTORY

05/00452/FUL - Conversion of part of stable block and garage to create holiday self-contained equestrian accommodation including facilities for disabled persons. Refused 9th June, 2005.

97/00902/OUT - Demolition of existing farmhouse and construction of new house plus that of building providing 3 No. stables, 1 No. tack room and double garage. Approved 13th November, 1997. This consent included a condition restricting the outbuilding as ancillary to the use of the main dwelling.

CONSULTATIONS

Penllyn Community Council - Were consulted on 15th September, 2005. No comments have been received to date.

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

“A plan showing the proposed parking layout in accordance with the Highway Authorities Parking Guidelines alongside an area for manoeuvring is required to be provided. It is considered that the parking spaces and manoeuvring area will be able to accommodate larger vehicles/trailers, which would be used to transport horses to and from the site. A plan showing displaced parking, which currently serves the existing use at the site is required to be provided.”

“The parking layout for the existing dwelling adjacent to the application site is considered acceptable as three parking spaces can be accommodated within the boundary of the property. However, the parking area for the proposed change of use is unacceptable as vehicles cannot access parking spaces 3 and 4 and no provision has been made for the parking of trailers or horseboxes that will visit the site. Furthermore, there is no provision for vehicles to manoeuvre within the boundary of the development.

If the Planning Authority are minded to approve the above planning application, a condition stating *“that before beneficial occupation of the development, an amended plan showing parking facilities alongside an area of manoeuvring is required to be submitted and approved in writing by the Highway Authority”* is required to be imposed on the planning consent.

If the above condition is not imposed on the planning consent, the Highway Authority would object to the application based on inadequate parking and manoeuvring facilities provided within the boundary of the development site.

Dwr Cymru/Welsh Water - Were consulted on 15th September, 2005 and advise as follows:

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

Environment Agency - Were consulted on 4th April, 2005. No comments have been received to date.

The Director of Legal and Regulatory Services (Environmental Health : Pollution Control) – Was consulted on 15th September, 2005. “This department has no comment to make regarding the application.”

The Head of Economic Development – Was consulted on 15th September, 2005. No comments have been received to date.

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted 15th September, 2005. No comments have been received to date.

The Tourism and Marketing Manager - Was consulted on 15th September, 2005. No comments have been received to date.

The Operational Manager (Countryside and Environmental Projects) – Was consulted on 15th September, 2005. No comments have been received to date.

REPRESENTATIONS

The neighbouring occupier at Highfields and the tenant of the surrounding farmland and adjacent farm buildings (occupier of Bryn-y-Fedwen Farm) were notified of the application on 15th September, 2005. No representations have been received to date.

The Wales Tourist Board has written in support of the proposal (the letter is attached as Appendix A to this report).

REPORT

The application seeks consent for the conversion of a recently constructed outbuilding into holiday accommodation for equestrians. The site forms part of the open countryside therefore

the proposal can be assessed against Policies ENV1 – Development in the Countryside, ENV7 – Small Scale Rural Conservation, ENV25 – Design of New Developments and HOUS3 – Dwellings in the Countryside of the adopted Vale of Glamorgan Unitary Development Plan 2005, Planning Policy Wales (March 2002) and advice contained within the Conversion of Rural Buildings Supplementary Planning Guidance Note 1998.

The applicant intends utilising the location of the site close to footpaths and bridleways to attract riders and ramblers to the area. The Welsh Tourist Board are supportive of the application, have offered specialist advice in terms of the layout of the holiday units and have suggested that this project may attract some development funding. It is anticipated that the business will generate two to three part time jobs and one full time post (the occupier of Tynytranch Farm).

The main considerations in determining this application relate to the principle of this commercial use in a countryside location, the nature of the enterprise, the siting of the proposed development outside the settlement boundary and the conversion of a modern outbuilding.

The site lies to the north of Ystradowen in the open countryside well outside the identified residential settlement boundary. Policy ENV1 states that permission will only be granted for development which is essential for agriculture, horticulture, forestry or other development for which a rural location is essential, for an appropriate recreational use or where the re-use or adaptation of existing buildings assist the diversification of the rural economy. The main policy for assessing this proposal is Policy ENV7 that aims to preserve the character and appearance of traditional agricultural buildings once they become surplus to requirements. However, the application is for the conversion of a modern structure that is currently in use for non-agricultural purposes, contrary to Policy ENV7.

The outbuilding was originally approved in August 1997 with a condition restricting its use as being ancillary to the main dwelling at Tynytranch Farmhouse. A previous application was refused in June, 2005 as it was considered that the self-contained equestrian accommodation would be tantamount to a new dwelling in the countryside. However, the applicant has confirmed that she is willing to accept a condition limiting the use of the outbuilding as holiday accommodation which would effectively ensure that it could not be converted into a separate dwelling should the business fail or the property be sold.

The applicant is also willing to provide annual business reports to satisfy the Local Planning Authority that the outbuilding is being used as holiday accommodation only. The slight intensification of the site as a result of the tourist accommodation should not have a detrimental impact on highway safety in and around the site. It is considered that there is sufficient space on the site to accommodate vehicles and trailers/horseboxes in connection with the use of the holiday accommodation. The removal of the patio areas from the scheme and the use of timber doors and windows will help retain the agricultural character of the building.

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

04084

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The holiday accommodation shall be used only for the purpose(s) specified in the application and for no other purpose, whatsoever, including any other purpose in Class C1 and C3 of the schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.
3. The car parking area(s) shall be laid out in full accordance with the approved details prior to the holiday accommodation. being brought into beneficial use and shall be so maintained at all times.
4. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
5. The applicant shall make available for inspection by the Local Planning Authority a register of the names and main residential addresses of all the occupiers of the holiday accommodation and the periods of their occupancy within 2 weeks of the Local Planning Authority making such a request in writing.
6. Notwithstanding the submitted plans, full details of the vehicle parking and turning area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the parking area shall be laid out and surfaced in accordance with the approved details before the holiday units are brought into beneficial use.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To control the precise nature of the use of the site.
3. To ensure satisfactory car parking spaces are provided to serve the development.
4. To ensure the satisfactory implementation of the development.
5. To enable the Local Planning Authority to monitor the holiday accommodation to ensure compliance with Condition No. 2 above.
6. To ensure adequate parking.

NOTE:

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

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

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

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

05/01208/REG3

Received on 28th July, 2005

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

RHWS PRIMARY SCHOOL, FONTYGARY ROAD, RHOOSE

Installation of prefabricated classroom, associated site works and safety fencing

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

The application proposes to erect a unit, which will hold two separate classrooms and associated facilities, to accommodate increased pupil numbers.

The Classroom Dimensions Measure:

- (i) 6.4m wide.
- (ii) 22.4m depth.
- (iii) 3.7m high.

New Safety Play Area Measure:

- (i) 13m wide.
- (ii) 9m depth.
- (iii) 0.91m high.

New Safety Fence and Pedestrian Access Measure:

- (i) 25.5m wide across the front of the playground.
- (ii) 0.91m high.

The Development Materials Include:

- (i) Walls : Composite panels with textured finish – colour to be agreed.
- (ii) Roof : Profiled metal sheeting polyester powder coated - colour to be agreed.
- (iii) Windows and Doors: White uPVC frames, doors and panels – colour to be agreed.

PLANNING HISTORY

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

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

00/00638/REG3 – Single storey detached classroom. Approved 24th July, 2005.

CONSULTATIONS

None.

REPRESENTATIONS

The Library and Nos. 36, 37, 38, 39 and 40 Fontygary Road were notified on 20th June, 2005 and site notices displayed on 28th June, 2005. No representations have been made to date.

REPORT

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

The relevant Policies are considered to be Policies ENV25 and ENV15 contained in the adopted Vale of Glamorgan Unitary Development Plan 2005, which relate to the design of new developments and protection of built and historic environment. Policy ENV25 states that developments must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

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

Policy ENV15 clearly aims to protect the environmental qualities of the built and historic environment, including Listed Buildings.

The proposed units are similar to the existing units to the rear of the school and will therefore sit comfortably within that context. However, in design terms it is considered that the proposal will not complement the architecture or setting of the existing Grade II Listed Building and consequently should be conditioned as a temporary structure in order to protect the context of the existing school building.

In addition, the plans of the new proposed safety fence show the fence to be attached to the existing main school building and thus affecting the setting of a Grade II Listed Building. As such, it is necessary for the new safety fence to be attached to something other than the existing main school building, such as a permanent post structure. Therefore, a condition is recommended to ensure that the new fence is detached from the Grade II Listed Building.

There will be no increase in the number of staff to the school, which reduces any need for increased amenities to cope with the extension of the school. Similarly, the siting of the unit means the proposal will have no adverse impact upon either the parking facility to the front, the open space amenities to the rear or to any of the adjoining neighbours along Fontygary Road. Furthermore, due to its temporary nature, its position set back from the highway and being detached and hidden by the school building, it is believed that the classrooms' visibility from the highway should be heavily reduced and its impact would not be significant.

Therefore, the recommendation is for approval, on a temporary basis of three years.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the submitted plans, the new safety fence that crosses the width of the yard shall be detached from the main school building.
3. This permission shall be granted for a temporary period only, expiring three years from the date of this consent and the unit shall be completely removed on or before that date unless a formal consent for its retention has been granted by the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To protect the setting of a Grade II Listed Building by detaching any permanent development of this proposal to the school.
3. In order to clarify its temporary status and to protect the character and setting of a Grade II Listed Building.

NOTE:

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

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

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

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

05/01260/REG3

Received on 9th August, 2005

Dir. of Community Services, Vale of Glamorgan Council, Dock Offices, Barry, Vale of Glamorgan.

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

31, RHOOSE ROAD, RHOOSE

Two storey extension to existing respite centre

SITE DESCRIPTION

No. 31 Rhoose Road, Rhoose is a semi-detached property within a residential area in Rhoose. It has a large driveway to the side of the property which is able to accommodate 4 No. cars, and a garage at the rear. It has a medium size rear garden, which is well screened by fencing, trees and hedgerows. It has a smaller front garden, with some trees and hedgerows.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to construct a two storey extension to the existing respite centre at No. 31 Rhoose Road, Rhoose.

It is to be constructed to the rear of the property, and will incorporate a ground floor bedroom and entrance lobby and a first floor landing and bedroom. Other internal alterations to the existing property will also be made. One part of the extension will measure 2.3 metres in depth, 2.2 metres wide and a total height of 7.3 metres and the other will measure 3.4 metres wide, 4.2 metres in depth and a total height of 6.5 metres. Both parts of the extension will be adjacent and accessed from each other and all external materials will match existing.

PLANNING HISTORY

There have been no previous planning applications on this site.

CONSULTATIONS

Civil Aviation Authority - Were consulted on the 15th August, 2005.
Representation was received on 23rd August, 2005, indicating that they have no objection to the proposal.

REPRESENTATIONS

Nos. 29, 30, 32 and 33 Rhoose Road were consulted on 15th August, 2005.
Representation was received from No. 33 Rhoose Road, with objections in relation to loss of light, noise from residents and car parking problems. A copy of the letter received from Mr. and Mrs. Gammon has been forwarded to the agent. A copy of the objection letter is attached at Appendix A and a copy of the response received from the agent is attached at Appendix B.

A second letter of objection was received from No. 33 Rhoose Road on 26th September, 2005, highlighting further concerns regarding the extension, and the current nuisance at the property. A copy of the letter is set out at Appendix C.

REPORT

The extension will be constructed at the rear of the property and as a result it will not be visible from the highway. It is located within a medium sized garden, which is well screened by trees, hedgerows and fencing. Due to the use of matching external materials and examples of other extensions within the neighbouring area, it is not considered to adversely affect the character of the streetscene and wider area.

However, concerns have been expressed from the adjoining property No. 33 Rhoose Road regarding the loss of light, car parking and noise problems at the site. The extension will result in the loss of some light to the downstairs kitchen and bathroom and a first floor landing window, however these windows are not considered to be principal windows to habitable rooms, and as a result, the loss of light to the property will be classified as minimal and would not be so adverse as to warrant refusal.

The submitted plans indicated 4 No. parking spaces to the side of the property on the existing driveway, and this is regarded as sufficient for the use of the property.

The agents/applicants have been informed of local concerns regarding the alleged noise problems from residents on site.

Taking all the above matters into consideration, the application is recommended for approval.

04083

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
3. The external finishes of the development hereby approved shall match those of the existing building.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the satisfactory implementation of the development.
3. To safeguard local visual amenities.

NOTE:

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

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

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

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

05/01324/REG3

Received on 19th August, 2005

Mr. Keith Jones, The Alps Depot, Quarry Road, Wenvoe, Vale of Glamorgan. CF5 6AA

(Mr. Keith Jones, The Alps Depot, Quarry Road, Wenvoe, Vale of Glamorgan. CF5 6AA)

PANT Y LLADRON, ST. HILARY

Construct a reed bed facility for the filtration of gully arisings

SITE DESCRIPTION

The application site relates to a Council storage yard at Pant y Lladron, off the A48 near St. Hilary Transmitting Station. The yard measures approximately 3100m².

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to construct a reed bed facility for the filtration of gully arisings with a pond to the north-east corner of the site, four wetland areas, retention bays, waste storage, sedimentation and straw treatment areas and hardstanding.

PLANNING HISTORY

None.

CONSULTATIONS

Llanfair Community Council - Were consulted on 6th September, 2005. "No objection."

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) - Were consulted on 6th September, 2005. Their comments are as follows:

Japanese Knotweed is present on the site, observed along the western boundary.

Under the Wildlife and Countryside Act 1981, Schedule 9, Section 14 (as amended by the CROW Act 2000) it is an offence to deliberately cause Japanese Knotweed to grow in the wild.

Under the Environmental Protection Act 1990 (Duty of care) Regs 1991, soil contaminated with Japanese Knotweed is classed as "controlled waste" and can only be disposed of at a registered site and with a waste licence.

Himalayan Balsam, a prolific alien species from the western Himalayas, is frequent and abundant throughout the application site. Himalayan Balsam is classed as an invasive weed and national guidance on how to eradicate it has been issued by the Environmental Agency.

- To ensure compliance with the legislation afforded to Japanese Knotweed and its movement and disposal and the national guidance which exists for the control and eradication of Himalayan Balsam, it is recommended that a scheme for the eradication and control of Japanese Knotweed and Himalayan Balsam be drawn up prior to the commencement of work on site. It is recommended that the scheme includes ongoing control measures post-development to ensure that the area remains clear of both species.

The application site includes scrub, hedgerows and trees, mainly at the site periphery, which may 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 wildlife bird that nest is in use or being built.

- It is recommended that to comply with the law, a condition be included in any consent which states that vegetation clearance should be done outside the nesting season which is generally recognised to be from March to September inclusive, unless it can be demonstrated that nesting birds are absent.

Two current crested newt ponds are known to exist approximately 250-300m south of the application site. 500m is the recognised foraging range for a great crested newt. There is therefore a possibility that great crested newts could be using the application site as terrestrial habitat.

Great crested newts and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994). This legislation makes it an offence to damage or destroy a breeding site or resting place, to either intentionally or recklessly damage, destroy or obstruct access to a place used for shelter and protection, or to intentionally or recklessly disturb great crested newts within a place used for shelter or protection.

- It is recommended that the following good practice guidelines be included as an informative in any consent and implemented to minimise potential impacts on great crested newts, assuming potential presence on the application site.
- In the event that great crested newt is found to be present on site, stop works immediately and seek advice from the Countryside Council for Wales, (CCW) (Tel: 02920 772400).
- Take particular care when disturbing materials/dense vegetation at ground level which could be being used by sheltering/hibernating great crested newts.
- Keep grassland on/surrounding the development site short to discourage newts from entering site.

The application site is bounded at the periphery by a band of dense, mature scrub/overgrown hedgerow which consists of a variety of woody species including hawthorn, blackthorn, ash, sycamore, hazel, elder and privet which will support associated wildlife, in particular nesting/feeding birds. An old hedge banks is visible in places along the hedge line which could be indicative of an ancient hedgerow.

- It is recommended that the overgrown hedgerow around the site periphery boundary be retained as part of the scheme and managed as a hedgerow post-development.

Dwr Cymru/Welsh Water – Were consulted on 6th September, 2005. No comments have been received to date.

Environment Agency – Were consulted on 6th September, 2005. No comments have been received to date.

The Head of Visible Services (Highway Development) – Were consulted on 6th October, 2005. Their comments will be reported at Committee.

REPRESENTATIONS

Site notices were erected on 6th September, 2005 and the neighbouring property at Coed Emlyn House was notified of the application and no objections have been received to date.

REPORT

The proposed reed bed facility is intended as a natural and environmentally friendly filtration resource to produce freshwater and compost from unclean water emanating from gully arisings and transported to the site by Council tankers. The waste water will go through a number of processes including straw bales, gravel, reed beds and underground reed roots as a form of natural sewerage treatment without the need for chemicals or machines. The site will be large enough to accommodate tankers from further afield such as Bridgend County Borough Council and the site will be occasionally used for educational purposes.

The Operational Manager, Visible Services has expanded on the above in an e-mail to the Case Officer and this is included as Appendix A to the report.

The proposal can be assessed against Strategic Policies 2 and 14 of Paragraph 1 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Policies ENV1 and ENV25 of the Unitary Development Plan; Technical Advice Note 8 (Renewable Energy) 1996. The draft Supplementary Planning Guidance note on sustainability and Planning Policy Wales 2002.

Strategic Policy 2 states that:

Proposals which encourage sustainable amenities 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;
- iv) Proposals which improve the quality of the environment through the utilisation of high standards of design.

It is considered that this location in the countryside with access off the A48 is appropriate and the proposal is in accordance with this Policy as well as Policy ENV1 (Development in the Countryside). The development will benefit and encourage the flora and fauna in the area and will be sympathetic to the visual amenities of this countryside location, particularly as the existing hedgerow will be retained.

The site has an existing pull in area and access off the A48 and it is considered that this is sufficient to accommodate the low levels of traffic visiting the site and will maintain highway safety in and around the site.

04085

RECOMMENDATION

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

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

Reason(s):

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

NOTE:

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

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

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

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

05/01418/REG3

Received on 6th September, 2005

The Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, Vale of Glamorgan. CF63 4RU
(Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan. CF71 7AE)

SOUTHWAY ELDERLY PERSONS HOME, TOWN MILL ROAD, COWBRIDGE

Single storey extension to dining room

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

The application was advertised on 21st September, 2005.

SITE DESCRIPTION

The application site comprises an elderly persons home, which is located within a residential area near Cowbridge town centre. The existing home consists of a light brown brickwork external finish, UPV-c windows and doors and slate roof tiles. The front elevation of the property is surrounded by grassland with provision for parking, due to a paved courtyard, which accommodates up to ten vehicles at a time. To the rear 2m wooden fencing as well as mature vegetation encloses the surrounding grass area.

DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for a single storey extension to the rear of the property, measuring 9m wide x 3.5m deep x 3.9m high with materials to match those of the existing scheme.

PLANNING HISTORY

None relevant.

CONSULTATIONS

Cowbridge Town Council - Was consulted on 21st September 2005. Comments are awaited.

REPRESENTATIONS

Neighbouring properties were notified on 21st September 2005 and to date no letters of representation have been received.

REPORT

The application site comprises a detached elderly persons home within a residential street located near Cowbridge town centre and opposite the Cowbridge Comprehensive School.

The proposed extension to the Southway Elderly Persons Home is not considered to create a negative impact on the neighbouring amenity or the character of the street scene, whilst having regard to the guidelines specified for conservation areas. The extension is to be located at the rear of the property, which is largely enclosed by 2m fencing all around, as well as mature vegetation.

Additionally, this extension does not affect the external appearance of the property when viewed from the front elevation, as it will be finished in materials to match the existing. Furthermore, the proposal will not affect the privacy of neighbouring residents as there is a playing field located beyond the boundary fencing and there are no other existing properties adjacent to the Southway Home. Accordingly, an approval is recommended.

04077

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The external finishes of the development hereby approved shall match those of the existing building.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard local visual amenities.

NOTE:

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

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

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

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

05/01422/REG3

Received on 8th September, 2005

The Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF64 4RU
(Don Mitchell Associates, 39, High Street, Cowbridge, Vale of Glamorgan. CF71 7AE)

**CARTREF PORTHCERI ELDERLY PERSONS HOME, SALISBURY ROAD,
BARRY**

Single storey extension to dining room

SITE DESCRIPTION

The application relates to 'Cartref Porthceri', a local authority elderly persons home on Salisbury Road, Barry. The building is mainly two-storey, L-shaped in form and backs on to an area of public open space.

DESCRIPTION OF DEVELOPMENT

This is an application under Regulation 3 of the Town and Country Planning General Regulations for approval of a rear single storey extension to form an extended dining room.

PLANNING HISTORY

None relevant.

CONSULTATIONS

Barry Town Council - Were consulted on 21st September, 2005. No comments have been received at the time of drafting this report. Any comments will be reported at Committee.

The Director of Legal and Regulatory Services (Environmental Health) - Has no comment to make.

REPRESENTATIONS

The application was advertised on site on 21st September, 2005. No comments have been received at the time of preparing this report.

REPORT

The extension is to be located centrally on the rear of the building and is to be 9.2 x 3.6 metres in area, constructed in brick to match the existing building and with a flat 'polymeric membrane' roof and white upvc windows. The overall height is to be 3.2 metres, the same as the adjoining flat-roofed kitchen/plant room.

The extension will be fully visible from the area of open space to the rear, but will be seen against the existing two storey rear elevation. It will be located some 25 metres from the rear boundary of the site (defined by steel railings) and it is considered that at this distance and with matching materials as proposed the design of the extension is acceptable and will not be visually intrusive.

The closest residential properties to the site are the flats at Parkland Walk, approximately 90 metres to the north. The amenity of occupiers of the flats will be unaffected by the proposal.

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RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The external finishes of the development hereby approved shall match those of the existing building.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard local visual amenities.

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.